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GOVERNMENT GAZETTE

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Friday 30 December 2005 at 3.30 pm

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— PART 1 —

ENERGY

EN301*

Dampier to Bunbury Pipeline Act 1997

Dampier to Bunbury Pipeline (Corridor) Amendment Regulations 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations are the *Dampier to Bunbury Pipeline (Corridor) Amendment Regulations 2005*.

2. The regulations amended

The amendment in these regulations is to the *Dampier to Bunbury Pipeline (Corridor) Regulations 1998**.

[* Reprint 1 as at 7 May 2004.]

3. Regulation 4A inserted

After regulation 4 the following regulation is inserted —

“

4A. Offence

- (1) A person commits an offence if the person uses land in the DBNGP corridor in a way that contravenes the restriction under section 41(2)(a).
- (2) A person commits an offence if the person —
 - (a) uses land in the DBNGP corridor; or
 - (b) exercises any statutory power under any other written law on or in respect of land in the DBNGP corridor,

in a way or to an extent that contravenes the restriction under section 41(2)(b).

Penalty: for an individual and for a body corporate, a fine of \$10 000.

”.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

EN302*

Electricity Act 1945

Electricity (Supply Standards and System Safety) Amendment Regulations 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations are the *Electricity (Supply Standards and System Safety) Amendment Regulations 2005*.

2. Commencement

These regulations come into operation on 1 January 2006.

3. The regulations amended

The amendments in these regulations are to the *Electricity (Supply Standards and System Safety) Regulations 2001**.

[* *Published in Gazette 7 December 2001 p. 6221-73.*]

4. Regulation 3 amended

Regulation 3(1) is amended by deleting the definition of “low voltage”.

5. Part 2 repealed

Part 2 is repealed.

6. Regulation 35 amended

- (1) Regulation 35(1) is repealed and the following subregulation is inserted instead —

“

- (1) A network operator must notify the Director of any incident or event that is caused, or significantly contributed to, by electricity and that results in —
- (a) serious injury; or
 - (b) serious damage.

”

- (2) Regulation 35(4) is repealed.

7. Regulation 41 amended

Regulation 41 is amended as follows:

- (a) in paragraph (k) by deleting “; or” and inserting a full stop instead;
- (b) by deleting paragraph (l).

8. Schedules 1, 4 and 5 repealed

Schedules 1, 4 and 5 are repealed.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

EN303*

Electricity Industry Act 2004

Electricity Industry (Licence Conditions) Amendment Regulations (No. 3) 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations are the *Electricity Industry (Licence Conditions) Amendment Regulations (No. 3) 2005*.

2. Commencement

These regulations come into operation on 1 January 2006.

3. The regulations amended

The amendment in these regulations is to the *Electricity Industry (Licence Conditions) Regulations 2005**.

[* *Published in Gazette 7 January 2005, p. 57-9.*]

4. Regulation 9 inserted

After regulation 8 the following regulation is inserted —

“

9. Condition requiring compliance with the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005*

(1) In this regulation —

“**Director of Energy Safety**” means the official referred to in section 5 of the *Energy Coordination Act 1994*.

(2) This regulation applies to —

- (a) a distribution licence;
- (b) a transmission licence; and
- (c) an integrated regional licence which authorises the carrying out of the activities described in section 4(1)(b) or (c) of the Act.

(3) It is a condition of every licence to which this regulation applies that the holder of the licence must comply with the obligations imposed on the holder by Part 2, section 21 and Part 4 of the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005*.

(4) If the Authority in the performance of its functions under section 32 of the Act in relation to the obligations referred to in subregulation (3) requests the Director of Energy Safety to provide advice to assist the Authority in that performance, it is a function of the Director of Energy Safety to do all such things as are required to comply with the request.

”

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

EN304*

Electricity Industry Act 2004

Electricity Industry (Ombudsman Scheme) Amendment Regulations 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations are the *Electricity Industry (Ombudsman Scheme) Amendment Regulations 2005*.

2. Commencement

These regulations come into operation on 1 January 2006.

3. The regulations amended

The amendment in these regulations is to the *Electricity Industry (Ombudsman Scheme) Regulations 2005**.

[* Published in Gazette 24 June 2005 p. 2805-12.]

4. Regulation 6A inserted

After regulation 6 the following regulation is inserted —

“

6A. Particular provision relating to the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005*

(1) In this regulation —

“**Director of Energy Safety**” means the official referred to in section 5 of the *Energy Coordination Act 1994*.

(2) Terms used in this regulation that are defined in the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005* (the “**Code**”) have the same meanings as they have in the Code.

(3) If the EO is dealing with a complaint by a customer that a provision of the Code has not been, or is not being, complied with by a transmitter or distributor, the EO may request the Director of Energy Safety to provide advice to assist the EO in the dealing with the complaint.

- (4) It is a function of the Director of Energy Safety to do all such things as are required to comply with a request under subregulation (3).
- (5) Subregulation (3) does not limit the power of the EO to consult other persons in relation to a complaint referred to in that subregulation.

”.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

ENVIRONMENT

EV301*

Environmental Protection Act 1986

Environmental Protection Amendment Regulations 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations are the *Environmental Protection Amendment Regulations 2005*.

2. The regulations amended

The amendments in these regulations are to the *Environmental Protection Regulations 1987**.

[* Reprint 5 as at 11 March 2005.]

3. Regulation 5D amended

(1) Regulation 5D(1a)(b) is amended as follows:

- (a) by deleting “53, 70 or 80,” and inserting instead —
“ 53, 54A, 70, 80 or 85B, ”;

- (b) by deleting “waste consisting of tailings, bitterns, water to allow mining of ore or flyash” and inserting instead —
 “ Part 2 waste ”.
- (2) After regulation 5D(5) the following subregulation is inserted —
 “
 (6) In this regulation and Schedule 4 —
“Part 2 waste” means waste consisting of —
 (a) tailings;
 (b) bitterns;
 (c) water to allow mining of ore;
 (d) flyash; or
 (e) waste water from a desalination plant.
 ”.

4. Schedule 1 amended

Schedule 1 is amended by inserting the following items in the appropriate numerical positions —

- “
- | | | |
|-----|--|----------------------------------|
| 54A | Water desalination plant: premises at which salt is extracted from water if — | 10 gigalitres or more per year |
| | (a) waste water is discharged into marine waters; and | |
| | (b) the discharged waste water has a density greater than the average ambient density of the marine water at the discharge site. | |
| 85B | Water desalination plant: premises at which salt is extracted from water if waste water is discharged onto land or into waters (other than marine waters). | 0.50 gigalitres or more per year |
- ”.

5. Schedule 4 amended

- (1) Schedule 4 Part 1 is amended by inserting the following item after the item for Category 54 —

- “
- | | | |
|--------------|---|-----|
| Category 54A | Not more than 20 gigalitres per year | 20 |
| | More than 20 but not more than 40 gigalitres per year | 50 |
| | More than 40 gigalitres per year | 100 |
- ”.

- (2) The heading to Schedule 4 Part 2 is deleted and the following heading is inserted instead —

“

Part 2 — Part 2 waste

”

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

JUSTICE

JU301*

Civil Judgments Enforcement Act 2004

Civil Judgments Enforcement Amendment Regulations 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations are the *Civil Judgments Enforcement Amendment Regulations 2005*.

2. The regulations amended

The amendments in these regulations are to the *Civil Judgments Enforcement Regulations 2005**.

[* *Published in Gazette 28 April 2005 p. 1483-559.*]

3. Regulation 35 amended

Regulation 35(2) is amended as follows:

- (a) by deleting the full stop at the end of paragraph (e) and inserting a semicolon instead;

- (b) after paragraph (e) by inserting the following paragraph —

“

- (f) books, software, computers and other equipment, used by a dependant of the judgment debtor for educational purposes to the value of \$3 000.

”

By Command of the Lieutenant-Governor and Administrator,

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

RACING, GAMING AND LIQUOR

RG301*

Racing and Wagering Western Australia Act 2003

Racing and Wagering Western Australia (Adopted TABCORP Betting Rules) Notice (No. 3) 2005

Made by Racing and Wagering Western Australia under section 59(6)(c) of the Act.

1. Citation

This notice is the *Racing and Wagering Western Australia (Adopted TABCORP Betting Rules) Notice (No. 3) 2005*.

2. Interpretation

In this notice —

“**the Act**” means the *Racing and Wagering Western Australia Act 2003*;

“**the Rules**” means the rules described in clause 3, adopted by Racing and Wagering Western Australia.

3. Rules adopted under section 59(4) of the Act

- (1) In a meeting held on 21 February 2005 and a further meeting held on 26 April 2005, Racing and Wagering Western Australia resolved to adopt and operate under Rules relating to a combined totalisator scheme in accordance with section 59(4) of the Act.
- (2) A copy of the Rules adopted was published for public information in the *Gazette* of 7 July 2005 at p. 3095-156.
- (3) Amendments to the Rules were adopted subsequently, and notice of those changes was published in the *Gazette* of 23 August 2005 at p. 3909-15.

4. Further changes to Rules published for public information (section 59(6)(c) of the Act)

- (1) Further amendments to the Rules were adopted by circular resolution dated 28 October 2005 and confirmed by resolution dated 7 November 2005.
- (2) Those further amendments to the Rules are published in the Schedule to this notice for public information, as required by section 59(6)(c) of the Act.

Schedule — Further Amendments to Adopted Rules

[cl. 4]

1. Rule 13.3.14 is amended to read as follows —

“

13.3.14 For the purpose of these Rules:

“Jackpot Allocation Table” means the following table:

MEETING CLASS	DEFINITION
NSW / ACT Metropolitan Race	A horse race held in NSW or ACT and conducted by a club that occupies one of the following racecourses: (a) Royal Randwick; (b) Rosehill Gardens; (c) Warwick Farm; or (d) Canterbury Park
NSW / ACT Non-Metropolitan Race	A horse race held in NSW or ACT that is not defined in this table as a NSW / ACT Metropolitan Race
VIC Metropolitan Race	A horse race held in VIC and conducted by a club that occupies one of the following racecourses: (a) Flemington; (b) Caulfield; (c) Sandown; or (d) Moonee Valley

VIC Non-Metropolitan Race	A horse race held in VIC that is not defined in this table as a VIC Metropolitan Race
TAS Metropolitan Race	A horse race held in TAS and conducted by a club that occupies one of the following racecourses: (a) Hobart; or (b) Launceston
TAS Non-Metropolitan Race	A horse race held in TAS that is not defined in this table as a TAS Metropolitan Race
QLD / NT Metropolitan Race	A horse race held in QLD or NT and conducted by a club that occupies one of the following racecourses: (a) Eagle Farm; or (b) Doomben
QLD / NT Non-Metropolitan Race	A horse race held in QLD or NT that is not defined in this table as a QLD / NT Metropolitan Race
SA Metropolitan Race	A horse race held in SA and conducted by a club that occupies one of the following racecourses: (a) Morphettville; (b) Cheltenham; or (c) Victoria Park
SA Non-Metropolitan Race	A horse race held in SA that is not defined in this table as a SA Metropolitan Race
WA Metropolitan Race	A horse race held in WA and conducted by a club that occupies one of the following racecourses: (a) Ascot; or (b) Belmont
WA Non-Metropolitan Race	A horse race held in WA that is not defined in this table as a WA Metropolitan Race
International Race	A horse race held outside Australia
NSW / ACT Harness race	A harness race held in NSW or ACT
VIC harness race	A harness race held in VIC
TAS harness race	A harness race held in TAS
QLD / NT harness race	A harness race held in QLD or NT
SA harness race	A harness race held in SA
WA harness race	A harness race held in WA
International harness race	A harness race held outside Australia
NSW / ACT greyhound race	A greyhound race held in NSW or ACT
VIC greyhound race	A greyhound race held in VIC
TAS greyhound race	A greyhound race held in TAS
QLD / NT greyhound race	A greyhound race held in QLD or NT
SA greyhound race	A greyhound race held in SA
WA greyhound race	A greyhound race held in WA
International greyhound race	A greyhound race held outside Australia

“**Succeeding Quaddie**” means in relation to a Quaddie (“Initial Quaddie”) - the next Quaddie at a Meeting selected by the Betting Operator and within the same class as defined in the Jackpot Allocation Table;

“**Succeeding Trifecta Event**” means, in relation to a Trifecta Event (“Initial Trifecta Event”):

- (a) the next Trifecta Event (if any) conducted at the same Meeting as the Initial Trifecta Event;

or if there is none

- (b) the next Trifecta Event at a Meeting selected by the Betting Operator and within the same class as defined in the Jackpot Allocation Table.

”.

(Signed), Racing and Wagering Western Australia.

TRANSPORT

TR301*

Road Traffic Act 1974

Road Traffic (Vehicle Standards) Amendment Regulations 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations are the *Road Traffic (Vehicle Standards) Amendment Regulations 2005*.

2. The regulations amended

The amendments in these regulations are to the *Road Traffic (Vehicle Standards) Regulations 2002**.

[* *Published in Gazette 9 August 2002, p. 3903-4020.*

For amendments to 7 January 2005 see Western Australian Legislation Information Tables for 2003, Table 4, p. 340 and Gazette 28 May 2004.]

3. Regulation 16 amended

- (1) Regulation 16(4) is amended by deleting “Division 2 to 6” and inserting instead —
- “ Division 3, 5 or 6 ”.
- (2) After regulation 16(4) the following subregulation is inserted —
- “
- (5) A person convicted of an offence under regulation 12, 13 or 14 for a failure to comply with a requirement in Schedule 1 Division 2 or 4 is liable to the following penalty:
- Maximum penalty: 16 PU.
Minimum penalty: 2 PU.
Modified penalty: 2 PU.
- ”.

4. Regulation 42 amended

- After regulation 42(6) the following subregulation is inserted —
- “
- (7) The Director General may reduce, waive or refund the application fee referred to in subregulation (2)(d) if it would, in the opinion of the Director General, be unreasonable for the applicant to pay the fee taking into account —
- (a) the circumstance of the applicant;
- (b) the use or proposed use of the vehicle;
- (c) the nature of the exemption; and
- (d) the extent to which the Director General has or will examine or assess the vehicle or application.
- ”.

5. Regulation 43 amended

- (1) Regulation 43(2) is amended as follows:
- (a) by deleting “particular”;
- (b) by deleting “or” after paragraph (c);
- (c) by deleting the full stop at the end of paragraph (d) and inserting instead —
- “
- ; or
- (e) it would be unreasonable to require the vehicle to comply with the provision.
- ”.

- (2) Regulation 43(3) is amended as follows:
- (a) by inserting after “exempt” —
“ , under subregulation (2), ”;
 - (b) by inserting after “require” —
“ all ”.
- (3) Regulation 43(4) is amended as follows:
- (a) by deleting “particular”;
 - (b) by deleting “or” after paragraph (a);
 - (c) by deleting the full stop at the end of paragraph (b) and inserting instead —
“
; or
(c) it would be unreasonable to require the combination to comply with the provision.”
- (4) Regulation 43(5) is amended as follows:
- (a) by inserting after “exempt” —
“ , under subregulation (4), ”;
 - (b) by inserting after “combinations in” —
“ the ”;
 - (c) by deleting “only”;
 - (d) by inserting after “expect” —
“ all ”.
- (5) After regulation 43(8) the following subregulation is inserted —
“
- (9) In deciding whether to grant a departmental exemption on the basis that it would be unreasonable for the vehicle or combination to comply with the provision, the Director General must take into account —
 - (a) the use or proposed use of the vehicle or combination;
 - (b) the nature of the exemption;
 - (c) whether or not the vehicle or combination can be operated safely despite not complying with the provision; and
 - (d) the public interest in the vehicle or combination not complying with the provision.
- ”.

6. Regulation 65 amended

- (1) Regulation 65(2)(a) is amended by inserting after “vehicle examiner” —
“ , or an authorised police officer, ”.

- (2) After regulation 65(3) the following subregulation is inserted —

“

- (4) In this regulation —

“**authorised police officer**”, in relation to a defect in a vehicle, means a police officer, or a police officer of a class, authorised by the Director General to examine defects of that type.

”.

7. Regulation 67 amended

Regulation 67(1) is amended as follows:

- (a) by deleting “An authorised” and inserting instead —

“ A ”;

- (b) by inserting after “examination” —

“ by the owner of the vehicle or a police officer ”.

8. Schedule 1 amended

- (1) Schedule 1 clause 11(1) is deleted and the following subclauses are inserted instead —

“

- (1) A vehicle and its load must not exceed a size limit set for the vehicle in Part 7 Division 2 of the Vehicle Standards.

- (1a) In the case of a vehicle other than a motor bike, the load and equipment on the vehicle must not project more than —

(a) 1.2 m in front of the vehicle; or

(b) 1.2 m to the rear of the vehicle.

”.

- (2) After Schedule 1 clause 11(2) the following subclause is inserted —

“

- (3) In the case of a vehicle, the load and equipment on the vehicle, other than rear vision mirrors and approved signalling devices, must not project more than 150 mm beyond the extreme outer portion of the vehicle on either side.

”.

9. Glossary amended

The Glossary is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**Department**” means the department of the Public Service principally assisting in the administration of the Act;

”.

- (b) by deleting the definition of “vehicle examiner” and inserting instead —

“

“vehicle examiner” means —

- (a) an officer of the Department authorised by the Director General to examine and test vehicles for the purposes of the administration of the licensing provisions of the Act; or
- (b) a person authorised under regulation 3A(1)(a) of the *Road Traffic (Licensing) Regulations 1975*;

”.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

TREASURY AND FINANCE

TF301*

Taxation Administration Act 2003

Taxation Administration Amendment Regulations 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations are the *Taxation Administration Amendment Regulations 2005*.

2. The regulations amended

The amendment in these regulations is to the *Taxation Administration Regulations 2003**.

[* *Published in Gazette 27 June 2003, p. 2419-22.*
For amendments to 4 November 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 402.]

3. Regulation 5A inserted

After regulation 5 the following regulation is inserted —

“

5A. Special tax return arrangements — corrections and alterations (section 50(1)(f))

- (1) An online stamping arrangement may authorise the responsible party to correct an error of any of the following kinds made in a self-assessment made under the arrangement —
 - (a) a typographical error;
 - (b) an incorrect selection from a list of items;
 - (c) incorrectly entering information more than once;
 - (d) any other error of a minor clerical nature.
- (2) An online stamping arrangement may authorise the responsible party to alter a self-assessment of the stamp duty payable on an instrument if —
 - (a) the responsible party has made an error of the kind referred to in subregulation (1);
 - (b) as a result of the error an incorrect decision was made as to —
 - (i) whether stamp duty was payable on the instrument; or
 - (ii) the amount of stamp duty payable on the instrument;and
 - (c) the alteration is to correct that decision after the error has been corrected.
- (3) In this regulation —

“online stamping arrangement” means a special tax return arrangement under which the responsible party may make a self-assessment of the stamp duty payable on an instrument using the web site provided by the Commissioner to enable taxpayers to make self-assessments, lodge returns and pay tax electronically (known as Revenue Online).

”

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

— PART 2 —

AGRICULTURE

AG401*

AGRICULTURAL PRODUCE COMMISSION ACT 1988
APC AVOCADO PRODUCERS' COMMITTEE DIRECTIONS 1991
(Gazetted 24 January 1992)

In accordance with Section 11(3) of the Act the APC Avocado Producers' Committee Directions 1991 are amended to include three additional paragraphs as follows—

Constitution of the Committee

- 4.4 A person who is the chairperson, president, vice-president or treasurer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be elected chairperson of the Committee.
- 4.5 A person who is the secretary/executive officer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be appointed secretary of the Committee except with the prior written approval of the Commission.
- 4.6 A secretary of the Committee will not hold executive powers and will act under the direction of the chairperson.

Given by the Agricultural Produce Commission,

Dated: 5 December 2005.

H. MORGAN AM, Chairman.

AG402*

AGRICULTURAL PRODUCE COMMISSION ACT 1988
APC BEEKEEPERS PRODUCERS' COMMITTEE DIRECTIONS 2003
(Gazetted 21 October 2003)

In accordance with Section 11(3) of the Act the APC Beekeepers Producers' Committee Directions 2003 are amended to include three additional paragraphs as follows—

Constitution of the Committee

- 4.4 A person who is the chairperson, president, vice-president or treasurer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be elected chairperson of the Committee.
- 4.5 A person who is the secretary/executive officer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be appointed secretary of the Committee except with the prior written approval of the Commission.
- 4.6 A secretary of the Committee will not hold executive powers and will act under the direction of the chairperson.

Given by the Agricultural Produce Commission,

Dated: 5 December 2005.

H. MORGAN AM, Chairman.

AG403*

AGRICULTURAL PRODUCE COMMISSION ACT 1988
APC CARNARVON BANANA PRODUCERS' COMMITTEE DIRECTIONS 2002
(Gazetted 25 June 2002)

In accordance with Section 11(3) of the Act the APC Carnarvon Banana Producers' Committee Directions 2002 are amended to include three additional paragraphs as follows—

Constitution of the Committee

- 4.4 A person who is the chairperson, president, vice-president or treasurer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be elected chairperson of the Committee.
- 4.5 A person who is the secretary/executive officer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be appointed secretary of the Committee except with the prior written approval of the Commission
- 4.6 A secretary of the Committee will not hold executive powers and will act under the direction of the chairperson.

Given by the Agricultural Produce Commission,

Dated: 5 December 2005.

H. MORGAN AM, Chairman.

AG404*

AGRICULTURAL PRODUCE COMMISSION ACT 1988
APC CARROT PRODUCERS' COMMITTEE DIRECTIONS 1994
(Gazetted 13 May 1994)

In accordance with Section 11(3) of the Act the APC Carrot Producers' Committee Directions 1994 are amended to include three additional paragraphs as follows—

Constitution of the Committee

- 4.4 A person who is the chairperson, president, vice-president or treasurer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be elected chairperson of the Committee.
- 4.5 A person who is the secretary/executive officer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be appointed secretary of the Committee except with the prior written approval of the Commission
- 4.6 A secretary of the Committee will not hold executive powers and will act under the direction of the chairperson.

Given by the Agricultural Produce Commission,

Dated: 5 December 2005.

H. MORGAN AM, Chairman.

AG405*

AGRICULTURAL PRODUCE COMMISSION ACT 1988
APC EGG PRODUCERS' COMMITTEE DIRECTIONS 2002
(Gazetted 19 November 2002)

In accordance with Section 11(3) of the Act the APC Egg Producers' Committee Directions 2002 are amended to include three additional paragraphs as follows—

Constitution of the Committee

- 4.4 A person who is the chairperson, president, vice-president or treasurer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be elected chairperson of the Committee.
- 4.5 A person who is the secretary/executive officer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be appointed secretary of the Committee except with the prior written approval of the Commission
- 4.6 A secretary of the Committee will not hold executive powers and will act under the direction of the chairperson.

Given by the Agricultural Produce Commission,

Dated: 5 December 2005.

H. MORGAN AM, Chairman.

AG406*

AGRICULTURAL PRODUCE COMMISSION ACT 1988
APC KUNUNURRA CROP PEST CONTROL COMMITTEE DIRECTIONS 2001
(Gazetted 26 June 2001)

In accordance with Section 11(3) of the Act the APC Kununurra Crop Pest Control Committee Directions 2001 are amended to include three additional paragraphs as follows—

Constitution of the Committee

- 4.4 A person who is the chairperson, president, vice-president or treasurer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be elected chairperson of the Committee.
- 4.5 A person who is the secretary/executive officer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be appointed secretary of the Committee except with the prior written approval of the Commission
- 4.6 A secretary of the Committee will not hold executive powers and will act under the direction of the chairperson.

Given by the Agricultural Produce Commission,
Dated: 5 December 2005.

H. MORGAN AM, Chairman.

AG407*

AGRICULTURAL PRODUCE COMMISSION ACT 1988
APC PORK PRODUCERS' COMMITTEE DIRECTIONS 2002
(Gazetted 25 June 2002)

In accordance with Section 11(3) of the Act the APC Pork Producers' Committee Directions 2002 are amended to include three additional paragraphs as follows—

Constitution of the Committee

- 4.4 A Person who is the chairperson, president, vice-president or treasurer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be elected chairperson of the Committee.
- 4.5 A person who is the secretary/executive officer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be appointed secretary of the Committee except with the prior written approval of the Commission
- 4.6 A secretary of the Committee will not hold executive powers and will act under the direction of the chairperson.

Given by the Agricultural Produce Commission,
Dated: 5 December 2005.

H. MORGAN AM, Chairman.

AG408*

AGRICULTURAL PRODUCE COMMISSION ACT 1988
APC POME, CITRUS AND STONE FRUIT PRODUCERS' COMMITTEE DIRECTIONS 2001
(Gazetted 26 June 2001)

In accordance with Section 11(3) of the Act the APC Pome, Citrus and Stone Fruit Producers' Committee Directions 2001 are amended to include three additional paragraphs as follows—

Constitution of the Committee

- 4.4 A person who is the chairperson, president, vice-president or treasurer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be elected chairperson of the Committee.
- 4.5 A person who is the secretary/executive officer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be appointed secretary of the Committee except with the prior written approval of the Commission
- 4.6 A secretary of the Committee will not hold executive powers and will act under the direction of the chairperson.

Given by the Agricultural Produce Commission,
Dated: 5 December 2005.

H. MORGAN AM, Chairman.

AG409*

AGRICULTURAL PRODUCE COMMISSION ACT 1988
APC POTATO PRODUCERS' COMMITTEE DIRECTIONS 2001
(Gazetted 26 June 2001)

In accordance with Section 11(3) of the Act the APC Potato Producers' Committee 2001 are amended to include three additional paragraphs as follows—

Constitution of the Committee

- 4.4 A person who is the chairperson, president, vice-president or treasurer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be elected chairperson of the Committee.
- 4.5 A person who is the secretary/executive officer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be appointed secretary of the Committee except with the prior written approval of the Commission
- 4.6 A secretary of the Committee will not hold executive powers and will act under the direction of the chairperson.

Given by the Agricultural Produce Commission,

Dated: 5 December 2005.

H. MORGAN AM, Chairman.

AG410*

AGRICULTURAL PRODUCE COMMISSION ACT 1988
APC STRAWBERRY PRODUCERS' COMMITTEE DIRECTIONS 1996
(Gazetted 9 February 1996)

In accordance with Section 11(3) of the Act the APC Strawberry Producers' Committee Directions 1996 are amended to include three additional paragraphs as follows—

Constitution of the Committee

- 4.4 A person who is the chairperson, president, vice-president or treasurer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be elected chairperson of the Committee.
- 4.5 A person who is the secretary/executive officer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be appointed secretary of the Committee except with the prior written approval of the Commission
- 4.6 A secretary of the Committee will not hold executive powers and will act under the direction of the chairperson.

Given by the Agricultural Produce Commission,

Dated: 5 December 2005.

H. MORGAN AM, Chairman.

AG411*

AGRICULTURAL PRODUCE COMMISSION ACT 1988
APC TABLE GRAPE PRODUCERS' COMMITTEE DIRECTIONS 1991
(Gazetted 1 February 1991)

In accordance with Section 11(3) of the Act the APC Table Grape Producers' Committee Directions 1991 are amended to include three additional paragraphs as follows—

Constitution of the Committee

- 4.4 A person who is the chairperson, president, vice-president or treasurer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be elected chairperson of the Committee.
- 4.5 A person who is the secretary/executive officer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be appointed secretary of the Committee except with the prior written approval of the Commission
- 4.6 A secretary of the Committee will not hold executive powers and will act under the direction of the chairperson.

Given by the Agricultural Produce Commission,

Dated: 5 December 2005.

H. MORGAN AM, Chairman.

AG412*

AGRICULTURAL PRODUCE COMMISSION ACT 1988
APC VEGETABLE PRODUCERS' COMMITTEE DIRECTIONS 2005
(Gazetted 1 May 2005)

In accordance with Section 11(3) of the Act the APC Vegetable Producers' Committee Directions 2005 are amended to include three additional paragraphs as follows—

Constitution of the Committee

- 4.4 A person who is the chairperson, president, vice-president or treasurer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be elected chairperson of the Committee.
- 4.5 A person who is the secretary/executive officer of an organisation that provides services on behalf of the Committee pursuant to section 12(1)(m) of the Act is not eligible to be appointed secretary of the Committee except with the prior written approval of the Commission
- 4.6 A secretary of the Committee will not hold executive powers and will act under the direction of the chairperson.

Given by the Agricultural Produce Commission,

Dated: 5 December 2005.

H. MORGAN AM, Chairman.

ARMADALE REDEVELOPMENT AUTHORITY

AB401*

ARMADALE REDEVELOPMENT ACT 2001
ARMADALE REDEVELOPMENT SCHEME 2004
Amendment No. 7

Notice is hereby given that, in accordance with the consent of the Minister for Planning and Infrastructure to its public notification, the proposed Armadale Redevelopment Scheme 2004—Amendment No 7 has been prepared by the Armadale Redevelopment Authority.

The Amendment proposes the introduction of a Description of Contribution Area Redevelopment Works (DOCARW) for the Champion Drive Precinct Contribution Area (CDPCA) as set out in Schedule 3 of the Scheme.

A document setting out the Amendment is available for inspection or purchase at the offices of the Armadale Redevelopment Authority, Shops 4-5, Armadale Shopping City, Jull Street, Armadale, between the hours of 8.30 am and 4.30 pm, Monday to Friday, until Tuesday 24 January 2006. The document can also be viewed at and downloaded from the Authority's website at www.ara.wa.gov.au.

Written submissions on the Scheme should be addressed to—

Executive Director
Armadale Redevelopment Authority
PO Box 816
Armadale WA 6992

Submissions may also be hand delivered to the Authority's office and the closing date for all submissions is 5.00pm, Tuesday 24 January 2006.

AB402*

ARMADALE REDEVELOPMENT ACT 2001
ARMADALE REDEVELOPMENT SCHEME 2004
Amendment No. 4

Notice is hereby given that, in accordance with the consent of the Minister for Planning and Infrastructure to its public notification, the proposed Armadale Redevelopment Scheme 2004—Amendment No 4 has been prepared by the Armadale Redevelopment Authority.

The Amendment proposes to include the "City Centre—West of Railway Precinct" within a Structure Plan Area designated under Appendix 4 of the Scheme. This will help facilitate comprehensive planning of the precinct and coordinate future subdivision and development.

A document setting out the Amendment is available for inspection or purchase at the offices of the Armadale Redevelopment Authority, Shops 4-5, Armadale Shopping City, Jull Street, Armadale, between the hours of 8.30 am and 4.30 pm, Monday to Friday, until Tuesday 24 January 2006. The document can also be viewed at and downloaded from the Authority's website at www.ara.wa.gov.au.

Written submissions on the Scheme should be addressed to—

Executive Director
Armadale Redevelopment Authority
PO Box 816
Armadale WA 6992

Submissions may also be hand delivered to the Authority's office and the closing date for all submissions is 5.00pm, Tuesday 24 January 2006.

AB403***ARMADALE REDEVELOPMENT ACT 2001****ARMADALE REDEVELOPMENT SCHEME 2004****Amendment No. 5**

Notice is hereby given that, in accordance with the consent of the Minister for Planning and Infrastructure to its public notification, the proposed Armadale Redevelopment Scheme 2004—Amendment No 5 has been prepared by the Armadale Redevelopment Authority.

The Amendment proposes to extend the Forrestdale Business Park Precinct Scheme Area, Structure Plan Area and Development Contributions Area boundaries within the Armadale Redevelopment Scheme 2004 so as to include those portions of land that were introduced into the Armadale Redevelopment Area by the Armadale Redevelopment (Extension of Redevelopment Area) Regulations 2003, in January 2005.

A document setting out the Amendment is available for inspection or purchase at the offices of the Armadale Redevelopment Authority, Shops 4-5, Armadale Shopping City, Jull Street, Armadale, between the hours of 8.30 am and 4.30 pm, Monday to Friday, until Tuesday 24 January 2006. The document can also be viewed at and downloaded from the Authority's website at www.ara.wa.gov.au.

Written submissions on the Scheme should be addressed to—

Executive Director
Armadale Redevelopment Authority
PO Box 816
Armadale WA 6992

Submissions may also be hand delivered to the Authority's office and the closing date for all submissions is 5.00pm, Tuesday 24 January 2006.

EDUCATION AND TRAINING

ED401***UNIVERSITY OF WESTERN AUSTRALIA ACT 1911****APPROVED AMENDING STATUTE**

It is hereby notified that the Lieutenant-Governor and Administrator in Executive Council, acting under the provisions of Section 33 of the *University of Western Australia Act 1911*, has approved Amending Statute No. 1 of 2005 as set out in the attached schedule.

LJILJANNA RAVLICH MLC, Minister for Education and Training.

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

Schedule**AMENDING STATUTE No. 1 of 2005****1. STATUTE 8—THE FACULTIES**

Existing paragraph 6.(2)(c) is deleted and existing paragraph 6.(2)(d) is renumbered as 6.(2)(c).

2. STATUTE 19—ACADEMIC BOARD

Existing paragraph 4.(1)(a) is deleted and existing paragraphs 4.(1)(b), (c) and (d) are renumbered as 4.(1)(a), (b) and (c) respectively.

The Common Seal of The University of Western Australia was hereto affixed by authority of the Senate.

Attested by—

ALAN ROBSON, Vice-Chancellor.

By Command of the Lieutenant-Governor and Administrator,

M. C. WAUCHOPE, Clerk of the Executive Council

FIRE AND EMERGENCY SERVICES

FE401*

**FIRE AND EMERGENCY SERVICES AUTHORITY OF
WESTERN AUSTRALIA ACT 1998.**

FORMATION OF BRIGADES

Fire and Emergency Services Authority,
Perth.

Correspondence No. 07843

***FIRE BRIGADES ACT 1942*—FORMATION OF BRIGADES etc.**

Fire and Emergency Services Authority of Western Australia

Pursuant to the powers delegated and sub-delegated to the Fire and Emergency Services Authority of Western Australia Chief Executive Officer, I hereby declare under section 26(b) of the *Fire Brigades Act 1942* that the registration of the following fire brigade is cancelled—

Waroona Volunteer Fire and Rescue Services Brigade.

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

FE402*

**FIRE AND EMERGENCY SERVICES AUTHORITY OF
WESTERN AUSTRALIA ACT 1998.**

APPROVAL OF FESA UNITS

Fire and Emergency Services Authority,
Perth.

Correspondence No. 07843

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

Fire and Emergency Services Authority of Western Australia

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

Waroona Volunteer Fire Service Brigade.

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

LOCAL GOVERNMENT

LG401*

LOCAL GOVERNMENT ACT 1995Shire of Capel
(BASIS OF RATES)Department of Local Government
and Regional Development
7 December 2005.

DLGRD: CP5-4#05

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 Schedule A hereunder shall be gross rental value for the purposes of rating with effect from 12th August 2005; Schedule B hereunder shall be gross rental value for the purposes of rating with effect from 23rd August 2005; and Schedule C hereunder shall be gross rental value for the purposes of rating with effect from 10th November 2005.

CHERYL GWILLIAM , Director General.

SCHEDULE A

ADDITION TO GROSS RENTAL VALUE AREA

Shire of Capel

All those portions of land being Lot 12, Lots 15 to 18 inclusive, Lots 27 to 29 inclusive and Lot 41 as shown on Deposited Plan 45281.

SCHEDULE B

ADDITION TO GROSS RENTAL VALUE AREA

Shire of Capel

All those portions of land being Lot 1782 as shown on Deposited Plan 45030; Lots 2192 to 2209 inclusive as shown on Deposited Plan 46278; Lots 1439 to 1449 inclusive and Lot 8001 as shown on Deposited Plan 47036.

SCHEDULE C

ADDITION TO GROSS RENTAL VALUE AREA

Shire of Capel

All those portions of land being Lot 2305 as shown on Deposited Plan 47048; Lots 2373 to 2410 inclusive and Lot 2422 as shown on Deposited Plan 47610; Lots 2526 to 2551 inclusive, Lots 2566 to 2568 inclusive, Lots 2587 to 2589 inclusive, Lots 2599 to 2601 inclusive, Lot 2627 and Lot 2629 as shown on Deposited Plan 47611; Lots 2245 to 2254 inclusive, Lots 2259 to 2276 inclusive, Lot 2306 and Lot 2307 as shown on Deposited Plan 46301.

LG402

SHIRE OF NORTHAM

APPOINTMENT OF RANGER

It is hereby notified for public information that Mr Felix McQuistan and Mr Ian Dudley Chance have each been appointed as a Ranger for the Shire of Northam, effective from Monday, 12 December 2005, and as an authorised officer for the following purposes—

- (i) Dog Act 1976
- (ii) Litter Act 1979
- (iii) Local Government Act 1995
- (iv) Council Local Laws
- (v) Bush Fires Act 1954

A. J. MIDDLETON, Chief Executive Officer.

LG403*

LOCAL GOVERNMENT ACT 1995*Shire of Boddington***APPOINTMENTS**

It is hereby notified for public information that the following persons have been appointed as Registration Officers under the provisions of the Dog Act 1976—

Fiona Bate, Stephanie Cornish, Wendy Teale, Lynda Harmer, Tania Dawson & Martyn Dunbar-Stuart.

The following persons have been appointed as Authorised Persons under the provisions of the Dog Act 1976—

Rodney Pett, Peter Ingles & Aaron Cook.

All previous appointments are hereby cancelled.

P. R. BRADBROOK, Chief Executive Officer.

PARLIAMENT

PA401*

PARLIAMENT OF WESTERN AUSTRALIA**Royal Assent to Bills**

It is hereby notified for public information that the Lieutenant-Governor and Administrator has Assented in the name and on behalf of Her Majesty the Queen, on the dates shown, to the undermentioned Bills passed by the Legislative Council and the Legislative Assembly during the First Session of the Thirty-Seventh Parliament.

Short Title of Bill	Date of Assent	Act No.
Oaths, Affidavits and Statutory Declarations Bill 2005	December 2 2005	23 of 2005
Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Bill 2005	December 2 2005	24 of 2005

PETER J. McHUGH, Acting Clerk of the Parliaments.

December 8 2005.

PLANNING AND INFRASTRUCTURE

PI401*

TOWN PLANNING AND DEVELOPMENT ACT 1928**APPROVED TOWN PLANNING SCHEME AMENDMENT***Shire of Dandaragan*

Town Planning Scheme No. 6—Amendment No. 28

Ref: 853/3/6/7 Pt 28

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 Dandaragan town planning scheme amendment on 6 December 2005 for the purpose of deleting Development Guide Plan No. 1A from Appendix 7 of the scheme text and replacing it with the following—

DEVELOPMENT GUIDE PLAN NO. 1B**General**

The use and development of land within the Rural Development Zone encompassing that land currently or previously within Victoria Location 10751 shall be in accordance with the provisions of this development plan.

Notwithstanding the above the Council may recommend a variation to the Development Guide Plan but substantial modifications shall be deemed to be contrary to the scheme.

Development shall accord with the specified development criteria, however, Council shall generally be guided by the Statement of intent and relevant Category Policy Statements.

Statement of Intent

The objective of Development Guide Plan No. 1B is to guide subdivision and development in a manner which will maximise economic output of the land, facilitate a range of rural residential

opportunities and other tourist and recreational uses but at all times having due regard for the relative capabilities of the land.

Development Criteria

The following subdivision and development criteria shall be applied to all land within Development Guide Plan No. 1B.

1.0 LOCATION OF BUILDINGS AND STRUCTURES

- 1.1 All buildings in category 3 shall be located within a building envelope not exceeding 3000m² and in categories 1 and 2 within a building envelope not exceeding 4000m². The location of building envelopes shall be determined on site by the landowner in conjunction with Council with the intention of protecting significant remnant vegetation, reducing the risk of soil erosion, and minimising the external and internal visual impact of dwellings, outbuildings and access arrangements.
- 1.2 All building envelopes and development on any lot shall be setback a minimum of 30 metres from front lot boundaries, 50 metres from rear lot boundaries and 15 metres from side lot boundaries.
- 1.3 Not more than one dwelling house may be constructed on any lot and all buildings shall be located within the designated building envelope as shown on the approved plan of building envelopes.
- 1.4 Council shall require a buffer distance of 150 metres between the nearest boundary of the waste landfill site and any dwelling consistent with the Department of Environmental Protection's Draft Code of Practice for Country Landfill Management.

2.0 BUILDING DESIGN AND COLOUR

- 2.1 Buildings shall be designed and constructed of materials which allow them to blend into the landscape of the site. No materials or colours shall be used which the Council considers will have an undue impact on the visual amenity of the adjoining sites or the surrounding locality.
- 2.2 Dwellings and all ancillary buildings shall be restricted to a height of two storeys. However, the height of any building shall not exceed 7.5 metres which is measured vertically from the natural ground level.
- 2.3 The use of fibro cement, metal sheeting or wooden picket for boundary fencing will not be permitted. If fencing is utilised, it shall be of rural construction such as open post and rail or post and wire, to the satisfaction of Council.

3.0 VEGETATION AND REVEGETATION

- 3.1 If Council considers a lot within the area requires tree cover improvement it may require the owner of the lot as a condition of development approval, to undertake a tree planting programme to its specifications. Council may also require the owner to maintain these trees.
- 3.2 No clearing of trees or vegetation shall occur without the approval of Council, and where appropriate, Agriculture Western Australia, except for—
 - (a) clearing to comply with the requirements of the Bush Fires Act 1954 (as amended);
 - (b) clearing as may reasonably be required to construct an approved building and curtilage, including fences and on-site effluent disposal systems;
 - (c) clearing to gain vehicular access to an approved development on the land;
 - (d) trees which are dead, diseased or in a dangerous condition;
 - (e) clearing required to establish and maintain a low fuel buffer.
- 3.3 Fences shall be erected to protect trees and other remnant vegetation by grazing livestock where required. Council may request the Commission to impose a condition at the time of subdivision for the fencing of remnant vegetation and revegetation areas.

4.0 EFFLUENT DISPOSAL

- 4.1 The disposal of liquid and/or solid wastes on the lots shall be carried out by way of an effluent system approved by the Council and the Health Department of Western Australia. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater. Effluent disposal areas for development utilising conventional effluent disposal systems shall be setback a minimum of 100 metres from a natural permanent water course, water body or existing drain, and situated 2 metres above the highest known ground water level.
- 4.2 Council shall require the use of amended soil type effluent disposal systems, such as ECOMAX, Biocycle, Aquarius or other similar approved ATU Systems acceptable to the Health Department of Western Australia, in the following situations—
 - where a 100 metre setback from a water course, water body or existing drain cannot be achieved;
 - where soil conditions are not conducive to the retention of nutrients; and
 - in low lying areas.

Separation from waterways and ground water shall be determined by Council in accordance with the Health Department of Western Australia and Department of Environmental Protection guidelines.

5.0 KEEPING OF STOCK

- 5.1 The keeping and rearing of livestock shall not be permitted in category 3 except for domestic purposes and in such case shall not exceed one horse or one cow or two sheep, and shall be restricted to an appropriate yard area within the building envelope.
- 5.2 Stock may be permitted in categories 1 & 2 to a maximum of 5 dry sheep equivalent (DSE) as defined by Agriculture Western Australia. Animal numbers shall not exceed the stocking rates recommended by Agriculture Western Australia in accordance with the pasture type.
- 5.3 The keeping of stock shall not result in the removal or damage of vegetation and trees or result in soil degradation and dust nuisance. Where in the opinion of Council and Agriculture Western Australia the continued presence of animals on any portion of land is likely to contribute, or is contributing to soil degradation, dust nuisance or significant additional nutrient application, notice may be served on the owner of the land, requiring immediate removal of those animals specified in the notice.
- 5.4 Where notice has been served on a landowner in accordance with this Clause the Council may also require the land to be rehabilitated to its satisfaction within three (3) months of serving the notice. In the event that such action is not undertaken, Council may carry out such works as are deemed necessary, with all costs being borne by the landowner.

6.0 BUSHFIRE MANAGEMENT & CONTROL

- 6.1 Council may request the Commission to impose a condition at the time of subdivision for the construction of strategic firebreaks to the satisfaction of the Council and the Bush Fires Board.
- 6.2 Strategic firebreaks shall be designed and constructed so as to avoid erosion impacts and to standard suitable for all year access by heavy duty fire appliances and two wheel drive vehicles.
- 6.3 Low fuel buffers, at least 20 metres wide shall be established and maintained around each building.
- 6.4 Council may request the Commission to impose a condition at the time of subdivision for fire suppression and prevention measures and equipment to be provided in the locality. Council will facilitate discussions between the subdivider and the Bush Fires Board regarding such requirements.
- 6.5 The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are made aware of the fire management guidelines of the Home owners Bushfire Survival Manual and the Australian Standard 3959-1991 Construction of Buildings in Bushfire Prone Areas.

7.0 WATER SUPPLY PROVISIONS

- 7.1 The subdivider shall make arrangements satisfactory to the Council to ensure that prospective purchasers of the lots are advised that no reticulated water supply can be provided by the Water Corporation and that the land is within the Jurien Groundwater area and that licensing of underground water usage applies in the area.
- 7.2 Each dwelling shall be provided with a supply of potable water comprising of not less than 120,000 litres of storage directly connected to the necessary roof catchment area to provide this supply.

8.0 ROAD UPGRADING, ACCESS AND DESIGN

- 8.1 Council may request the Commission to impose at the time of subdivision requirements for the upgrading of Canover Road.

9.0 NOTIFICATION OF PROSPECTIVE OWNERS

- 9.1 Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within the area covered by Development Plan No. 1A are given a copy of these special provisions prior to entering into an agreement to acquire any property.

10.0 PROTECTION OF LANDSCAPE ELEMENTS

- 10.1 When subdividing the land the subdivider will be required to ensure that landscape values are not compromised in areas which are clearly visible from Hill River, the coastline and adjoining roads. This may entail—
- retaining remnant vegetation;
 - providing larger lot sizes in sensitive areas;
 - locating buildings away from ridge-tops;
 - ensuring building design, materials and colour, complement surrounding landscape elements.

11.0 HORTICULTURAL DEVELOPMENT

- 11.1 A Nutrient and Irrigation Management Plan shall be included as part of any proposal for horticultural use and/or development.

12.0 BUFFER REQUIREMENTS

- 12.1 Council shall consider the Environmental Protection Authorities Guidelines contained in its draft "Industrial Residential Buffer Areas (Separation Distances)" or subsequent adopted policy, when considering applications for horse stables, market gardens and rural pursuits.

Category 1

Category Policy Statement

The objective for Category 1 is to achieve economic output by encouraging the use of small areas of cleared land available for land based agricultural use and, in the absence of such areas, attempting to diversify into non-land based agricultural or recreational uses.

Development Criteria

The following subdivision and development criteria shall apply to those lots within Category 1 only.

- (a) The recommended minimum lot sizes in this category shall range from 4.0 ha to 6.0 ha.
- (b) Stocking of lots within this precinct will only be allowed up to a maximum of 5 dry sheep equivalent (DSE) as defined by the Department of Agriculture of Western Australia, for the quantity of cleared pasture available.
- (c) The following uses may be permitted subject to the explanation of symbols in Clause 2.2.2. of the scheme.

- P—Dwelling—single house
- IP—Home occupation
- PS—Stable
- PS—Private recreation
- PS—Market garden
- PS—Retail nursery
- PS—Rural pursuit
- PS—Veterinary Clinic and Hospital
- PS—Dog kennels
- PS—Rural industry

Category 2

Category Policy Statement

The objective for Category 2 is to achieve economic output by encouraging the use of small areas of cleared land available for land based agricultural use and, in the absence of such areas, attempting to diversify into non-land based agricultural or recreational uses.

Development Criteria

The following subdivision and development criteria shall apply to those lots within Category 2 only.

- (a) The recommended minimum lot sizes in this category shall range from 2.0 ha to 4.0 ha.
- (b) Stocking of lots within this precinct will only be allowed up to a maximum of 5 dry sheep equivalent (DSE) as defined by the Department of Agriculture of Western Australia, for the quantity of cleared pasture available.
- (c) The following uses may be permitted subject to explanation of symbols in Clause 2.2.2. of the Scheme.

- P—Dwelling—single house
- IP—Home occupation
- PS—Stable
- PS—Private recreation
- PS—Market garden
- PS—Retail nursery
- PS—Rural pursuit
- PS—Veterinary Clinic and Hospital

Category 3

Category Policy Statement

The objective for Category 3 is to facilitate Rural Residential development and provide an alternative form of housing to that provided within the Jurien townsite.

Development Criteria

The following subdivision and development criteria shall apply to those lots within Category 3 only.

- (a) The recommended minimum lot sizes in this category shall range from 2.0 ha to 6.0 ha.
- (b) Stocking of lots will only be permitted with the approval of Council and will generally require the applicant to demonstrate an appropriate source of imported feed and the restriction of stock to an appropriate yard area.
- (c) Development within this precinct shall only occur within the building envelope as designated on the approved Plan of Subdivision.
- (d) The following uses may be permitted subject to explanation of symbols in Clause 2.2.2.

- P—Dwelling—single housing
- IP—Home occupation
- PS—Stable

S. LOVE, President.
I. F. RENNIE, Acting Chief Executive Officer.

PI402***TOWN PLANNING AND DEVELOPMENT ACT 1928**

APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Dardanup

Town Planning Scheme No. 3—Amendment No. 134

Ref: 853/6/9/6 Pt 134

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 Dardanup town planning scheme amendment on 6 December 2005 for the purpose of inserting into Appendix V—Restricted Use Zones of the Scheme Text the following—

	No	Street	Particulars of Land	Only use permitted
R2	2	Columbas Drive	Lots 104 and 105 on Diagram 96576	<p>(a) Notwithstanding any other provision of the Scheme, the following use classifications and symbols apply to the subject land—</p> <ul style="list-style-type: none"> • Dry Industry (P)—development standards as per the Light Industry Zone. <p>(b) The use of asbestos, metal sheeting or wooden pickets as boundary fencing shall not be permitted.</p> <p>(c) Applications for Planning Consent are to demonstrate that there will be no adverse impacts in terms of dust, noise or odour, on the residential premises in the immediate locality.</p> <p>(d) Notwithstanding the above, the subject land will be required to connect to reticulated services when connection is feasible. Upon connection of sewerage, Council may permit other uses as permitted under the General Industry Zone.</p> <p>(e) Further subdivision of Lots 104 & 105 is not permitted until such time as—</p> <ul style="list-style-type: none"> (i) Comprehensive structure planning has been undertaken for the Preston Industrial Park; and (ii) The subject land can be provided with appropriate services, including reticulated water and sewer.

M. T. BENNETT, President.
M. L. CHESTER, Chief Executive Officer.

PI403***TOWN PLANNING AND DEVELOPMENT ACT 1928**

APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Dardanup

Town Planning Scheme No. 4—Amendment No. 2

Ref: 853/6/9/7 Pt 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 Dardanup town planning scheme amendment on 6 December 2005 for the purpose of rezoning portion of Wellington Location 617 being portion Lot 15 Harold Douglas Drive, Dardanup West from “Recreation” to “Small Holding”.

M. T. BENNETT, President.
M. L. CHESTER, Chief Executive Officer.

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

APPROVED TOWN PLANNING SCHEME AMENDMENT

Town of East Fremantle

Town Planning Scheme No. 3—Amendment No. 1

Ref: 853/2/4/4 Pt 1

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 (as amended) that the Minister for Planning and Infrastructure approved the

Town of East Fremantle town planning scheme amendment on 6 December 2005 for the purpose of amending the Scheme Map and portion of Lot 500 (No 256) Canning Highway corner Petra Street, East Fremantle be zoned from "Residential R12.5/R40" to "Special Business".

J. O'NEILL, Mayor.
S. WEARNE, Chief Executive Officer.

PI405*

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Exmouth

Town Planning Scheme No. 3—Amendment No. 14

Ref: 853/10/7/3 Pt 14

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Exmouth town planning scheme amendment on 6 December 2005 for the purpose of—

1. Reclassifying Lot 1433 Truscott Crescent, Exmouth, from Local Reserve for Recreation and Open Space to Tourist Zone as depicted on the Scheme Amendment Map.
2. Inserting the following as Clause 5.4.4—

5.4.4 Lot 1433 Truscott Court, Exmouth

In considering any development on the site the Council will pay due regard to the potential odour impact of the Waste Water Treatment Plant and may impose conditions on the development, including the requirement to stage the proposal, designed minimise the impact on the permitted uses.

R. J. COOPER, President.
P. ANASTASAKIS, Chief Executive Officer.

PI406*

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Gosnells

Town Planning Scheme No. 6—Amendment No. 40

Ref: 853/2/25/8 Pt 40

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 Gosnells town planning scheme amendment on 6 December 2005 for the purpose of—

1. Rezoning No 158 (Lot 2) Stalker Road, Gosnells and No 164-168 (Lot 1100) Corfield Street, Gosnells, from Mixed Business and Residential R17.5 to Local Centre.
2. Amending the Scheme Text by inserting the following text into Schedule 3- Restricted Uses—

No.	Description of Land	Restricted Use	Conditions
	158 (Lot 2) Stalker Road, Gosnells; and 164-168 (Lot 1100) Corfield Street, Gosnells	Uses Permissible in the Local Centre Zone	Lot 2—maximum retail floorspace 420 sq metres; Lot 1100—retail floorspace to comprise a pharmacy only.

3. Amending the Scheme Text by deleting the following text from Schedule 2—Additional Uses—

No.	Description of Land	Additional Use	Conditions
11.	164 (Pt Lot 3) Corfield Street, Gosnells	Medical Centre comprising— <ul style="list-style-type: none"> • General Practitioners • Physiotherapists • Pathology • Dentist • X-Ray • Pharmacy 	

P. M. MORRIS, Mayor.
S. JARDINE, Chief Executive Officer.

PI701*

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME

Shire of East Pilbara

Town Planning Scheme No. 4

Ref: 853/8/2/5

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of East Pilbara Town Planning Scheme No. 4 on 5 December 2005, the scheme text of which is published as a Schedule annexed hereto.

L. CRAIGIE, President.
A. COOPER, Chief Executive Officer.

Schedule

Shire of East Pilbara

TOWN PLANNING SCHEME No. 4

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

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PART 1—PRELIMINARY**1.1 Citation**

1.1.1 The Shire of East Pilbara Town Planning Scheme No. 4 comes into operation on its Gazetted date.

1.1.2 The following Scheme is revoked—

Shire of East Pilbara Town Planning Scheme No. 1—Gazetted: 8th April 1983

1.2 Responsible Authority

The Shire of East Pilbara is the responsible authority for implementing the Scheme.

1.3 Scheme Area

The Scheme applies to the Scheme area which covers all of the Council district of the Shire of East Pilbara as shown on the Scheme Map.

1.4 Contents of Scheme

The Scheme comprises—

- (a) the Scheme Text;
- (b) the Scheme Map (sheets 1 to 7).

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

1.5 Purposes of Scheme

The purposes of the Scheme are to—

- (a) set out the Council'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—

- (a) to assist the effective implementation of the State Planning Strategy and any regional plans and policies which are relevant to the Shire;
- (b) to foster efficient, hospitable and aesthetic town centres to serve as residential, civic, cultural, recreational and commercial focal points for the surrounding region;
- (c) to assist commercial, industrial and business development in order to maximise business and employment opportunities and to sustain and broaden the economic base;
- (d) to accommodate infrastructure and townsite development for the beneficial exploration and mining of minerals within the Shire;
- (e) to assist the sustainable and economic operation of the pastoral industry in the region;
- (f) to support housing choice in townsites and neighbourhoods with community identity and high levels of amenity;
- (g) to support the conservation and wise use of natural resources including land, wetlands, flora, fauna and minerals;

- (h) to conserve objects and places of natural, historic and cultural significance; and
- (i) to protect routes and corridors for the effective transportation of people and goods within the region.

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 expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Design Codes—

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

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

1.8 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 East Pilbara which apply to the Scheme Area.

1.10 Relationship with the Region Scheme

There is no statutory Region Scheme which applies to the Scheme Area.

PART 2—LOCAL PLANNING POLICY FRAMEWORK

2.1 Scheme Determinations to Conform with Local Planning Strategy

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

2.2 Local Planning Policies

The Council 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 Council in respect of any application for planning approval but the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Note: Local Planning Policies are guidelines used to assist the Council 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 Council 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 Council resolves to prepare a Local Planning Policy, the Council—

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

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

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

2.4.3 If the Council resolves to adopt the Policy, the Council is to—

- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and

- (b) if, in the opinion of the Council, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.

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 Council.

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 Council 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 Council 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 Local Reserves

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

3.3 Use and Development of Local Reserves

3.3.1 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 10 of the Scheme.

3.3.2 In determining an application for planning approval the Council is to have due regard to—

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

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

PART 4—ZONES

4.1 Zones

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

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

4.2 Objectives of the Zones

The objectives of the zones are—

- (a) Residential: The objective of the zone is to provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes at the density coding shown on the Scheme Map.
- (b) Town Centre: The objective of the zone is to provide for retail shopping, office and commercial development, and social, recreational and community activities serving the town as a whole.
- (c) Nullagine Townsite: The objective of the Nullagine Townsite Zone is to allow for a wide range of land uses that may reasonably be expected to exist in a small remote townsite, having regard for the unique existing land use mixes within Nullagine, but subject to the consideration of the orderly and proper planning and the preservation of local amenity.
- (d) Mixed Business: The objective of the zone is to provide for a range of light and service industrial, wholesaling, showrooms, trade and professional services which, by reason of their scale, character and operational land requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within Centre zone or Industrial zone. Generally, this zone only applies in specialist locations where this type of development is either existing or strategically justifiable.
- (e) Industrial: The objective of the zone is to provide for manufacturing industry, the storage and distribution of goods and associated uses which by the nature of their operations should be separated from residential areas. The zone also provides for light and service industries and associated uses.
- (f) Community and Cultural Purposes: The objective of the zone is to designate land in suitable locations for community purposes to meet the needs of the Shire in regard to the provision of cultural, educational, social, recreational and welfare facilities and services by organisations involved in activities for community benefit.

- (g) Rural: The objectives of the zone are—
- to ensure the continuation of rural use encouraging, where appropriate, the retention and expansion of rural activities and associated pursuits that are compatible with the capability of the land and the amenity of the locality;
 - to provide for the orderly and proper planning of Aboriginal communities through the preparation of approved Settlement Plans.
- (h) Rural Living: The objective of the zone is to provide for development of rural settlements on land suitable for such a purpose in a form that protects the rural character and environmental values of the area, and provides a high level of residential amenity.
- (i) Special Use: The objective of the zone is to provide the appropriate development control to a land use or combination of land uses that are consistent with the character and amenity of the locality but by their nature require specific consideration.

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 Council has exercised its discretion by granting planning approval;
- ‘A’ means that the use is not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;
- ‘X’ means a use that is not permitted by the Scheme.

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

- (a) the Council 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 Council is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.

2. The Council 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 Council will have regard to the matters set out in clause 10.2.
4. The Council 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 Council 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.

ZONING TABLE

	Town Centre	Nullagine Townsite Zone	Mixed Business	Residential	Industry	Rural	Rural Living	Community & Cultural Purposes	Special Use
RESIDENTIAL USES									
Aboriginal Settlement	X	D	X	X	X	D	X	X	
Aged/Dependent Person Dwelling	X	D	X	D	X	D	X	X	
Ancillary Accommodation	X	D	X	D	X	D	D	X	
Caretaker Dwelling	D	D	D	X	D	D	X	D	
Display Home Centre	X	D	X	D	D	X	X	X	
Grouped Dwelling	D	D	D	D	X	X	X	X	
Home Business	X	D	X	A	X	A	A	X	
Home Occupation	X	D	X	P	X	P	P	X	
Home Office	X	D	X	P	X	P	P	X	
Multiple Dwelling	D	D	D	D	X	X	X	X	
Residential Building	D	D	D	D	X	X	X	X	
Retirement Village	X	D	X	D	X	X	X	A	
Single House	X	P	X	P	X	P	P	X	
Single Persons Quarters	A	D	X	A	X	X	X	X	
TRAVELLING & VACATIONAL USES									
Camping Area	X	D	X	X	X	D	X	X	
Caravan Park	X	D	X	X	X	X	X	X	
Holiday Accommodation	X	D	X	X	X	A	X	X	
Motel	A	D	A	X	X	X	X	X	
Park Home Park	X	D	X	X	X	X	X	X	
Residential Building	A	D	X	A	X	A	X	X	
Residential Hotel	A	D	A	A	X	X	X	X	
Shared Dwelling	X	D	X	A	X	X	X	X	
Temporary Accommodation	X	D	X	X	X	D	X	X	
LICENSED PREMISES									
Drive-in Liquor Store	D	D	A	X	X	X	X	X	
Hotel	D	D	A	X	X	X	X	X	
Licensed Restaurant	D	D	D	X	A	X	X	X	
Liquor Store	D	D	A	X	X	X	X	X	
Night Club	A	D	A	X	X	X	X	X	
Private Hotel	P	D	A	A	X	X	X	X	
Tavern	D	D	A	X	X	X	X	X	
Wine House	D	D	A	X	X	X	X	X	
COMMERCIAL USES									
Amusement Facility	D	D	D	X	D	X	X	D	
Amusement Parlour	D	D	D	X	A	X	X	X	
Auction Mart	D	D	D	X	D	X	X	X	
Bank	P	D	P	X	X	X	X	X	
Betting Agency	D	D	D	X	X	X	X	X	
Car Park	P	D	P	X	P	D	X	D	
Consulting Room	P	D	P	A	A	X	X	X	
Convenience Store	D	D	D	X	A	X	X	X	
Corner Shop	X	D	X	A	X	X	X	X	
Dry Cleaning Agency	D	D	D	X	D	X	X	X	
Fast Food Outlet	P	D	D	X	X	X	X	X	
Fish Shop	P	D	D	X	A	X	X	X	
Fuel Filling Station	D	D	D	X	D	D	X	X	
Funeral Parlour	P	D	P	X	D	X	X	X	
Health Studio	P	D	D	X	D	X	X	D	
Hire Service	D	D	D	X	P	X	X	X	
Laundromat	D	D	D	X	D	X	X	X	
Local Shop	P	D	D	A	D	A	X	X	
Lunch Bar	P	D	P	X	P	X	X	X	
Machinery Sales	D	D	D	X	P	X	X	X	
Market	D	D	D	X	D	D	X	D	

USES LIMITED TO THOSE LISTED IN SCHEDULE 4

	Town Centre	Nullagine Townsite Zone	Mixed Business	Residential	Industry	Rural	Rural Living	Community & Cultural Purposes	Special Use
Medical Centre	P	D	P	X	X	X	X	X	
Milk Depot	X	D	D	X	D	X	X	X	
Motor Vehicle Hire	D	D	D	X	D	X	X	X	
Motor Vehicle Repair	A	D	A	X	P	X	X	X	
Motor Vehicle Wash	D	D	D	X	D	X	X	X	
Motor Vehicle/Boat/Caravan Sales	D	D	D	X	P	X	X	X	
Office	P	D	P	X	D	D	X	X	
Open Air Display	D	D	D	X	P	X	X	X	
Petrol Filling Station	A	D	A	X	A	X	X	X	
Professional Office	P	D	P	X	D	X	X	X	
Public Mall	P	D	P	X	X	X	X	X	
Restaurant/Cafe/Eating House	P	D	D	X	A	X	X	D	
Restricted Premises	A	D	A	X	A	X	X	X	
Roadhouse	A	D	A	X	A	A	X	X	
Service Station	A	D	A	X	A	X	X	X	
Shop	P	D	D	X	X	X	X	X	
Showroom	P	D	P	X	D	X	X	X	
Trade Display	D	D	D	X	P	X	X	X	
Video Sales and/or Hire	P	D	D	X	X	X	X	X	
Warehouse	D	D	D	X	P	X	X	X	
PUBLIC AND COMMUNITY USES									
Airfield	X	D	X	X	X	D	X	X	
Arts & Crafts Studio	P	D	D	X	D	D	X	X	
Child Day Care Centre	D	D	X	A	X	A	X	P	
Cinema/Theatre	D	D	D	X	X	X	X	A	
Civic Use	P	D	X	D	A	X	X	P	
Club Premises	D	D	X	X	A	D	X	D	
Community Service Depot	P	D	P	A	D	A	X	P	
Educational Establishment	D	D	D	A	D	A	X	D	
Family Care Centre	D	D	X	A	X	A	X	P	
Hospital	D	D	X	S	X	X	X	P	
Infant Health Clinic	D	D	X	A	X	A	X	P	
Institutional Building/Home	A	D	X	A	X	A	X	A	
Kindergarten	D	D	X	A	X	A	X	P	
Museum	P	D	P	X	A	D	X	A	
Nursing Home	D	D	X	A	X	X	X	P	
Place of Public Assembly	A	D	A	X	D	A	X	D	
Place of Public Worship	P	D	D	A	D	A	X	D	
Prison	X	D	X	X	X	A	X	X	
Private Club	D	D	D	A	D	D	X	A	
Public Amusement	D	D	D	X	D	D	X	D	
Public Exhibition	P	D	P	X	D	D	X	P	
Public Utility	P	D	P	P	P	P	P	P	
Radio/TV Installation	D	D	D	A	D	D	X	X	
Reception Centre	P	D	D	X	D	D	X	D	
Recreation—Private	D	D	D	X	A	D	X	D	
Recreation—Public	P	D	D	D	P	P	X	P	
Reformatory	A	D	X	X	X	A	X	X	
Sports Ground	A	D	X	A	D	D	X	P	
Zoological Garden	X	D	X	X	A	D	X	A	
INDUSTRIAL USES									
Light Industry	X	D	X	X	P	D	X	X	
Service Industry	S	D	A	X	P	X	X	X	
General Industry	X	D	X	X	D	X	X	X	
Hazardous Industry	X	D	X	X	A	X	X	X	
Noxious Industry	X	D	X	X	X	A	X	X	

USES LIMITED TO THOSE LISTED IN SCHEDULE 4

	Town Centre	Nullagme Townsite Zone	Mixed Business	Residential	Industry	Rural	Rural Living	Community & Cultural Purposes	Special Use	
Extractive Industry	X	D	X	X	X	D	X	X	USES LIMITED TO THOSE LISTED IN SCHEDULE 4	
Rural Industry	X	D	X	X	X	D	X	X		
Motor Vehicle Wrecking	X	D	X	X	D	X	X	X		
Fuel Depot	A	D	A	X	D	A	X	X		
Marine Dealer	X	D	X	X	D	X	X	X		
Marine Collectors Yard	X	D	X	X	D	X	X	X		
Transport Depot	X	D	X	X	P	A	X	X		
Storage Yard	X	D	X	X	P	X	X	X		
Building Storage Yard	X	D	X	X	P	X	X	X		
Contractors Yard	X	D	X	X	P	X	X	X		
Salvage Yard	X	D	X	X	D	X	X	X		
Factory Unit	X	D	X	X	P	X	X	X		
Sawmill	X	D	X	X	D	D	X	X		
Machinery Sales	D	D	D	X	D	X	X	X		
RURAL USES										
Cattery	X	D	X	X	A	A	X	X		
Kennels	X	D	X	X	A	A	X	X		
Stock Yards	X	D	X	X	X	P	X	X		
Veterinary Centre	A	D	A	X	D	D	A	X		
Sables	X	D	X	X	X	D	D	X		
Equestrian Centre	X	D	X	X	X	P	X	X		
Rural Pursuit	X	D	X	X	X	P	D	X		
Piggery	X	D	X	X	X	D	X	X		
Intensive Agriculture	X	D	X	X	X	P	X	X		
Poultry Farm	X	D	X	X	X	D	X	X		
Wayside Stall	X	D	X	X	X	D	D	X		
Abattoir	X	D	X	X	X	D	X	X		
Aquaculture	X	D	X	X	A	D	D	X		
Farm Supply Centre	X	D	D	X	D	D	X	X		
Produce Store	X	D	D	X	D	D	X	X		
Garden Centre	D	D	D	X	D	D	X	X		
Nursery	D	D	D	X	D	D	A	X		

4.5 Additional Uses

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

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

4.6 Restricted Uses

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

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

4.7 Special Use Zones

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

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

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

4.8 Non-conforming Uses

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

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;

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

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

4.9 Extensions and Changes to a Non-conforming Use

4.9.1 A person must not—

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

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

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

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 Council may effect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier 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 Council 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 Council.

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 Council.

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 area having a Residential Planning Code density, as being contained within the area defined by the centre-line of those borders.

5.3 Special Application of Residential Design Codes

5.3.1 Notwithstanding Table 1 of the Residential Design Codes, a single house may have a minimum area of open space of 40% of site area where 10% of the site area is covered by verandahs, patios or similar covered area open to the air.

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 Design Codes which apply under the Scheme.

5.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the Council is not to grant planning approval to the development of the land which would, but for the operation of subclause 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 Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

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

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 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 Council is satisfied that—

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

5.6 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 Council 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 Council.

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 Residential Zone

5.7.1 Dual Density Code

Where land has a dual density coding, the lower code shall prevail as the maximum permissible residential density for the land unless—

- (a) reticulated sewerage is or becomes available to the land or, where exemption from the requirement for deep sewerage is granted by the Council pursuant to the provisions of any Government Sewerage Policy; and
- (b) development of the land in a manner consistent with the higher density code is in accordance with the Council's Residential Development Policy.

5.8 Town Centre Zone

Uses permitted by the Scheme will be subject to conformity with a Town Centre Strategy adopted by Council from time to time and with other provisions of the Scheme.

5.9 Industrial Zone

5.9.1 Within the Industrial Zone the following shall apply—

Minimum lot size:	1,500m ²
Minimum lot frontage:	30 metres

5.9.2 Between the frontage of a lot and the building line, land shall not be used for any purpose other than;

- (a) vehicle parking;
- (b) landscaping;
- (c) with the approval of the Council, Trade Display.

5.9.3 Unsewered Industrial Development

5.9.3.1 Unsewered industrial development or land use shall be restricted to low wastewater producing type of industries, that is, industries predicted to produce a daily wastewater volume of less than 540 litres per 200 m² of lot area intended for disposal on site.

5.9.3.2 Regard shall be given to the capacity for infrastructure to accommodate additional loads (particularly where development involves the expansion of existing operations).

5.9.3.3 Suitable arrangements shall be required to prevent soil and groundwater contamination.

5.9.3.4 Suitable arrangements shall be required to ensure separation of stormwater and process liquids and the onsite containment of process liquids.

5.10 Nullagine Townsite Zone

The objective of the Nullagine Townsite Zone is to allow for a wide range of land uses that may reasonably be expected to exist in a small remote townsite, having regard for the unique existing land use mixes within Nullagine, but subject to the consideration of the orderly and proper planning and the preservation of local amenity.

Residential development within the Nullagine Townsite zone shall conform to the provisions of the Residential Design Codes in accordance with the R15 Density Code.

In considering any application for subdivision or development, Council shall have regard to the impact of surrounding land use and development.

In considering any application for subdivision or development, Council shall have regard to the potential impact of any land contamination or flooding in Nullagine, based on the best information available.

5.11 Building And Car Parking Requirements

5.11.1 Building Setbacks

Within the Scheme Area, building setbacks shall be in accordance with the following provisions—

BUILDING SETBACKS

Zone	Building Line
Residential	In accordance with the provisions of the Residential Design Codes.
Town Centre	In accordance with the Town Centre Strategy adopted by Council.
Nullagine Townsite (residential development)	In accordance with the provisions of the Residential Design Codes.
Nullagine Townsite (non residential development)	At Council discretion
Mixed Business	Nil
Industrial	9 metres
Rural Living:	Front: 15 metres Sides: 10 metres Rear: 15 metres
Community and Cultural	9 metres
Other Zones	At discretion of Council

5.11.2 Car Parking

- (a) Development of land for any of the uses listed in the car parking table shall make provision for on-site car parking spaces constructed in accordance with the requirements of the carparking table and carparking layouts diagram.

CARPARKING TABLE

Use	Minimum Number of Car Parking Spaces
Residential	In accordance with the provisions of the Residential Design Codes.
Shop	8 bays for each 100m ² of gross leasable floor area.
Office	1 for each 40m ² of leasable floor area.
Other Commercial Use not listed herein.	At discretion of Council, taking into account the type of use and estimated requirements.
Industrial	1 for each 50m ² of gross floor area.
Hotel	1 space for each bedroom plus 1 space for each 3 m ² of bar and public area.
Tavern	1 space for each 3m ² of public area.
Motel	1.5 spaces for each unit.
Recreational	At discretion of Council.
Other uses not listed above	At discretion of Council.

- (b) Notwithstanding the provisions of the carparking table, Council may waive requirements for on site car parking if it is satisfied that adequate constructed car parking has been provided in close proximity to the proposed development. Where constructed car parking is not available Council may accept a cash payment in lieu of provision of parking for a development subject to clause 5.11.2(c) below.

- (c) Any payments made in terms of clause 5.11.2(b) above shall—

- (i) not be less than the estimated cost of providing and constructing the parking spaces required by the Scheme, plus the value, as estimated by the Chief Valuer of the Department of State Taxation, of the area of land which might have been occupied by the parking spaces;
- (ii) be paid solely to the provision, construction and maintenance of further car parking facilities in reasonable proximity to the premises from which the monies were derived.

5.11.3 Landscaping

5.11.3.1 In addition to the landscaping requirements for residential development specified in the Residential Design Codes, all non-residential development shall provide landscaped areas to be designed, developed and maintained to Council's satisfaction.

5.11.3.2 Council shall require the submission of a landscape plan for its approval prior to commencement of development, indicating the type and location of plants and any other information considered relevant by Council.

5.12 Parking of Commercial Vehicles

5.12.1 A person shall not park a commercial vehicle in excess of 3 tonnes combined tare weight within the Residential Zone except for delivery or loading purposes normally associated with a residential use.

5.12.2 A person may park on a lot in the Residential Zone not more than one commercial vehicle in excess of 3 tonnes combined tare weight with the approval of the Council, provided that—

- (a) on-site provision for housing the vehicle in a garage or parking behind the front building setback line is made in a manner satisfactory to the Council;
- (b) the vehicle and its load does not exceed 3m in height;
- (c) the amenity of the neighbourhood is not prejudicially affected by the emission of light, noise, vibration, smell, fumes, smoke or dust from the vehicle;
- (d) if, in the opinion of Council, a nuisance or annoyance to the owners of land in the neighbourhood is caused, the Council may revoke or refuse to renew its approval;
- (e) the approval is valid for 12 months only but may be renewed annually at the discretion of the Council;
- (f) any other conditions the Council thinks necessary or desirable are satisfied.

5.13 Home Occupations and Home Businesses

Subject to the provisions of the Scheme, where the Council grants approval to carry on a Home Occupation or Home Business, the following provisions shall apply—

- (a) The approval shall be personal to the applicant and shall not be transferred or assigned to any other person;
- (b) The approval shall not run with the land in respect of which it was granted.

When considering and determining applications for Home Occupations and Home Businesses, the Council shall have regard to its Policy related to 'Home Based Businesses'.

5.14 Aboriginal Settlements

5.14.1 Purpose and Intent

To provide a framework for the planning and cohesive development of settlements and communities and also provide a basis for negotiation between Aboriginal communities and Government in order to foster the development of co-operative strategies to improve the general health, safety and amenity of those communities.

5.14.2 Settlement Plan

5.14.2.1 Within an Aboriginal Settlement no subdivision or other development should be commenced or carried out until a Settlement Plan has been prepared for the whole of the area within the settlement boundary, or for any particular part or parts as considered appropriate by Council, and such plan has been adopted by Council and the Commission.

5.14.2.2 Subdivision or development of land shall only be supported where it is generally in accordance with an adopted Settlement Plan.

5.14.2.3 The Settlement Plan shall include the proposed layout of development and indicate the proposed land use and construction details of any buildings or works proposed, and any other information as Council deems appropriate.

5.14.3 Planning Approval

5.14.3.1 Unless otherwise specified in the adopted Settlement Plan or related policy, development and land use shall not occur within an Aboriginal Settlement without planning consent being issued in writing by the Council.

5.14.3.2 The Council may refuse to issue its planning consent if it considers that a development does not substantially comply with the adopted Settlement Plan.

5.15 Caretakers Dwellings

The provisions of this clause are to apply for all caretakers' dwellings in the Industrial Zone—

- (a) a caretaker's dwelling is not to be developed and/or occupied on a lot unless that lot has been developed and is being used in accordance with the Scheme;
- (b) only one caretaker's dwelling is permitted on a lot; for the purposes of this clause 'lot' excludes a strata lot or survey strata lot created under the Strata Titles Act 1985;
- (c) a caravan or park home is not permitted as a caretaker's dwelling for either permanent or temporary accommodation;
- (d) a caretaker's dwelling is to be screened and/or fenced from the street frontage of the lot to the satisfaction of the Council and wherever possible is to be sited at the rear of other buildings on the lot;
- (e) a caretaker's dwelling is to have a total floor area that does not exceed 100 m² measured from the external face of walls;
- (f) open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100 m² referred to in paragraph (e).

5.16 Control of Advertisements

5.16.1 Power to Control Advertisements

5.16.1.1 For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Planning approval is required in addition to any licence pursuant to Council's Signs, Hoarding and Bill Posting By-Laws.

5.16.1.2 Applications for Council's planning approval pursuant to this Part shall be submitted in accordance with the provisions of clause 9.2 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Schedule 7 giving details of the advertisement(s) to be erected, placed or displayed on the land.

5.16.2 Existing Advertisements

Advertisements which—

- (a) were lawfully erected, placed or displayed prior to the approval of this Scheme; or
- (b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme;

hereinafter in this clause referred to as 'existing advertisements', may, except as otherwise provided, continue to be displayed or to be erected and displayed in accordance with the licence or approval as appropriate.

5.16.3 Consideration of Applications

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

5.16.4 Exemptions from the Requirement to Obtain Planning Approval

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of sub-clause 5.16.1.1, the Council's prior planning approval is not required in respect of those advertisements listed in Schedule 5 which for the purpose of this clause are referred to as 'exempted advertisements'. The exemptions listed in Schedule 5 do not apply to land, buildings, objects, structures and places included on the Heritage List or within a heritage precinct established or designated under Part 7 of the Scheme.

5.16.5 Discontinuance

Notwithstanding the scheme objectives and sub-clause 5.16.4, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this clause, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

5.16.6 Derelict or Poorly Maintained Signs

Where in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may, by notice in writing, require the advertiser to—

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

5.16.7 Notices

5.16.7.1 'The advertiser' shall be interpreted as any one person or any group comprised of the landowner, occupier, licensee or other person having an interest in or drawing benefit from the display of the advertisement concerned.

5.16.7.2 Any notice served in exceptional circumstances pursuant to subclause 5.16.5 or 5.16.6 shall be served upon the advertiser and shall specify—

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

5.16.7.3 Any person upon whom a notice is served pursuant to this clause may within a period of 60 days from the date of the notice appeal to the Hon. Minister for Planning and Infrastructure or the Town Planning Appeal Tribunal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.

5.16.8 Scheme to Prevail

Where the provisions of this Clause are found to be at variance with the provisions of the Council's Signs, Hoardings and Bill Posting By-Laws, the provisions of the Scheme shall prevail.

5.16.9 Enforcement and Penalties

The offences and penalties specified in clause 11.4 of the Scheme apply to the advertiser in this clause.

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—

- (a) Public Drinking Water Source Protection Areas

6.1.2 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.

6.2 Public Drinking Water Source Protection Areas

All Priority 1, 2 and 3 Public Drinking Water Source Protection Areas (PDWSPAs) are indicated as Special Control Areas (SCA) on the Scheme Maps.

6.2.1 Purpose and Intent

The purpose of PDWSPA's is to—

- (a) identify the proclaimed Public Drinking Water Source Protection Areas; and
- (b) ensure that land use and development within PDWSPA's is compatible with the protection and long term management of water resources for public water supply.

6.2.2 Referral of Applications

The Council is required to refer any development application which involves the following activities to the Water and Rivers Commission for advice prior to determination of the application—

- (a) potential for increased nutrient loading, in particular point source for nutrients eg. poultry farm, piggery;
- (b) Application of fertilisers and pesticides;
- (c) Storage of chemicals, fuels and other potentially polluting substances;
- (d) Substantial increase in runoff;
- (e) Any other impact which Council considers could have an impact on the quality of public drinking water.

6.2.3 Relevant Considerations

In determining land uses and development proposals within Special Control Areas, the Council will have due regard to relevant State Government policies and the most recent Department of Environment, Water Catchment and Protection (DEWCP), Land Use Compatibility Tables for PDWSPAs.

Notwithstanding the permissibility of land uses in The Zoning Table, the following uses are not permitted within the PDWSPA Special Control Areas: Abattoir, Piggery, Power Station, Fish Processing, Tannery, Woolscourer.

In determining proposals, the Council is to have due regard to any comments or recommendations from DEWCP and may impose relevant conditions to prevent or minimise the potential risk of groundwater contamination. Council should also have regard to the management direction provided by the priority classification of certain areas, noting that—

- (a) Priority 2 (P2) areas are defined to ensure there is no increased risk of pollution to the water source; and
- (b) Priority 3 (P3) areas—are defined to manage the risk of pollution to the water source.

PART 7—HERITAGE PROTECTION**7.1 Heritage List**

7.1.1 The Council 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 Council is to—

- (a) have regard to the municipal inventory prepared by the Council 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 Council 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 Council 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 Council is to keep a copy of the Heritage List with the Scheme documents for public inspection.

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

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

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

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

7.2 Designation of a Heritage Area

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

7.2.2 The Council 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
- (c) 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 Council proposes to designate an area as a heritage area, the Council 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 Council considers appropriate to ensure widespread notice of the proposal; and
- (c) carry out such other consultation as the Council 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 Council 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 Council resolves to adopt the designation, the Council is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.

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

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

PART 8—DEVELOPMENT OF LAND

8.1 Requirement for Approval to Commence Development

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

- Note: 1. The planning approval of the Council 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 Council—

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the Heritage List under clause 7.1 of the Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where—
 - (i) the proposal requires the exercise of a discretion by the Council under the Scheme to vary the provisions of the Residential Design Codes; or
 - (ii) the development will be located in a heritage area designated under the Scheme;
- (c) the demolition of any building or structure except where the building or structure is—
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
 - (iv) located within a heritage area designated under the Scheme;
- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the Council agrees; and
- (f) 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 Council may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

8.4 Unauthorized Existing Developments

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

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

PART 9—APPLICATION FOR PLANNING APPROVAL**9.1 Form of Application**

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

- (a) a use or commencement of development on a Local Reserve under clause 3.3;
- (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;
- (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 Council 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 Council 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 Council 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 Council may require an applicant to provide one or more of the following to assist the Council in its determination of the application—

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

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 Council 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 Council may require notice to be given in accordance with clause 9.4.3.

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

- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the Council, are likely to be affected by the granting of planning approval, stating that submissions may be made to the Council by a specified date being not less than 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 Council 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 Council.

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 Council.

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 Council 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 Council 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 Council is to consult that authority before making its determination.

10.2 Matters to be Considered by Council

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

- (a) the aims and provisions of the Scheme;
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved statement of planning policy of the Commission;
- (d) any approved environmental protection policy under the Environmental Protection Act 1986;
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the Council 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 Council under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been entered 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 Council considers relevant.

10.3 Determination of Applications

In determining an application for planning approval the Council may—

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

10.4 Form and Date of Determination

10.4.1 As soon as practicable after making a determination in relation to the application, the Council 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 Council's determination.

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

10.5 Term of Planning Approval

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

Note: A temporary planning approval is where the Council 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 Council may grant approval subject to matters requiring the subsequent planning approval of the Council. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the Council thinks fit.

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

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

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 Council within 60 days of the receipt of the application by the Council, or within such further time as is agreed in writing between the applicant and the Council.

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 Council within 90 days of the receipt of the application by the Council, or within such further time as is agreed in writing between the applicant and the Council.

10.9.3 Despite an application for planning approval being deemed to have been refused, the Council may issue a determination in respect of the application at any time after the expiry of the period specified in clause 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 Council 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 Council

11.1.1 The Council in implementing the Scheme has the power to—

- (a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
- (b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the 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 Council authorized by the Council may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

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

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

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 Council'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 Council.

11.3 Delegation of Functions

11.3.1 The Council may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the Council 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 Council 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 Council Act 1995.

11.3.4 Sections 5.45 and 5.46 of the Council 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 Council 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

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

11.6 Purchase or Taking of Land

11.6.1 If, where compensation for injurious affection is claimed under the Town Planning Act, the Council elects to purchase or take the land compulsorily the Council 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 Council 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 Council 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 Council 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
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
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Schedule 10	Environmental Conditions

SCHEDULE No. 1—DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

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

Aboriginal Settlement: means any land and buildings used, or proposed to be used for the permanent and exclusive habitation of Aboriginal communities, and may include all appropriate uses and facilities depicted in an adopted Settlement Plan.

Absolute Majority: shall have the same meaning as is given to it in and for the purposes of the Council Act 1960 (as amended).

Act: means the Town Planning and Development Act, 1928 (as amended).

- Advertisement:** means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. 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.
- Airfield:** means land and buildings used in connection with the operation of aeroplanes, including a passenger terminal, offices, parking and servicing of aircraft, and car parking, but not including occasional or seasonal use of temporary facilities for purposes associated with agriculture.
- Amenity Building:** means a building or part of a building that employees or persons engaged in an industry or business use for their personal comfort, convenience or enjoyment or leisure as distinct from the work of the industry or business.
- Amusement Facility:** means land and buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.
- Amusement Machine:** means any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.
- Amusement Parlour:** means land and buildings, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.
- Ancillary Use:** means a use which is incidental to the predominant use of land and buildings.
- Aquaculture:** means the farming of aquatic organisms including fish, molluscs, crustaceans and aquatic plants. It includes but is not limited to any fish farming operation for which a fish farm licence issued pursuant to the provisions of Part V of the Fisheries Act 1905 (as amended) and the Fisheries Regulations 1938 (as amended) is required.
- Arts and Crafts Studio:** means a building or part of a building, not in a residential zone, where craft activities are carried out and includes the sale of products created on site.
- At the time of the development:** means during the period when construction and/or site preparation works are in progress terminating immediately prior to the occupation of the land, including any buildings, for its approved purpose.
- Auction Mart:** means any land or building on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, fruit, vegetables or livestock.
- Authorised Officer:** means an officer of the Council, authorised by the Council to exercise all or some of the powers of the Council under this Scheme.
- Bank:** means premises used for offices but wherein special provision is made for access by the public for services in the areas of finance and banking.
- Battle-axe lot:** means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.
- Betting Agency:** means a building operated in accordance with the Totalisator Agency Board Betting Act 1960 (as amended).
- Building Storage Yard:** means land and buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.
- Building:** shall have the same meaning as is given to it in and for the purposes of the Residential Design Codes.
- Building Code of Australia:** means the Building Code of Australia.
- Building Envelope:** means an area of land within a lot marked on a plan within which all buildings on the lot must be contained.
- Building Line:** means the line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act.
- Camping Area:** means an area of land set aside for the purpose of camping involving the erection of tents and other forms of temporary shelter not involving trailers, caravans, chalets or mobile homes.
- Caravan:** means a vehicle as defined under the Road Traffic Act 1974—82 maintained in condition suitable for licence under that Act all times and being designed or fitted or capable of use as a habitation or for a dwelling or sleeping purposes.
- Caravan Park:** means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.
- Caretaker's Dwelling:** means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.
- Car Park:** means land and buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.
- Car Parking:** means an area of land or building specifically set aside for parking of wheeled vehicles and treated and subsequently maintained in a manner satisfactory to Council for the purpose.
- Car Sales Premises:** means land and buildings used for the display and sale of cars, whether new or second-hand but does not include a workshop.

- Cattery:** means the use of an approved out-building constructed in accordance with the Health Act Model By-laws Series 'A' Part One—General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months for reward or profit.
- Child Day Care Centre:** means any land or buildings used for the daily or occasional care of children in accordance with the Child Care Regulations 1968 (as amended) but does not include a Child Family Care Centre.
- Cinema/Theatre:** means premises where the public may view a motion picture of theatrical production.
- Child Family Care Centre:** means a Child Minding Centre conducted in a private dwelling where children are received for care but does not include a Child Day Care Centre.
- Civic Building:** means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council for administrative, recreational or other purpose.
- Civic Use:** means land and buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.
- Club Premises:** means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Licensing Act, 1988 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.
- Commercial Vehicle:** means a vehicle whether licensed or not and which is used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self propelled or not but shall not include a passenger car derivative as defined by the Vehicle Sales Regulations 1976 (as amended) a van, utility or light truck which is created by the manufacturer as being suitable to carry loads of up to 1.5 tonnes.
- Commission:** means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act 1985.
- Community Purpose:** means the use of land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.
- Community Service Depot:** means land and buildings used for the garaging of vehicles and equipment used to provide a community service such as a fire brigade, ambulance and the like.
- Conservation:** means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will—
- enable the cultural heritage significance of that place or precinct to be retained; and
 - yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting.
- Consulting Rooms:** means premises used by no more than two health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.
- Contractors Yard:** means any land or buildings used for the storage of contractor's plant and equipment, including prefabricated or transportable buildings and materials.
- Convenience Store:** means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 200m² gross leasable area.
- Corner Shop:** means a shop used for the sale of daily grocery needs to persons in the immediate locality, with a gross floor area not exceeding 100m², attached to dwelling residential zones and which is operated as an additional use thereto by the permanent tenants of the building.
- Council:** means the executive body of the Shire of East Pilbara.
- Cultural Heritage Significance:** Has the same meaning as in the Heritage of Western Australia Act 1990.
- Cultural Use:** means any use aimed at the improvement or refinement of people by entertainment and/or education.
- Curtilage:** in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of the Council. The term shall have a like meaning in relation to land around buildings other than dwellings.
- Development:** shall have the same meaning given it in and for the purposes of the Act.
- Display Home Centre:** means a group of two or more dwellings which are intended to be open for public inspection.
- District:** means the Municipal District of the Shire of East Pilbara.
- Drive-In Liquor Store:** means land and buildings wherein specific provision is made for sales of liquor (as defined under Liquor Act 1970 [as amended]) to persons within motor vehicles.

Dry Cleaning Agency: means a building at which the public may lodge and receive articles for dry cleaning and where in some instances subject to the provisions of the Health Act a limited amount of dry cleaning may be carried out on the premises.

Eating House: means any house, building or structure or any part thereof in which meals are served to the public for gain or reward and the expression includes a restaurant or cafe. The term does not include—

- (a) any premises in respect of which an hotel licence, tavern licence, a restaurant licence or winehouse licence has been granted under the Liquor Act;
- (b) any residential building;
- (c) any building or structure used temporarily for serving meals to the public at any fair, show, military encampment, races or other sports, games or amusements.

Educational Establishment: means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory or institutional home.

Effective Frontage: means the width of a lot at the minimum distance from the street alignment at which buildings may be constructed, and shall be calculated as follows—

- (a) where the side boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries;
- (b) where the side boundaries of a lot are not parallel to one another, the length of a line drawn parallel to the street frontage and intersecting the side boundaries at the minimum distance from the street alignment at which buildings may be constructed;
- (c) where a lot is of such irregular proportions or on such steep grade that neither of the foregoing methods can reasonably be applied, such length as determined by the **Council**.

Equestrian Centre: means land and buildings used for the stabling and exercise of horses and includes facilities for events of a competitive nature.

Existing Use: means use of any land or building for the purpose for which it was lawfully used immediately prior to the gazettal date of the Scheme, in accordance with the conditions set out in Part 7—Non-confirming Use of Land.

Facade: means the exposed faces of a building towards roads or open space or the frontal outward appearance of the building.

Factory Unit: means an industrial building designed, used or adapted for use as two or more separately occupied production or storage areas.

Family Care Centre: means land and buildings used for the purpose of a Family Care Centre as defined in Child Welfare (Care Centres) Regulations, 1968 (as amended).

Farm Supply Centre: means the use of land and buildings for the supply of vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment

Fast Food Outlet: means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a fish shop.

Fish Shop: means a shop where the goods are kept, exposed or offered for sale including wet fish or fish fried on the premises for consumption off the premises.

Floor Area: shall have the same meaning given to it and for the purposes of the **Building Code of Australia**.

Frontage: means the boundary line or lines between a site and the street or streets upon which the site abuts.

Fuel Depot: means land and buildings 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.

Fuel Filling Station: means land, buildings and equipment used for the storage and dispensing of liquid and gaseous fuels for the operation of the predominant use of the land.

Funeral Parlour: means land and buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.

Garden Centre: means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of pre-fabricated garden buildings.

Gazettal Date: means the date on which this Scheme is published in the *Government Gazette*.

Gross Floor Area: means the aggregate of the total floor area of each level of a building including the thickness of external walls but excluding the space set aside for the parking of wheeled vehicles and for the accommodation of service vehicles where such space is provided within the building.

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

Health Studio: means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation if especially approved by Council.

Height: when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning given to it in and for the purpose of the Residential Design Codes; or
- (b) purposes other than residential purposes, means the measurement taken from the natural ground level immediately in front of the centre of the face of the building to a level of the top of the eaves, parapet or flat roof, whichever is the highest.

Height Above Natural Ground Level: means the distance measured vertically from the centre point of the smallest square or rectangle containing the whole of the proposed new building at the natural ground level, or the ground level created at the time of subdivision or earlier development, as the case may be, to the highest point of the proposed new building.

Hire Service: means land and buildings used for the storage and hire of machinery and other bulky equipment.

Holiday Accommodation: means two or more attached or detached self contained dwellings on one lot let for holiday purposes, none of which is occupied by the same tenant for continuous period of more than four months.

Home Based 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 two people not members of the occupier's household;
- (b) will not cause injury to or adversely effect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 m²;
- (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 effect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 m²;
- (d) does not display a sign exceeding 0.2 m²;
- (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) goes 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

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

Hotel: means any land or buildings providing accommodation for the public the subject of a hotel licence granted under the provisions of the Liquor Licensing Act 1988 and may include a betting agency operated in accordance with the Totalisator Agency Betting Board Act 1960, but does not include a motel, tavern or boarding house the subject of a limited hotel licence or other licence granted under that Act.

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 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, hazardous, light, noxious, rural or service industry.

Industry Hazardous: means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or service industries.

Industry Light: means an industry—

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

Industry Noxious: means an industry which is subject to licensing as “Prescribed Premises” under the Environmental Protection Act 1986 (as amended).

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

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

Infant Health Clinic: means premises used for the purpose of an infant advisory service for mothers.

Institutional Building: means a building used or designed for use wholly or principally for the purpose—

- (a) a hospital or sanatorium for the treatment of infection of contagious disease,
- (b) a home or other institution for care of State Wards, orphans or persons who are physically or mentally handicapped,
- (c) a penal or reformatory institution,
- (d) a hospital for treatment or care of the mentally sick, or
- (e) any other similar use.

Institutional Home: means residential building for the care and maintenance of children, the aged or the infirm, and includes a benevolent institution, but does not include a hospital or mental institution.

Intensive Agriculture: means the use of land for the purposes of trade, commercial reward or gain, including such buildings and earthworks normally associated with the following—

- (a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;
- (b) the establishment and operation of plant and fruit nurseries;
- (c) the development of land for irrigated fodder production and irrigated pasture (including turf farms);
- (d) the development of land for the 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;
- (e) dairy milking sheds;
- (f) the development of land for the keeping, rearing or fattening of other livestock above those stocking rates recommended by the Department of Agriculture in consultation with surrounding farmers for the applicable pasture type;
- (g) aquaculture.

Kennels: means land and buildings used for the purpose of keeping, breeding, and temporary care of dogs except that the expression shall not include the keeping of up to two dogs by a land owner for his own use and enjoyment. The maximum number of dogs which may be kept in kennels shall be determined in each case by the Council.

Kindergarten: means land and buildings set aside for use for the care and teaching of pre-school children.

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

Laundromat: means any land or building, open to the public in which washing machines, with or without provision for drying clothes, are available for use.

Licensed Restaurant: shall have the same meaning ascribed to it under the Liquor Licensing Act 1988 (as amended).

Liquor Store: means any land or buildings the subject of a Store Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).

Local Shop: means a shop with or without an attached dwelling wherein the only goods offered for sale are foodstuffs, normally available from a delicatessen, toiletries, stationery or goods of a

- similar domestic nature intended for day to day consumption or use by persons living or working in the locality of the shop.
- Lot:** shall have the same meaning given to it in and for the purposes of, the Act and “allotment” has the same meaning.
- Lunch Bar:** Means premises or part of premises used for the sale of take-away food (in a form ready to be consumed without further preparation) within industrial or commercial areas.
- Machinery Sales:** means land or a building or buildings used for the display or sale of machinery and industrial implements whether new or second-hand and the workshop incidental to the servicing of that equipment.
- Marine Collector's Yard:** means land and buildings used for the storage of marine stores under the provisions of the Marine Stores Act, 1902 (as amended) and land Marine Dealer's Yard and Marine Store have the same meaning.
- Marine Dealer:** means land and buildings occupied for the purpose of storing, sorting, packing and sale of secondhand or waste materials, including metals, paper, rags, bottles and glass whether for waste disposal or recycling elsewhere, but does not include premises used for motor vehicle wrecking or a refuse disposal yard.
- Market:** means land and buildings used for a fair, a farmers' or producers' market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stall holders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.
- Medical Centre:** Means 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).
- Milk Depot:** means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.
- Minister:** means a Minister for Planning or such other member of Executive Council as is for the time being charged by the Governor with the administration of the Town Planning and Development Act.
- Motel:** means land and buildings used or intended to be used to accommodate patrons in a manner similar to a Hotel or Boarding House but in which special provision is made for the accommodation of patrons with motor vehicles, and to which a licence under the Liquor Licensing Act 1988 may have been granted.
- Motor Vehicle, Boat and Caravan Sales Premises:** means land and buildings used for the display and sale of new or second hand motorcycles, cars, trucks, caravans and boats or any one or more of them and may include, the servicing of motor vehicles sold from the site.
- Motor Vehicle Hire:** means land and buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.
- Motor Vehicle Repair:** means land and buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.
- Motor Vehicle Wash:** means land and buildings where vehicles are washed and cleaned by or primarily by mechanical means.
- Motor Vehicle Wrecking:** means land and buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.
- Multiple Occupancy:** means the use and occupation of a rural holding at a residential density higher than normally associated with traditional rural living and which may be characterised by the following—
- (a) an approved agreement for management of and for the whole or parts of the holding;
 - (b) more than one separate dwelling unit for use by families or unrelated groups of persons;
 - (c) a defined area for separate occupation for residential and ancillary uses.
- Museum:** means land and buildings used for storing and exhibiting objects illustrative of antiquities, natural history, art, nature and curiosities.
- Net Lettable Area (NLA):** means the area of all floors confined within the finished surfaces or permanent walls but excludes the following areas—
- (a) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
 - (b) lobbies between lifts facing other lifts serving the same floor;
 - (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
 - (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.
- Night Clubs:** means a building or part of a building where entertainment and refreshments are provided to patrons and the normal hours of business are later at night to early in the morning.
- Non-conforming Use:** means a use of land which, though lawful immediately prior to the coming into operation of this Scheme, is not in conformity with the Scheme.

Nursery: means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden decor.

Nursing Home: means any building, used for the medical treatment or care of sick persons, whether resident or not, but does not include consulting rooms.

Office: means a building or part of a building used for the conduct of administration, the practise of a professional, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.

Open Air Display: means the use of land as a site for the display and/or sale of goods and equipment.

Owner: in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity—

- (a) is entitled to the land for an estate in fee simple in possession; or
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or
- (c) is a lessor or licensee from the Crown; or
- (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.

Park Home: means a movable dwelling, not being a vehicle as defined under the Road Traffic Act 1974—1982 but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilised by jacks and provided with skirtings and so designed and constructed as to permit independent occupancy for dwelling purposes.

Park Home Park: means means an area of land set aside exclusively for the parking of park homes occupied for residential purposes whether for short or long stay purposes, but includes the provision of buildings and uses incidental to the predominant use of the land, including ablution blocks, recreation areas office and storage space and, as approved by Council, a shop or kiosk and refuelling facilities, but the term shall be interpreted to exclude the parking of caravans, camper trailers and the erection of tents.

Petrol Filling Station: means land and buildings used for the supply of petroleum products and motor vehicle accessories.

Piggery: shall have the same meaning given to it in and for the purposes of the Health Act, 1911-1979 (as amended).

Place: means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes—

- (a) an area of land situated below low water mark on the seashore or on the bank or tidal waters, or in the bed of any watercourse, lake or estuary;
- (b) any works or buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- (c) as much of the land beneath the place as is required for the purposes of its conservation.

Place of Natural Beauty: means the natural beauties of the area including lakes and other inland water, banks of rivers, foreshores of harbours, frontal dunes, and other parts of the sea, hill slopes and summits and valleys.

Plant Nursery: means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden decor.

Plot Ratio: shall have the same meaning given to the term in the Building Code of Australia except for residential dwellings where the term shall have the same meaning given to it in the Residential Design Codes.

Potable Water: means water in which level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in "International Standards for Drinking Water" published by the World Health Organisation.

Poultry Farm: means land and buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act, 1911-1979 (as amended).

Prison: shall have the same meaning given to it in and for the purposes of the Prisons Act, 1981 (as amended).

Private Club: means land and/or buildings controlled exclusively by an organisation comprised of a restricted membership and to which the public is not normally admitted except by the express permission of the organisation concerned.

Private Hotel: means any land or buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).

Private Recreation: means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.

Produce Store: means land and buildings wherein fertilisers and grain are displayed and offered for sale.

Professional Office: means a building used for the purposes of his profession by an accountant, architect, artist, author, barrister, chiropodist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), town planner, or valuer, or a person having an occupation of a similar nature, and Professional Person has a corresponding interpretation.

Public Amusement: means land and buildings used for the amusement or entertainment of the public, with or without charge.

Public Assembly—Place of: means any land or buildings used as a special place of assembly including grounds for athletics, all sports grounds with spectator provision, race courses, trotting tracks, stadium or showgrounds.

Public Authority: shall have the same meaning given to it in and for the purposes of the Act.

Public Exhibition: means any building or land used for the display of materials, for promotion of artistic, cultural or educational purposes.

Public Mall: means any public street or right-of-way designed especially for pedestrians who shall have the right of way and vehicle access shall be restricted to service vehicles at times specified by the Council.

Public Recreation: means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are normally open to the public without charge.

Public Utility: means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

Public Worship—Place Of: means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education or a residential training institution.

R Codes: means the Residential Design Codes.

Radio and TV Installation: means land and buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.

Reception Centre: means land and buildings used by parties for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes.

Redevelopment: means revision or replacement of an existing land use according to a controlled plan.

Reformatory: means land and buildings used for the confinement or detention in custody of juvenile offenders against the law with a view to their reformation.

Reserve: means any land reserved for a public purpose.

Residential Building: means a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation—

- temporarily by two or more persons, or
- permanently by seven or more persons,

who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.

Residential Hotel: means a building in which accommodation is provided for either permanent or temporary residents for hire or reward and the terms Boarding House and Guest House shall have the same interpretation, except that no such use shall include premises requiring a licence pursuant to the Liquor Act 1970 (as amended).

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.

Restaurant: means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business.

Restoration: means any work or process on at or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.

Restricted Premises: means any premises, part or parts thereof, used or designed to be used primarily for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—

- (a) publications that are classified as restricted publications pursuant to the Indecent Publications and a Articles Act 1902 (as amended); or
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.

Retail: means the sale or hire of products, goods or services to the public generally in small quantities and from a shop, showroom or fast food outlet.

Retirement Village: means a development containing accommodation for aged persons together with ancillary facilities.

Roadhouse: means land and a building or buildings used primarily as a service station but with a supplementary use as a restaurant, take-away food outlet or as a shop providing an approved limited range of day-to-day travel commodities and services.

Rural Pursuit: means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith—

- (a) the growing of vegetables, fruit, cereals or food crops;
- (b) the rearing or agistment of goats, sheep, cattle or beasts of burden;
- (c) the stabling, agistment or training of horses;
- (d) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;
- (e) the sale of produce grown solely on the lot;

but does not include the following except as approved by the Council—

- (i) the keeping of pigs;
- (ii) poultry farming;
- (iii) the processing, treatment or packing of produce;
- (iv) the breeding, rearing or boarding of domestic pets.

Salvage Yard: means land and buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

Sawmill: means land and buildings where logs or large pieces of timber are sawn but does not include a joinery works.

Schedule: means a schedule to the Scheme.

Service Station: means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use, but does not include transport depot, panel beating, spray painting, major repairs or wrecking.

Setback Line: means a line fixed by means of horizontal measured distance from any lot boundary including a street alignment or new street alignment.

Shared Dwelling: means a building used primarily for living purposes by not more than five persons residing therein as a single household; the term also includes such outbuildings and recreational uses and gardens as are ordinarily used therewith, but does not include a private hotel, motel or boarding house.

Shire: means the Shire of East Pilbara.

Single Persons Quarters: means buildings used for the accommodation of single persons including such ancillary uses as laundry facilities, toilet blocks, messing facilities, car parks and recreation.

Shop: means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in this part.

Showroom: means a building wherein goods are displayed and may be offered for sale by wholesale and/or by retail of: foodstuffs, liquor or beverages; items of clothing or apparel, magazines, books or paper products; medical or pharmaceutical products; china, glassware or domestic hardware; and items of personal adornment.

Site Coverage: means the proportion of a lot which may be covered by buildings and is expressed in this Scheme as a percentage of the total lot area.

Sports Ground: means any land used for any sport, but does not include land within the curtilage of a dwelling, if not used commercially.

Stables: means premises used for the keeping, breeding, and rearing of horses and ponies involving the erection of buildings, corrals, and compounds and their use for those purposes, except that the expression shall not include land used solely for agistment of horses.

Stockyards: means any land, building or other structure used for holding and/or sale of animal stock.

Storage Yard: means any land used for the storage of goods.

Storey: means for other than residential development, that portion of a building which is situated between the top of the floor next above it: and if there is no floor above it, that portion between the top of the floor and the ceiling above it.

Street Alignment: means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed, means the new street alignment so prescribed.

Structure Plan: means a plan which indicates broad land use options for the development and subdivision of an area and provides a policy framework for such subdivision and development.

Tavern: means land and buildings the subject of a Tavern Licence granted under the provisions of the Liquor Act, 1970 (as amended).

Temporary Accommodation: means any habitable building not permanently affixed to the ground and includes any caravan, transportable dwelling, or any structure used for habitation for the purposes of accommodation for a period not exceeding six months.

Trade Display: means land and buildings used for the display of trade goods and equipment for the purposes of advertisement.

Transport Depot: means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicles and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

Transportable Home: means any structure designed for human habitation that is partly or wholly prefabricated at any place other than on the lot upon which it is to be erected.

Vehicle: includes a tractor.

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.

Video Sales and /or Hire: means premises used for the sale or hire of video equipment or tapes used in video recorders

Warehouse: means any building or enclosed land, or part of a building or enclosed land, used for storage of goods and the carrying out of commercial transactions involving the sale of such goods by wholesale.

Waterway: means an artificial channel, lake, harbour or embayment, for the navigational, irrigational, ornamental, and recreation purposes, or for any of those purposes; and includes any addition to or alteration of a waterway as so defined.

Wayside Stall: means a stall located adjacent to a street, but not in the road reserve, in which only fruit, vegetables and artefacts grown, produced or made on the land upon which it is located are sold or offered for sale.

Wholesale: means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant' for Sales Tax purposes under the provisions of the Sales Tax Assessment Act No. 1 1930, (as amended).

Wine House: means any land or buildings the subject of a Wine House Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).

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 erection and use of buildings or for the use of land, but does not include reserved land.

Zoological Gardens: means land, structures and buildings used for the keeping of animals and birds, and for the growing of plants for inspection and observation by the public at large, and where a charge may be made for submission.

SCHEDULE 2—ADDITIONAL USES [CL. 4.5]

No.	Description of land	Additional use	Conditions
1	Lot 12 Gunn Place	Service Industry, Office, Trade Display	Any non-residential uses permitted under this schedule to require planning approval and to be accommodated within the existing building or immediate curtilage of the building.

SCHEDULE 3—RESTRICTED USES [CL. 4.6]

No.	Description of land	Restricted use	Conditions
There are currently no Restricted Uses applying to the Scheme Area.			

SCHEDULE 4—SPECIAL USE ZONES [CL. 4.7.1]

No.	Description of Land	Special Use	Conditions
1.	Loc 1655 Cowra Drive, Newman	Nursery and Botanic Gardens	As required by Council
2.	Loc 1656 Cowra Drive, Newman	Animal Sanctuary	As required by Council
3.	Loc 1148 Kalga Drive, Newman	Caravan Park, Single Persons Quarters, Holiday Accommodation	As required by Council
4.	Loc 1983 Cowra Drive, Newman	Caravan Park, Single Persons Quarters, Holiday Accommodation	As required by Council

No.	Description of Land	Special Use	Conditions
5.	Lot 1 Cowra Drive, Newman	Service Station	As required by Council
6.	Reserve 27496 Gallop Road, Nullagine	Caravan Park	As required by Council
7.	Lot 170 Great Northern Hwy, Cnr Walker Street, Nullagine	Service Station/Roadhouse	As required by Council
8.	Lot 264 Contest Street, Marble Bar	Caravan Park	As required by Council
9.	Lot 232 Halse Road, Marble Bar	Service Station, Road House, Accommodation	As required by Council
10.	Lots 1 & 2 Francis Street, Marble Bar	Service Station/Road House	As required by Council
11.	Reserve 36587 McFie Street, Nullagine	Aboriginal Settlement	As required by Council
12.	Lot 1982 Intersection of Newman Drive & Cowra Drive, Newman	Caravan Park, Motel, Chalet Park, Tavern, Grouped Dwellings and Ancillary Uses thereto	As required by Council

SCHEDULE 5—EXEMPTED ADVERTISEMENTS [CL. 8.2(F)]

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN	MAXIMUM SIZE
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed	Each advertisement sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top the awning or, in the absence of an 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 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 of 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.	Total area of any such advertisements, shall not exceed 1.5m.
	A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
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	EXEMPTED SIGN	MAXIMUM SIZE
Public Places and Reserves	(a) Advertised signs (illuminated and non-illuminated) relating to the functions of government, a public authority or local government of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	N/A
	(b) Advertisement signs (illuminated and 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 local government of a municipality, and	N/A
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the management agent thereof.	0.2m ²

TEMPORARY SIGNS	EXEMPTED SIGN—TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA
Building Construction Sites advertisement signs displayed only for the duration of the construction as follows:	(a) Dwellings.	One Advertisement per street frontage containing details of the project and the contractors undertaking the construction work.
	(b) Multiple Dwellings, Shops, Commercial and Industrial projects.	One sign as for (a) above
	(c) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (a) above
		One additional sign showing the name of the project builder.
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	2m ²

TEMPORARY SIGNS	EXEMPTED SIGN—TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA
Property Transactions. Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:		
(a) Dwellings	One sign per street frontage for each property relating to the sale, leading 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 2m ² .
(b) Multiple Dwellings, Shops, Commercial and Industrial Properties	One sign as for (a) above	Each sign shall not exceed an area of 5m ² .
(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 10m ² .
Display Homes Advertisement signs displayed for the period over which homes are on display for public inspection.	(i) One sign for each dwelling on display (ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m ² 5m ²

SCHEDULE 6—FORM OF APPLICATION FOR PLANNING APPROVAL [CL. 9.1.1]

OWNER DETAILS

Name:			
Address:			Postcode:
Phone (work):	Phone (home):		
Phone (mobile):	Fax:		
Email:			
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 (work):	Phone (home):		
Phone (mobile):	Fax:		
Email:			
Contact Person:			
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—
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Nearest street intersection—

Existing building/land use—

Description of proposed development and/or use—

Nature of any existing buildings and/or use—

Approximate cost of proposed development—

Estimated time of completion:

OFFICE USE ONLY

Acceptance Officer's initials:

Date received:

Council reference no:

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

SCHEDULE 7—ADDITIONAL INFORMATION FOR ADVERTISEMENTS [CL. 9.1.2]*Note: to be completed in addition to the Application for Planning Approval form*

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

2. Details of proposed sign:

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

(b) Height:..... Width:..... Depth:.....

(c) Colours to be used:

(d) Height above ground level :

(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 land owners)—

..... Date:

SCHEDULE 8—NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL [CL. 9.4.4]

Town Planning Act 1928

SHIRE OF EAST PILBARA

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

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

Lot No.:

Street:

Suburb:

Proposal—

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

Signed:

Dated:

for and on behalf of the Shire of East Pilbara

SCHEDULE 9—NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL [CL. 10.4.1]

Town Planning Act 1928

SHIRE OF EAST PILBARA

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:

<input type="checkbox"/>	granted subject to the following conditions:
<input type="checkbox"/>	refused for the following reasons(s):

Conditions/reasons for refusal—

Note 1:	If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
Note 2:	Where an approval has so lapsed, no development shall be carried out without the further approval of the Council 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 East Pilbara

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

SCHEDULE 10—ENVIRONMENTAL CONDITIONS [CL. 5.6.1]

Scheme or Amendment No.	Gazettal Date	Environmental Conditions
<div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <p align="center">There are currently no Environmental Conditions applying to the Scheme Area</p> </div>		

ADOPTION—

Adopted by resolution of the Council of the Shire of East Pilbara at the April meeting of the Council held on the 24th day of April 1998.

Dated 9 November 2005.

L. CRAIGIE, Shire President.

Dated 9 November 2005.

A. COOPER, Chief Executive Officer.

FINAL APPROVAL—

(1) Adopted by Resolution of the Council of the Shire of East Pilbara at the October meeting of the Council held on the 23rd day of October 2003. and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of—

Dated 9 November 2005.

L. CRAIGIE, Shire President.

Dated 9 November 2005.

A. COOPER, Chief Executive Officer.

(2) Recommended/Submitted for final approval by the Western Australian Planning Commission—

Dated 29 November 2005.

J. BELL, Delegated under S.20 of the WAPC Act 1985.

(3) Final approval granted—

Dated 5 December 2005.

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

WATER/SEWERAGE

WA401*

WATER AGENCIES (POWERS) ACT 1984

NARNGULU WASTEWATER TREATMENT PLANT

Shire of Greenough

Proposal to Construct a New Wastewater Treatment Plant with a Capacity of 3.5ML/d

To allow treatment of increased wastewater flows due to the infill sewerage programme, the Water Corporation proposes to construct the following works: a 3.5 ML/d High Performance Aerated Lagoon (HPAL) System, comprising of one reactor basin and three settling basins; enclosed screenings facilities complete with screenings handling system (washing, compaction and dewatering) and manual bypass screen; treated wastewater pump station for transferring treated wastewater to infiltration ponds; five infiltration ponds with a total area of 30,500m²; two sludge drying beds, with proposed dimensions of 50m x 60m x 1.5m; and a groundwater monitoring system comprising of seven bores.

The location of the proposed works is at the Narngulu Industrial Estate, Victoria Locations 150 and 1782.

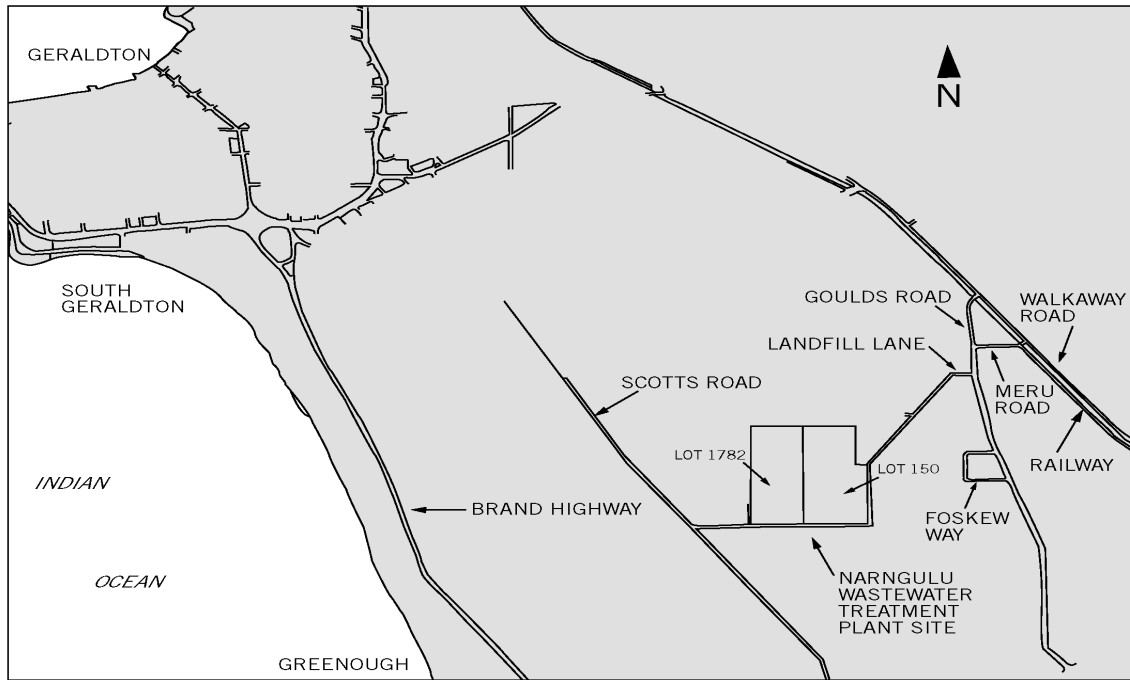
The proposed works are scheduled to commence in June, 2006 and will continue for approximately 8 months.

Construction of the proposed works will be by major earthwork excavation equipment with excess excavated material being removed from the site by earthmoving trucks.

A copy of this Notice of Proposal (referred to as HZ25-0-1) is available for viewing, during office hours, at the Water Corporation's Geraldton Regional Office, 45 Cathedral Avenue, Geraldton, WA 6530.

Further information may also be obtained by contacting the Project Manager, Stephen Horrocks on telephone (08) 9420 2777.

Objections to the proposed works will be considered if lodged in writing, addressed to the Project Manager, PO Box 100, Leederville 6902, Western Australia, before close of business Monday, 16 January 2006.



DECEASED ESTATES

ZX401

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

In the matter of the Estate of Graham John Lahiff, late of Unit 18, 30-34 Wellington Street, Mosman Park and also of Wooden Boat Works, Slip Street, Fremantle in the State of Western Australia, Boat Builder, 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 18 May 2005 or in respect of Lay Charter Co Pty Ltd trading as Wooden Boat Works are required by the Executor Kevin Arthur Wealand of care of Brian C Sierakowski, Barristers and Solicitors, GPO Box T1660, Perth WA 6000 to send particulars of their claims to him by no later than 13 January 2006 after which date the Executor may distribute the assets having regard only to the claims of which he then has notice.

BRIAN C. SIERAKOWSKI.
Telephone: 9221 3936.

PUBLIC NOTICES

ZZ401

DISSOLUTION OF PARTNERSHIP

W.A. Universal Rigging Co

Notice is given that the partnership previously existing between Finefettle Pty Ltd (ACN 101065285), Tropico Nominees Pty Ltd (ACN 101071425), Moreview Holdings Pty Ltd (ACN 101093145), Topway Nominees Pty Ltd (ACN 101079814) and Dasher Nominees Pty Ltd (ACN 101093501) carrying on the business of rigging and steel erection at 36 Baretta Road, Malaga, Western Australia under the name of W.A. Universal Rigging Co has been dissolved as and from 30 November 2005 so far as concerns Tropico Nominees Pty Ltd who retires from the partnership. All debts due to and owing by that partnership will be received and paid for by Finefettle Pty Ltd, Moreview Holdings Pty Ltd, Topway Nominees Pty Ltd and Dasher Nominees Pty Ltd who will continue to carry on the business in partnership under the name WA. Universal Rigging Co.

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