

**WESTERN  
AUSTRALIAN  
GOVERNMENT  
Gazette**

1487



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**CONTENTS**

**PART 1**

	Page
Adoption Act 1994—Adoption Amendment Rules 2000 .....	1495-1500
Bush Fires Act 1954—Bush Fires (Section 25B) (Amendment and Repeal) Notice 1999 .....	1489-93
Cemeteries Act 1986—Shire of Denmark—Local Laws Relating to Denmark Cemetery (Reserve 11655) .....	1501
Dog Act 1976— City of Melville— Local Laws Relating to Dogs .....	1504-5
Shire of Denmark— Local Laws Relating to Dogs .....	1502-3
Hospitals and Health Services Act 1927—Hospitals and Health Services (Harvey Yarloop Health Service Board) By-laws 2000.....	1493-5
Local Government Act 1995— City of Melville— Local Law Relating to the Payment of Rates—Repeal of Local Law relating to the Payment of Rates.....	1505
Shire of Denmark— Beaches and Reserves Local Laws .....	1500-1
Local Government Act Miscellaneous Local Law .....	1502
Local Laws Relating to Standing Orders .....	1503-4

**PART 2**

Education.....	1506
Heritage Council.....	1506
Land Administration.....	1506-7
Local Government .....	1507
Planning.....	1508-44
Police.....	1545
Public Notices— Deceased Estates .....	1545-6
Notice of Dissolution of Partnership.....	1546
WorkSafe .....	1545

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Advertisers are advised to note the following changes to publication dates for *Government Gazette* over the Easter period 2000.

### EASTER ISSUES:

**THURSDAY 20 APRIL** (Copy closes Tuesday 18 April at 12.00 noon)

**FRIDAY 28 APRIL** (Copy closes Wednesday 26 April at 12.00 noon)

There will be no edition for TUESDAY 25 APRIL.

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

# — PART 1 —

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## FIRE AND EMERGENCY SERVICES

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**FB301\***

Bush Fires Act 1954

### **Bush Fires (Section 25B) (Amendment and Repeal) Notice 1999**

Made under section 25B of the Act by the Minister for Emergency Services on the recommendation of the Authority.

**1. Citation**

This notice may be cited as the *Bush Fires (Section 25B) (Amendment and Repeal) Notice 1999*.

**2. *Bush Fires (Section 25B) Notice 1999* amended**

The *Bush Fires (Section 25B) Notice 1999\** is amended in clause 3 by inserting after “State” —

“

except land set apart as a site for the deposit and disposal of sewage, rubbish, or refuse under section 119 of the *Health Act 1911*

”.

[\* *Published in Gazette 25 May 1999, pp. 2063-5.*]

**3. Repeal**

The Notices listed in the Table to this clause are repealed.

**Table**

<b>Notice</b>	<b>Local government rubbish disposal sites</b>
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 30 October 1992, at p. 5303	Albany (Bakers Junction, Kronkup, Redmond)
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 15 November 1994, at pp. 5805-6	Boyup Brook (Boyup Brook Arthur River Road)

<b>Notice</b>	<b>Local government rubbish disposal sites</b>
“Suspension of Section 25” published in the <i>Gazette</i> of 24 December 1992, at pp. 6282-3	Brookton
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 17 October 1997, at p. 5769	Broome (Dampier Location)
“Suspension of Section 25” published in the <i>Gazette</i> of 24 December 1992, at p. 6282	Bruce Rock
“Suspension of Section 25” published in the <i>Gazette</i> of 6 March 1987, at p. 561	Chittering (Bindoon, Muchea)
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 17 December 1993, at p. 6674	Corrigin
“Suspension of Section 25” published in the <i>Gazette</i> of 30 November 1984, at p. 3970	Cranbrook
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 3 December 1993, at p. 6455	Cuballing (Cuballing, Popanyinning)
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 29 January 1993, at p. 856	Cunderdin (Cunderdin, Meckering)
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 30 January 1996, at pp. 343-4	Dandaragan (Badgingarra)
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 30 January 1996, at pp. 346-8	Dandaragan (Cervantes)
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 30 January 1996, at pp. 344-6	Dandaragan (Dandaragan)
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 30 January 1996, at pp. 348-51	Dandaragan (Jurien)
“Suspension of section 25” published in the <i>Gazette</i> of 5 November 1982, at p. 4404	Dowerin
“Suspension of Section 25” published in the <i>Gazette</i> of 27 January 1984, at p. 248	Gingin (Gingin, Guilderton)

<b>Notice</b>	<b>Local government rubbish disposal sites</b>
“Suspension of Section 25” published in the <i>Gazette</i> of 24 December 1992, at pp. 6283-4	Goomalling
“Section 25 <i>Shire of Jerramungup</i> ” published in the <i>Gazette</i> of 22 February 1991, at pp. 869-70	Jerramungup (Bremer Bay, Jerramungup, Needilup)
“Suspension of Section 25” published in the <i>Gazette</i> of 24 December 1992, at p. 6284	Kellerberrin
“Suspension of Section 25” published in the <i>Gazette</i> of 6 March 1987, at p. 561	Kent (Nyabing)
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 3 December 1993, at pp. 6455-6	Kondinin (Hyden, Kalgoorlie, Kondinin)
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 14 March 1995, at pp. 937-9	Kojonup (Kojonup, Muradup)
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 20 January 1995, at pp. 210-11	Manjimup
“Suspension of Section 25” published in the <i>Gazette</i> of 24 December 1992, at pp. 6281-2	Merredin
“Suspension of section 25” published in the <i>Gazette</i> of 3 December 1982, at p. 4710	Mt. Marshall
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 30 January 1996, at pp. 352-3	Mullewa
“(Suspension of Section 25.)” published in the <i>Gazette</i> of 4 October 1985 at p. 3877	Mundaring (Coppin Road)
“Suspension of Section 25” published in the <i>Gazette</i> of 23 January 1987 at p. 195	Mundaring (Mathieson Road, Chidlow)
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 15 November 1994, at pp. 5806-7	Nannup
“Suspension of Section 25” published in the <i>Gazette</i> of 24 December 1992, at p. 6279	Narembeen

<b>Notice</b>	<b>Local government rubbish disposal sites</b>
“Suspension of Section 25” published in the <i>Gazette</i> of 7 January 1994, at p. 5	Narrogin (Shire) (Highbury)
“Suspension of section 25” published in the <i>Gazette</i> of 7 January 1994, at pp. 5-6	Narrogin (Town)
“Suspension of section 25” published in the <i>Gazette</i> of 24 December 1992, at pp. 6280-1	Northam (Bakers Hill, Inkpen, Wundowie)
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 7 January 1994, at p. 4	Pingelly
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 3 December 1993, at p. 6456	Quairading
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 30 January 1996, at pp. 355-7	Ravensthorpe (Hopetoun, Ravensthorpe)
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 23 March 1993, at pp. 1817-8	Sandstone
“(Suspension of Section 25.)” published in the <i>Gazette</i> of 4 October 1985 at p. 3877	Swan (R.A.A.F. Base, Pearce)
“Suspension of Section 25” published in the <i>Gazette</i> of 3 December 1982, at p. 4711	Swan (R.A.A.F. Base, Pearce)
“Suspension of Section 25” published in the <i>Gazette</i> of 19 November 1982, at p. 4527	Tambellup
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 15 November 1994, at pp. 5802-3	Waroona (Buller Road)
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 19 January 1993, at p. 727	Westonia
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 3 December 1993, at pp. 6457-8	Wickepin (Wickepin, Yealering)
“SUSPENSION OF SECTION 25” published in the <i>Gazette</i> of 3 December 1993, at p. 6457	Williams

**Notice**

“Suspension of Section 25”  
published in the *Gazette* of  
24 December 1992, at p. 6278

“Suspension of Section 25”  
published in the *Gazette* of  
24 December 1992, at pp. 6279-80

“SUSPENSION OF SECTION 25”  
published in the *Gazette* of  
30 January 1996, at pp. 351-2

**Local government  
rubbish disposal sites**

Woodanilling (Beaufort  
River, Woodanilling)

Wyalkatchem

Wyndham-East  
Kimberley

K. PRINCE, Minister for Emergency Services.

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**HEALTH**

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HE301\*

Hospitals and Health Services Act 1927

## **Hospitals and Health Services (Harvey Yarloop Health Service Board) By-laws 2000**

Made by the Harvey Yarloop Health Service Board under section 22 of the Act.

**1. Citation**

These by-laws may be cited as the *Hospitals and Health Services (Harvey Yarloop Health Service Board) By-laws 2000*.

**2. Interpretation**

In these by-laws —

“**Board**” means the hospital board assigned the corporate name “Harvey Yarloop Health Service Board” under clause 4 of the *Hospitals and Health Services (Re-organization of Hospital Boards) Notice (No. 3) 1999*.

**3. Local management committees to be established**

The Board is to establish a local management committee for each public hospital under the control of the Board.

**4. Constitution of local management committees**

- (1) A local management committee is to consist of not less than 3 persons appointed under sub-by-law (2).
- (2) At least —
  - (a) two, but not more than 5, persons are to be appointed by the Board from its members; and
  - (b) one person is to be appointed by the Board from persons nominated to the Board in accordance with procedures determined by the Board and approved by the Minister.

**5. Chairperson**

The members of a local management committee are to elect one of them who was appointed under by-law 4(2)(a) to be the chairperson of the committee.

**6. Constitutional provisions**

- (1) Subject to sub-by-law (2), Schedule 1 to the Act has effect in relation to the constitutional provisions that apply to a local management committee.
- (2) For the purposes of sub-by-law (1) —
  - (a) a reference in Schedule 1 to the Act —
    - (i) to the Governor or the Minister is to be taken to be a reference to the Board; or
    - (ii) to the Chairman is to be taken to be a reference to the chairperson;
  - (b) clauses 3 and 12 of that Schedule do not apply; and
  - (c) the reference in clause 14 of that Schedule to “this Act” is to be taken to be a reference to “any directions given by the Board”.

**7. Functions of local management committees**

The functions of a local management committee established for a public hospital are —

- (a) to supervise, and provide advice and recommendations to the Board in relation to, the management of the public hospital;
- (b) in association with the Board, to select the person to be employed by the public hospital as its senior employee;
- (c) to manage, and provide advice and recommendations to the Board in relation to the management of the funds available to the Board for distribution to the public hospital;
- (d) to participate in business and strategic planning processes in relation to the public hospital;



- (e) to supervise, and provide advice and recommendations to the Board in relation to, contracts or arrangements entered into for the purposes of services provided by the public hospital; and
- (f) to perform any other functions as directed by the Board.

**8. Board may give directions to local management committees**

The Board may give directions to a local management committee in relation to the performance of the committee's functions, and the committee is to comply with any direction so given.

Passed by a resolution of the Harvey Yarloop Health Service Board at its meeting held on 2 March 2000.

The common seal of the Harvey Yarloop Health Service Board was at the time of that resolution affixed by order and in the presence of —

JAMES MORLEY, Chairperson.  
DOMENICO ANZELLINO, Member.

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## JUSTICE

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JM301\*

Adoption Act 1994

## Adoption Amendment Rules 2000

Made by the Judges of the Family Court of Western Australia under section 142 of the Act.

**1. Citation**

These rules may be cited as the *Adoption Amendment Rules 2000*.

**2. The rules amended**

The amendments in these rules are to the *Adoption Rules 1995*\*.

[\* *Published in Gazette 19 January 1995, pp. 179-99.*

*For amendments to 21 February 2000 see 1998 Index to Legislation of Western Australia, Table 4, p. 6.]*

**3. Rule 2 amended**

Rule 2(1) is amended by deleting “has the meaning that it has in the *Family Court Act 1975*” and inserting instead —

“

means the Principal Registrar, a Registrar, or a Deputy Registrar of the Court

”.

**4. Rule 5 amended**

Rule 5(2)(c) is amended by inserting after “Schedule 1” —

“

and does not have a cover sheet headed in the form of Form 1 of Schedule 1 and upon which cover sheet appears a short description of the document (including, in the case of an affidavit, the name of the deponent and the date of swearing) and the name, address and telephone number of the solicitor (if any) filing, delivering, or serving the document or, if the person on whose behalf the document is filed, delivered, or served is not represented by a solicitor, the name, address for service and telephone number (if any) of that person.

”.

**5. Rule 11 amended**

Rule 11 is amended by inserting after “order” —

“

, other than an application for an adoption order under section 78A(1),

”.

**6. Rule 11A inserted**

After rule 11 the following rule is inserted —

“

**11A. Form of applications for adoption orders under section 78A**

An application for an adoption order under section 78A of the Act is to be in the form of Form 4A of Schedule 1.

”.

**7. Rule 12 amended**

Rule 12(1) is amended as follows:

- (a) after paragraph (a)(ii) by deleting “and”;
- (b) after paragraph (a)(iii) by inserting —

“

and

- (iv) in the case of an application for an adoption order under section 78A, that there also has been compliance with section 78A(2)(a) to (e) of the Act;

”.

**8. Rules 12A to 12C inserted**

After rule 12 the following rules are inserted —

“

**12A. Form of application under section 136B**

An application for an order under section 136B of the Act is to be in the form of Form 4B of Schedule 1.

**12B. Form of application under section 136F**

An application for a declaration under section 136F of the Act is to be in the form of Form 4C of Schedule 1.

**12C. Evidence in support of applications under section 136B or 136F**

A reference in rules 13, 14 and 15 to an application is a reference to an application under a provision of the Act referred to in the Table to this rule.

**Table**

<b>Provision</b>	<b>Description of application</b>
section 136 B	to terminate relationship of child and parent in relation to a simple adoption
section 136 F	to refuse to recognise an adoption or a decision to convert a simple adoption

”.

**9. Rule 32 amended**

Rule 32 is amended as follows:

- (c) after paragraph (a) by deleting “and”;
- (d) after paragraph (b) by deleting the full stop and inserting —

“

; and

- (c) a copy of the orders made in relation to each application made under section 136B or 136F of the Act.

”.

**10. Schedule 1 amended**

Form 4 in Schedule 1 is deleted and the following forms are inserted instead —

“

**FORM 4 — APPLICATION FOR ADOPTION ORDER**

[Rule 11]

**Application for an adoption order**

I/We .....

.....

.....

[State full name, address and occupation of each prospective adoptive parent]

apply to adopt.....

.....

.....

[State full name by which prospective adoptee is known and the date and place of birth of the prospective adoptee]

a child from [insert the name of the Convention country], a Convention country, who is to live in Western Australia. [include if applicable]

In the event that an adoption order is made, I/we apply for the Court to declare that the adoptee be known by the name.....

.....

DATED this            day of            .

.....  
SIGNATURE/S of applicant/s

[\*Note that if the application for the adoption order is in relation to a child, a written memorandum of the provisions of the adoption plan in relation to the child is to be filed with the application unless an application will be made for the Court to dispense with the requirement for the adoption plan: section 62 of the Act.]

**FORM 4A — APPLICATION FOR ADOPTION ORDER UNDER SECTION 78A OF THE ADOPTION ACT 1994**

[Rule 11A]

**Application for an adoption order of child who is to live in a Convention country**

I/We .....

.....

.....

[State full name, address and occupation of each prospective adoptive parent]

apply to adopt.....

.....  
.....

[State full name by which prospective adoptee is known and the sex and date and place of birth of the prospective adoptee]

an Australian child who is to live in [insert the name of the Convention country], a Convention country.

In the event that an adoption order is made, I/we apply for the Court to declare that the adoptee be known by the name.....

.....

DATED this                    day of                    .

.....  
SIGNATURE/S of applicant/s

[Note that a written memorandum of the provisions of the adoption plan in relation to the child is to be filed with the application unless an application will be made for the Court to dispense with the requirement for the adoption plan: section 62 of the Act.]



**FORM 4B — APPLICATION FOR ORDER**

[Rule 12A]

**Application for an order terminating the legal relationship of child and parent in relation to a simple adoption**

I/We .....  
.....  
.....

[State full name, address and occupation of each applicant]

apply, under section 136B of the Adoption Act 1994, for an order terminating the relationship between .....

.....  
.....

[State the full name of the pre-adoptive father and the full name and maiden name of the pre-adoptive mother]

and .....  
.....  
.....

[State the full name, sex, and date and place of birth of the child]

DATED this                    day of                    .

.....  
SIGNATURE/S of applicant/s

FORM 4C — APPLICATION FOR A DECLARATION

[Rule 12B]

Application for a declaration under section 136F of the Adoption Act 1994

I.....  
.....  
.....

[State full name and address of the State Central Authority]

,the State Central Authority, apply, under section 136F of the Adoption Act 1994, for a declaration by the Court that the adoption of\*/decision made in accordance with Article 27 of the Hague Convention in relation to\*[whichever is applicable].....  
.....  
.....

[State the full name, sex, date and place of birth of the child]

is not recognised.

DATED this                    day of                    .

.....  
SIGNATURE/S of applicant/s

\_\_\_\_\_”.

Dated 10<sup>th</sup> March 2000.

Signed—

MICHAEL HENRY HOLDEN,  
NICHOLAS TOLCON,  
CAROLYN ELVINA MARTIN,  
JOHN GERARD BARLOW,  
JULIENNE PENNY.

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**LOCAL GOVERNMENT**

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LG301\*

**LOCAL GOVERNMENT ACT 1995**

*Shire of Denmark*

Shire of Denmark (Beaches and Reserves) Local Laws

Under the powers conferred upon it by the Local Government Act 1995 and by all other powers, the Council of the Shire of Denmark resolved to make the following local law on the 22<sup>nd</sup> day of February 2000.

The Shire of Denmark (Beaches and Reserves) Local Laws published in the *Government Gazette* on 25 June 1997 and as amended by publication in the *Government Gazette* on 27<sup>th</sup> February 1998, are hereby amended in the following manner—

In Clause 2—after the word Denmark in line two of the definition of Authorised Person, add, “or any other person”

In Clause 7—insert the following as paragraphs as (ae) and (af)

- “(ae) conduct an event or activity, for public entertainment or otherwise if it—
- (a) involves the display or performance of—
- (i) lions, tigers, leopards, other great cats, elephants, bears, giraffes, monkeys or apes; or
- (ii) any other type of animal which, in the opinion of the Council, is either dangerous or wild by nature.
- (af) erect political/election campaign signs on public land.”

Dated this 21<sup>st</sup> day of March 2000.

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

COLLEEN DONNELLY, President.

PASCOE DURTANOVICH, Chief Executive Officer.

**LG302\***

**CEMETERIES ACT 1986**

*Shire of Denmark*

Local Laws Relating to Denmark Cemetery (Reserve 11655)

Under the powers conferred upon it by the Cemeteries Act 1986 and by all other powers, the Council of the Shire of Denmark resolved to make the following local law on the 22<sup>nd</sup> day of February 2000.

The Shire of Denmark Local Laws Relating to Denmark Cemetery (Reserve 11655) published in the *Government Gazette* on 25 June 1997 are hereby amended in the following manner—

1. Insert after clause 5—
 

“5A. On any plan of the cemetery, the cemetery is not to be divided into sections, nor rights of burial granted, according to religious affiliation.”
2. Delete clause 25 and substitute the following—
 

“25. The Council may refuse an application for a single funeral permit if, in the opinion of the Council either—

  - (a) the coffin; or
  - (b) the vehicle to be used to transport the dead body to the gravesite; is not structurally sound or is otherwise inadequate or inappropriate;

or

on any other grounds.

25A. A person shall not conduct a funeral under a single funeral permit issued under clause 23 in a manner which is likely to offend the propriety of any person.”
3. Insert after clause 48—
 

“48A. A person may plant a tree of a variety authorised by the Council, in a section of the cemetery set aside for the purpose, in remembrance, subject to the approval of the CEO.

48B. A tree planted in a section of the cemetery in accordance with clause 48A is not to be marked with a nameplate or other form of identification.”

Dated this 21<sup>st</sup> day of March 2000.

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

COLLEEN DONNELLY, President.

PASCOE DURTANOVICH, Chief Executive Officer.

**LG303\*****LOCAL GOVERNMENT ACT 1995**

Shire of Denmark (Local Government Act Miscellaneous) Local Laws

Under the powers conferred upon it by the Local Government Act 1995 and by all other powers, the Council of the Shire of Denmark resolved to make the following local law on the 22<sup>nd</sup> day of February 2000.

The Shire of Denmark (Local Government Act Miscellaneous) Local Laws published in the *Government Gazette* on 25 June 1997, are hereby amended in the following manner—

## Part VIII—Parking

In clause 8.1—Definitions insert—

“‘commercial vehicle’ means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

‘Loading Zone’ means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked ‘Loading Zone’;”

In clause 8.6—Parking Conduct insert—

“(7) In a Loading Zone a person shall not—

- (a) park a vehicle other than a commercial vehicle which is being loaded or unloaded with goods,
- or
- (b) park a commercial vehicle which is being loaded or unloaded with goods for more than 30 minutes.”

Dated this 21st day of March 2000.

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

COLLEEN DONNELLY, President.

PASCOE DURTANOVICH, Chief Executive Officer.

**LG304\*****DOG ACT 1976**

*Shire of Denmark*

Local Laws Relating to Dogs

Under the powers conferred upon it by the Dog Act 1976 and by all other powers, the Council of the Shire of Denmark resolved to make the following local law on the 22<sup>nd</sup> day of February 2000.

The Shire of Denmark Local Laws Relating to Dogs published in the *Government Gazette* on 28 September 1990 and as amended by publication in the *Government Gazette* on 25 June 1997, are hereby amended in the following manner—

## 1. In Clause 16—

Delete—

“That portion of Ocean Beach extending 120 metres south and 200 metres north of a prolongation of the south wall of the Denmark Surf Life Saving Club clubrooms and extending 80 metres westwards and parallel to the low water mark.”

and substitute—

- “(A) Portion of reserves 20578 and 24596—total grassed area surrounding Prawn Rock Channel (both sides of Channel) proceeding from the most southern pontoon bridge to a distance of 120 metres south of the Denmark Surf Life Saving Club clubrooms.
- (B) Berridge Park—Reserve 14376—total grassed area.
- (C) Thornton Park—Reserve 19912 and 15700—total grassed area.”



2. Delete Clause 17 and include a new Clause 17 as follows—  
 “The owner or person liable for the control of the dog, may exercise the dog free of restraint on the following Reserves and Beaches—
- (A) Reserve 24913—Portion from the National Park of William Bay to the end of Back Beach to the south (high water mark).
  - (B) Reserve 20578—From the first pontoon bridge, all of the sand area to the south, except for grassed area around Prawn Rock Channel which is DOG FREE.
  - (C) Reserve 15513—Portion of Reserve on corner of Barnett & Hollings Road known as “Old Hockey Oval” (total grassed area).
  - (D) Reserve 22248 bounded by Inlet Drive and Crowea Road.”

Dated this 21st day of March 2000.

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

COLLEEN DONNELLY, President.

PASCOE DURTANOVICH, Chief Executive Officer.

**LG305\***

**LOCAL GOVERNMENT ACT 1995**

*Shire of Denmark*

Shire of Denmark Local Laws Relating to Standing Orders

Under the powers conferred upon it by the Local Government Act 1995 and by all other powers, the Council of the Shire of Denmark resolved to make the following local law on the 22<sup>nd</sup> day of February 2000.

The Shire of Denmark Local Laws Relating to Standing Orders published in the *Government Gazette* on 25 June 1997 are hereby amended in the following manner –

In Clause 2—after the word Denmark in line two of the definition of Authorised Person, add, “or any other person”

Delete subclauses 5.1 to 5.3 inclusive and substitute the following—

“5.1 Ordinary Meetings—When Held.

5.1.1 The Council shall resolve at the first meeting held after each ordinary elections day—

- (a) the day or days in each month when an ordinary meeting is to be held;
- (b) the hours during which an ordinary meeting is to be held; and
- (c) the place at which each ordinary meeting is to be held.

5.1.2 If the business of an ordinary meeting is not completed within the time specified in subclause 5.1.1 (b), the Council is to resolve –

- (a) that unresolved business be adjourned until a later time on the same day or to any other day; or
- (b) that the meeting be continued, to determine all unresolved business; or
- (c) that the meeting be continued, to determine specified unresolved business, after which the meeting do adjourn until a later time on the same day or any other day.

5.2 Order of Business

5.2.1 Subject to sub clauses 5.2.2 and 5.2.3, unless otherwise decided by the council the order of business at any ordinary meeting of the council is to be as follows—

- (a) Declaration of opening/announcement of visitors
- (b) Record of attendance/apologies/leave of absence (previously approved)
- (c) Response to previous public questions taken on notice
- (d) Public question time
- (e) Applications for leave of absence
- (f) Petitions and deputations
- (g) Confirmation of minutes of previous meeting
- (h) Announcements by the person presiding without discussion
- (i) Identification of matters for which meeting to be closed
- (j) Reports

- (k) Motions of which previous notice has been given
  - (l) Questions by members of which due notice has been given
  - (m) New business of an urgent nature
  - (n) Matters behind closed doors
  - (o) Informal discussion (30 minutes)—operational and forward planning matters
  - (p) Closure
- 5.2.2 In addition to the public question time to be held under section 5.24 of the Act, a second public question time is to be held at each ordinary meeting of the council at a time deemed by the council to be convenient to members of the public and local public notice of public question times is to be given at least once each year.
- 5.2.3 At an ordinary meeting of the council at the time appointed for the holding of the second public question time under sub clause 5.2.2, the business of the meeting is automatically suspended to enable the public question time to be held.
- 5.3 The Nature of and Procedure for Transacting Certain Business
- 5.3.1 During a public question time held under sub clauses 5.2.1(d), and 5.2.2—
- (a) a member of the public who raises a question is to state his or her name and address;
  - (b) a question may be taken on notice for later response;
  - (c) when a question is taken on notice under paragraph (b) a response is to be given to the member of the public in writing by the Chief Executive Officer, and a copy is to be included in the agenda of the next ordinary meeting;
  - (d) the procedures and time allocation provided under section 5.24(2) of the Act apply.
- 5.3.2 When dealing with business named in sub clause 5.2.1(i), for the convenience of members of the public, the council may identify any matter on the agenda to be discussed behind closed doors, and that matter is to be deferred for consideration under sub clause 5.2.1(n).
- 5.3.3 When dealing with business named in sub clause 5.2.1(m) matters of extreme urgency or other special circumstance only, may with the consent of the President, or by decision of a majority of councillors present, be introduced and decided at the meeting.
- 5.3.4 During informal discussion held under sub clause 5.2.1(o)—
- (a) the Standing Orders shall not apply;
  - (b) no decisions are to be made; and
  - (c) topics discussed only are to be reported in the minutes.”

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Dated this 21st day of March 2000.

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

COLLEEN DONNELLY, President.

PASCOE DURTANOVICH, Chief Executive Officer.

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**LG306**

**DOG ACT 1976**

*City of Melville*

Local Law Relating to Dogs

In pursuance of the powers conferred upon it by the Dog Act 1976, the Council hereby records having resolved on 15 February 2000 to make the following amendment.

1. In this Local Law, the Local Law relating to dogs, gazetted on 26 October 1990, is the principal Local Law.
2. In the Third Schedule—areas on which dogs are prohibited totally, insert—  
“7. Oz Park, corner Aurelian and Justinian Streets, Palmyra.”

Dated this 21<sup>st</sup> day of February 2000.

The Common Seal of the City of Melville was herunto affixed in the presence of—

KATIE MAIR, Mayor.

JOHN McNALLY, Chief Executive Officer.

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**LG307**

**LOCAL GOVERNMENT ACT 1995**

*City of Melville*

Local Law Relating to the Payment of Rates

Repeal of Local Law Relating to the Payment of Rates

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the above municipality hereby records having resolved on 15 February 2000 to repeal the following Local Law—

“Local Law relating to the payment of rates published in the *Government Gazette* 24 June 1994”.

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Dated this 21<sup>st</sup> day of February 2000.

The Common Seal of the City of Melville was herunto affixed in the presence of—

KATIE MAIR, Mayor.

JOHN McNALLY, Chief Executive Officer.

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## — PART 2 —

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### EDUCATION

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**ED401****PUBLIC EDUCATION ENDOWMENT ACT 1981**Office of the Minister for Education,  
Perth, 1999.

His Excellency the Governor in Executive Council, acting under the provisions of section 2 of the Public Education Endowment Act 1981, has been pleased to approve the appointment of Mrs Meredyth Crossing as a Trustee of the Public Education Endowment Trust for a term expiring on 21 November 2000.

COLIN BARNETT, Minister for Education.  
M. C. WAUCHOPE, Clerk of the Council.

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### HERITAGE COUNCIL

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**HR401****HERITAGE OF WESTERN AUSTRALIA ACT 1990**

## PROPOSED CONSERVATION ORDER

The Heritage Council of Western Australia gives notice that it is proposed that a Conservation Order be made in relation to the place located at 408 Great Eastern Highway, Midland, pursuant to section 59(4) of the Heritage of Western Australia Act 1990.

Submissions in relation to the proposed Conservation Order, the substantial terms of which are set out in Schedule 1, are invited from interested persons. Submissions must be in writing and must be forwarded to the following address—

The Director, Heritage Council of Western Australia  
108 Adelaide Terrace, East Perth, WA 6004.

Submissions must be received by 4.00pm on Tuesday, 7 April 2000.

Schedule 1

## PROPOSED CONSERVATION ORDER

Midland Inn

408 Great Eastern Highway, Midland

Whereas—

In my opinion it is necessary and desirable to provide special protection in respect of Lot 102 and part of Lot 104 on Plan 3052 (sheet 1), being part of the land comprised in Certificate of Title Volume 1559 Folio 844 and situated at 408 Great Eastern Highway, Midland together with the building thereon known as the Midland Inn ("the place")

now pursuant to section 59(4) of the Heritage of Western Australia Act 1990 (the Act), I, Graham Kierath, Minister for Heritage, Hereby Prohibit the demolition, damage or alteration of the place or any portion of the place, or any building or structure on the place.

GRAHAM KIERATH, Minister for Heritage.

IAN BAXTER, Director, Heritage Council of Western Australia.

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### LAND ADMINISTRATION

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**LA401**

## FORFEITURES

Department of Land Administration.

The following Licences together with all rights, title and interest therein have this day been forfeited to the Crown under the Land Act 1933 for the reasons stated.

A. A. SKINNER, Chief Executive Officer.

Date: 16 March 2000.

Name	Licence	District	Reason	Corres. Number	Plan
James, David Edward	345B/2672	Beverley Lot 394	Non compliance with conditions	2677/1995	BH34(2) 36.08
Della, Myrtle	14894/47	Boulder Lot 1796	Non payment of fees	8759/1904	CF37(2) 31.33
Seeber, Mena	345B/2484	Greenbushes Lot 381	Non compliance with conditions	3837/1989	BG29(2) 26.15
Ifould, Donna Marie and Ifould, Dorothy Winifred	345B/3263	Ravensthorpe Lot 815	Non compliance with conditions	2023/1982	CD29(2) 29.40
Syme, Richard Atkinson and Syme, Patricia Anne	345B/3209	Collie Lot 2791	Non compliance with conditions	2337/1991	BG30(2) 30.31
Taylor, John Dimitra	345B/3112	Kirup Lot 118	Non compliance with conditions	3144/1964	Kirup Townsite
Flanagan, Chris Irwin	345B/3420	Boyup Brook Lot 265	Non payment of purchase monies	8759/1904	BH29(2) 5.17

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## LOCAL GOVERNMENT

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**LG401**

SHIRE OF KOORDA  
Authorised Officers

It is hereby notified for public information that the persons listed hereunder have been appointed by Council as officers to enforce the provisions of the following—

## (1) Authorised Officers—

- Local Government Act 1995
- Litter Act 1979
- Control Off Road Vehicles Act 1978
- Dog Act 1976
- Bush Fires Act 1954
- Caravan Park and Camping Act 1995
- All Council Local Laws
- \* Graeme McDonald
- \* Linda Longmuir
- \* Allan Hicks
- \* John Lucas
- \* Leon Gyenes

## (2) Registration Officers—

- Dog Act 1976
- \* Tami Dew
- \* Jill Green
- \* Linda Longmuir
- \* Lois Green

All previous appointments, other than those pertaining to the Bush Fires Act 1954, are hereby cancelled.

GRAEME McDONALD, Chief Executive Officer.

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**PLANNING**


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**PD401\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME  
*Shire of Corrigin*  
 TOWN PLANNING SCHEME No. 2  
 (DISTRICT ZONING SCHEME)

Ref: 853/4/8/3.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended) that the Hon Minister for Planning approved the Shire of Corrigin Town Planning Scheme No. 2 on 22 February 2000—the Scheme Text of which is published as a Schedule annexed hereto.

D. P. ABE, Mayor.  
 B. W. MEAD, Chief Executive Officer.

Schedule  
**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
*Shire of Corrigin*  
 TOWN PLANNING SCHEME No. 2  
 Scheme Text  
 CONTENTS

## PART 1—PRELIMINARY

- 1.1 Citation
- 1.2 Responsible Authority
- 1.3 Scheme Area
- 1.4 Contents of Scheme
- 1.5 Arrangement of Scheme Text
- 1.6 Scheme Objectives
- 1.7 Revocation of Existing Scheme
- 1.8 Interpretation
- 1.9 Relationship of Scheme to Bylaws

## PART II—RESERVES

- 2.1 Scheme Reserves
- 2.2 Development on Reserved Land
- 2.3 Matters to be considered by Council
- 2.4 Existing Use Rights on Reserved Land
- 2.5 Compensation

## PART III—ZONES

- 3.1 Zones
- 3.2 Zoning Table
- 3.3 Special Use Zone
- 3.4 Additional Use
- 3.5 Zone Objectives

## PART IV—NON CONFORMING USES

- 4.1 Non-Conforming Use Rights
- 4.2 Extension of Non-Conforming Use
- 4.3 Change of Non-Conforming Use
- 4.4 Discontinuance of Non-Conforming Use
- 4.5 Destruction of Buildings

## PART V—GENERAL DEVELOPMENT REQUIREMENTS

- 5.1 Residential Planning Codes
- 5.2 Special Application of Residential Planning Codes
- 5.3 Development Table
- 5.4 Discretion to Modify Development Standards
- 5.5 Development of Land without Constructed Dedicated Road Frontage or Access
- 5.6 General Provisions
  - 5.6.1 Waste Disposal and Untidy Sites
  - 5.6.2 Land Liable to Flooding
  - 5.6.3 Access for loading and unloading Vehicles
  - 5.6.4 Traffic Entrances
  - 5.6.5 Car Parking Requirements
  - 5.6.6 Landscaping Requirements
  - 5.6.7 Development of lots with more than one Street Frontage
  - 5.6.8 Building Envelopes
  - 5.6.9 Visual Truncation—Corner Lots and Vehicle Access Ways

- 5.6.10 Use of Residential Zoned land between the Street Reserve Boundary and any Building Setback line
- 5.6.11 Home Occupation/Cottage Industries
- 5.6.12 Outbuilding—Setbacks, Size and Construction Types
- 5.6.13 Appearance of Buildings and Secondhand Buildings
- 5.6.14 Building Height and Privacy

#### PART VI—USE AND DEVELOPMENT OF LAND

- 6.1 Requirement for Planning Approval
- 6.2 Applications for Planning Approval
- 6.3 Advertising of Applications
- 6.4 Consultations with other Authorities
- 6.5 Matters to be considered by Council
- 6.6 Determination of applications
- 6.7 Deemed Refusal
- 6.8 Approval subject to later Approval of Details
- 6.9 Approval of Existing Developments

#### PART VII—SPECIAL CONTROLS

- 7.1 Heritage—Precincts and Places of Cultural Significance
- 7.2 Control of Advertisements
- 7.3 Planning Policies
- 7.4 General Policy Statements
- 7.5 Flora Preservation and Planting

#### PART VIII—ADMINISTRATION

- 8.1 Powers of the Scheme
- 8.2 Offences
- 8.3 Notice for Removal of certain Buildings
- 8.4 Claims for Compensation
- 8.5 Election to Purchase and Valuation
- 8.6 Arbitration
- 8.7 Appeals
- 8.8 Delegation
- 8.9 Amendments to the Scheme

#### SCHEDULES

- No. 1 Interpretations
- No. 2 Zoning Table
- No. 3 Special Use Zones
- No. 4 Zone/Use—Development Tables—General
- No. 5 Additional Uses
- No. 6 Minimum Car Parking Layout and Visual Truncation Specifications
- No. 7 Use of Setback Areas in Zones other than Residential
- No. 8 Application for Planning Approval
- No. 9 Notice of Public Advertisement of Development Proposal
- No. 10 Notice of Decision on Application for Planning Approval
- No. 11 Control of Advertisements

#### SHIRE OF CORRIGIN

#### TOWN PLANNING SCHEME No. 2

#### (District Zoning Scheme)

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

#### PART I—PRELIMINARY

##### 1.1 Citation

This Town Planning Scheme may be cited as the Shire of Corrigin Scheme No. 2 hereinafter called 'The Scheme' and shall come into operation on the publication of the Scheme in the *Government Gazette*.

##### 1.2 Responsible Authority

The authority responsible for implementing the Scheme is the Council of the Shire of Corrigin hereinafter called 'The Council'.

##### 1.3 Scheme Area

The Scheme applies to the whole of the land within the boundaries of the Shire of Corrigin.

##### 1.4 Contents of Scheme

The Scheme Comprises—

- (a) This Scheme Text
- (b) The Scheme Maps (Sheets 1 and 2)

### **1.5 Arrangements of Scheme Text**

Part I—Preliminary

Part II—Reserves

Part III—Zones

Part IV—Non-Conforming Uses

Part V—General Development Requirements

Part VI—Use and Development of Land

Part VII—Special Controls

Part VIII—Administration

The Scheme is supported by the Data contained in the Scheme Report although this is not included as a Statutory Scheme document.

### **1.6 Scheme Objectives**

The general objectives of the Scheme are—

- (a) To zone the Scheme Area for the purposes described in the Scheme.
- (b) To formulate development control provisions and adopt policies to enable Council to realistically and responsibly manage development and the environment throughout the Urban and Rural Sectors of the Shire
- (c) To secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof.
- (d) To preserve, protect and enhance the Corrigin Urban Townscape, buildings, places and objects of Heritage Value.
- (e) To make provision as to the nature and location of buildings and the size of lots when used for certain purposes.
- (f) To make provision for other matters necessary and incidental to town planning and development in general.
- (g) To assist the implementation of the State Planning Strategy and other relevant regional policies.

### **1.7 Revocation of Existing Scheme**

The Shire of Corrigin Town Planning Scheme No. 1, which came into operation by publication in the *Government Gazette* on the 18 January 1963, and all amendments thereto, is hereby revoked.

### **1.8 Interpretation**

1.8.1 Except as provided in Clause 1.8.3, the words and expressions of the Scheme have the normal and common meaning.

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

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

### **1.9 Relationship of Scheme to By-Laws**

The provisions of this Scheme shall have effect, notwithstanding any By-Law for the time being in force in the Scheme Area, and where the provisions of the Scheme are inconsistent with the provisions of any By-law, the provisions of the Scheme shall prevail.

## **PART II—RESERVES**

### **2.1 Scheme Reserves**

The land shown as Scheme Reserves on the Scheme maps, hereinafter called 'Reserves' are lands reserved under the Scheme for the purposes shown on the Scheme maps.

There are four (4) categories of Reserves, as listed hereunder—

- \* Parks and Recreation
- \* Conservation
- \* Public Use
- \* Communications—Major Roads/Railways

### **2.2 Development on Reserved Land**

Except as otherwise provided in this Part, a person shall not carry out any development on land reserved under this Scheme, other than the erection of a boundary fence, without first applying for and obtaining the planning approval of Council. Reservations located throughout the Shire which are zoned Rural under this Scheme shall be used only for the purpose for which they are reserved or vested.

### **2.3 Matters to be Considered By Council**

Where an application for planning approval is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the Reserve and the Council shall in the case of land reserved for the purpose of a Public Authority, confer with that Authority prior to making its decision on the application.



#### **2.4 Existing Use Rights on Reserved Land**

No provision of this Part shall prevent the continued use of land for the use for which it was being lawfully used immediately prior to the Scheme having the force of law, or the repair and maintenance of buildings or works lawfully existing on the land.

#### **2.5 Compensation**

2.5.1 Except as otherwise provided, the time limit for the making of claims for compensation for injurious affection pursuant to Section 11 of the Act resultant from the making of, or the making of an amendment to, the Scheme is six (6) months from the date of publication of the Scheme or the Scheme Amendment in the *Government Gazette*.

2.5.2 Where, in respect of any application for planning approval to commence and carry out development on land reserved under this Scheme, the Council, or any appellate body thereafter, refuses or grants approval subject to conditions such that the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose, the owner of the land may, within six (6) months of the date of the relevant decision, claim compensation from the Council for injurious affection.

### **PART III—ZONES**

#### **3.1 Zones**

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

- \* Residential
- \* Town Centre
- \* Industrial
- \* Rural
- \* Rural Residential
- \* Special Use

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

3.1.3 The purpose and intent of the various zones are—

- (a) RESIDENTIAL ZONE—to contain land primarily for low density (single) residential and associated uses, with attached and group dwelling and selected non-residential uses only permitted with the planning approval of Council, in accordance with the provisions of the Scheme.
- (b) TOWN CENTRE ZONE—to contain land for the civic, service, retail, office and entertainment uses in the Towns.
- (c) INDUSTRIAL ZONE—to contain land for the industrial uses in the Towns.
- (d) RURAL ZONE—to provide and protect land for a wide range of rural activity and selected non-rural uses with the planning approval of Council, in accordance with the provisions of the Scheme.
- (e) RURAL RESIDENTIAL—to contain land for rural smallholdings and low density residential living in a rural environment, in close proximity to the Towns and the services which they provide.
- (f) SPECIAL ZONE USE—to provide for uses of a specific nature in particular locations throughout the Shire.

#### **3.2 Zoning Table**

3.2.1 The Zoning Table contained in Schedule No. 2 of this Scheme indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme Area in the various zones, such uses being determined by cross reference between the list of Use and Development Classes and the list of Zones.

3.2.2 The symbols used in the cross reference in the zoning table have the following meanings—

- 'P'—means that the use is permitted (provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning approval);
- 'AA'— means that the use is not permitted unless the Council has granted planning approval
- 'SA'—means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 6.2
- 'IP'—means that the use is not permitted unless incidental to the predominant use as decided and approved by Council;
- 'X'—means the use is not permitted.

3.2.3 Where, in the zoning table a particular use or development is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use.

3.2.4 If the use or development of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may—

- (a) Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted, or
- (b) Determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.3 in considering an application for planning approval.

### **3.3 Special Use Zone**

No person shall use land or any building or structure thereon in a Special Use Zone, except for the purpose set against that land in Schedule No. 3 and subject to compliance with any conditions specified in the Schedule with respect to the land.

### **3.4 Additional Use**

3.4.1 The portions of the Scheme Area specified in Schedule No. 5 are the subject of an Additional Use.

3.4.2 Notwithstanding that land the subject of an Additional Use is within a zone, the land or any building thereon may be used for the purpose set against that land in Schedule No. 5 in addition to the other uses permitted in the zone in which the land is situated, unless any of these uses is excluded or modified by a condition specified in Schedule No. 5. The use of the land is also subject to any other conditions considered appropriate by the Council and stated in Schedule No. 5.

### **3.5 Zone Objectives**

#### **3.5.1 Residential Zone**

In controlling the use of land within the Residential Zone, Councils objectives are—

- (a) That the Zone be predominantly residential in use.
- (b) That any non-residential uses permitted under the provisions of the Scheme, shall be of service to, compatible in character with and of a scale and operation which is not detrimental to the predominant residential use.
- (c) That any non-residential use which Council may at its discretion permit in the Residential Zone, shall not detract from the amenity of the area or adversely affect the lifestyle expected in a predominantly residential environment.
- (d) That all residential development within the zone, shall be of a standard that does not adversely affect the overall amenity of other residential development in the zone.

#### **3.5.2 Town Centre Zone**

In controlling development within the Town Centre Zone, Councils objectives are—

- (a) To encourage development of a high visual, functional and environmental standard, serving both Town and Rural residents and the development of new buildings and or the modification/restoration of existing buildings, in a manner which is compatible with the existing or planned streetscape, in terms of scale, height, design, building materials, location and visual facade appearance.
- (b) To promote convenient and safe shopping facilities and relate these to the wide variety of civic, service, business, entertainment and social functions of the Town Centre.
- (c) To encourage the wide range of compatible uses within a compact/accessible Town Centre which are necessary to promote this as a vibrant functional sector in the everyday life of the community it services.
- (d) To provide for safe pedestrian movement and the safe and efficient flow of traffic and the adequate provision of car parking facilities.

#### **3.5.3 Industrial Zone**

In controlling development within the Industrial Zone, Councils objectives are to—

- (a) Encourage the consolidation and improvement of industrial development into an area which has been appropriately located and serviced for that purpose.
- (b) Protect the amenity of zones abutting the industrial zone via the establishment of landscaped buffers and the imposition of landscape and setback land use conditions on any planning approval issued for industrial development, in conformity with the provisions of Schedule No. 7.
- (c) Ensure that no person erects a building in this zone, unless the facade of the building is constructed of and/or clad in a building material, to a design and specification approved by Council.

#### **3.5.4 Rural Zone**

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

- (a) To ensure that a right of vehicular access unfettered as to time place and circumstance exists to any land which is the subject of any application for planning approval.
- (b) To ensure the preservation of the rural character and rural appearance of land within the zone.
- (c) To protect the economic viability of rural zoned land via support only for subdivision or resubdivision which enables the retention or promotion of lot or location sizes, which relate to the general farming activity in any particular locality of the Shire.
- (d) To preserve and protect the natural undeveloped land areas throughout the zone and to provide for the planting of trees and other suitable vegetation via the imposition of conditions on any planning approval issued, in order to assist in balancing the greenhouse effect, provide shade, prevent erosion, reduce salinity and provide habitats for native fauna.
- (e) To ensure that Natural drainage patterns/catchments throughout the Shire are paid regard to, via the appropriate location of man-made drainage/contour bank networks which will require the planning approval of Council prior to construction.
- (f) The construction of no more than one single dwelling house on any lot or location, unless Council grants its planning approval for additional Farm Manager or Employee accommodation.

### 3.5.5 Rural Residential Zone

In controlling development within the Rural Residential Zone, Councils objectives are—

- (a) To provide for 'rural' small holdings and a low density residential living environment in close proximity to the Corrigin Urban area.
- (b) To enable persons to work on the land on which they reside, provided the location of any development proposed pays regard to the overall amenity of the zone and the land use proposed is not of an Industrial nature.
- (c) To ensure that all lots with an area of less than 2ha shall be connected to a reticulated scheme water supply and that where no reticulated scheme water supply is available, lots with a minimum area of 2ha will be recommended provided they have a potable water supply agreed to by the Shire.
- (d) To ensure that no development will be granted planning approval on any lot within the zone, unless a single dwelling exists on the lot, or is to be constructed as the first stage of the development proposal, in a location no closer than 10 metres to any lot frontage, 10 metres to any rear boundary or 5 metres to any side boundary.
- (e) To ensure that all buildings to be constructed on any lot will be of a material approved by Council and all roof and where approved, wall cladding will be finished in non-reflective material (ie colourbond).
- (f) To ensure that all fencing proposed on any lot is to be of material and located in a position approved by Council.
- (g) To ensure that no person shall erect or cause to be erected any building excluding a single residence nearer than 20 metres to the front street boundary, 10 metres to the rear boundary and 5 metres to any side boundary of a lot.
- (h) To ensure that in the case where a lot has more than one street frontage, Council discretion is used to consider the construction of buildings nearer to the street frontage nominated by Council, but not nearer than 10 metres to that street or streets.
- (i) To ensure that, where Council deems it necessary, all development and/or building on a specified lot, is located within a Building Envelope, which has an area no greater than 1000 square metres and which is located on the lot in a position approved by Council.  
Where a Building Envelope is described on a lot the criteria detailed in Clause 5.2.8 will apply.
- (j) To ensure that, no person shall use or permit to be used the land within either 20 metres from lot frontage and 10 metres as may be approved in (h) above, except for one or more of the following purposes—
  - (i) The construction of a single residence and associated outbuildings.
  - (ii) A means of access and or egress.
  - (iii) Landscaping.
  - (iv) If permission is granted by Council, in writing, advertising and trade display.
- (k) To ensure that all parking or loading and unloading of vehicles associated with any on-site activity other than those of a single residential nature, is to take place in the lot area contained behind the 20 metre building line from the lot frontage.
- (l) To ensure that no unsightly material or equipment, which could detract from the amenity of the area in general or adjoining properties in a particular, is to be stored on-site unless it is screened in a manner acceptable to Council.
- (m) To ensure via a condition of planning approval that the planting of a minimum of (20) twenty drought resistant native trees capable of growing to a height of at least 5 metres, is undertaken on each lot in a position agreed to by the Local Authority.
- (n) To ensure that any advertising sign proposed on a lot is only approved if it complies with the sign specifications as they relate to a Home Occupation activity as laid down in Schedule No. 1—Interpretations.

### 3.5.6 Special Use Zones

In controlling development within a Special Use Zone, notwithstanding any other provision of the Scheme, Council may at its discretion specify additional site requirements in regard to lot area, minimum effective frontage, development type and style, plot ratio, car parking, setbacks and any other provision affecting the development of a Special Use Zoned lot, for the purpose permitted under the provisions of the Scheme.

## PART IV—NON-CONFORMING USES

### 4.1 **Non-Conforming Use Rights**

Except as otherwise provided for in this part, no provision of the Scheme shall prevent—

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

### 4.2 **Extension of Non-Conforming Use**

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

### **4.3 Change of Non-Conforming Use**

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

### **4.4 Discontinuation of Non-Conforming Use**

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

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

### **4.5 Destruction of Buildings**

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

## **PART V—GENERAL DEVELOPMENT REQUIREMENTS**

### **5.1 Residential Planning Codes**

5.1.1 For the purpose of this Scheme, Residential Planning Codes' means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1 together with any amendments thereto.

5.1.2 A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.

5.1.3 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provision of those codes.

### **5.2 Special Application of Residential Planning Codes**

5.2.1 The Residential Planning Code density which applies to land zoned for residential use within the Scheme Area is R12.5. However, where the Council considers an application for approval for a grouped dwelling, the R20 density Code will apply subject to a sewerage service being available to the land. Where no sewerage is available, the R12.5 density Code will apply to any grouped dwelling development.

5.2.2 Notwithstanding the provisions of the Residential Planning Codes, a person shall not commence or carry out the development of any land for any purpose within the Residential Zone, unless in conformity with provisions of the Development Table contained in Schedule No. 4.

5.2.3 Notwithstanding the provisions of the Residential Planning Codes Ancillary Accommodation as defined in Section 2.3 of the Codes, has been replaced by the term Additional Accommodation Unit as defined in Schedule No. 1—Interpretation.

Council may approve an additional Accommodation Unit as per the provisions of the Zoning Table and provided the following requirements are satisfied—

- (a) the lot on which the Unit is proposed is to have an area not less than 800 square metres;
- (b) the total floor space of the Additional Accommodation Unit does not exceed 60 metres square in area;
- (c) the Additional Accommodation Unit contains no more than two habitable rooms; and
- (d) the Additional Accommodation unit will only be occupied by an aged, elderly or disabled person related to the persons occupying the remainder of the dwelling, or such other person as approved by Council by the issue of annual written permit.

5.2.4 The owner of any premises for which approval has been granted for use as an Additional Accommodation Unit shall notify the Council forthwith when the occupant for whom the approval was granted no longer permanently resides therein and the premises shall not then be re-occupied as an Additional Accommodation Unit without prior approval of the Council.

5.2.5 Notwithstanding the provisions of the Residential Planning Codes, the building setbacks are to apply, except that in the case of a corner lot, Council may permit a residence to have a setback to the minor street of no less than 3.75 m.

5.2.6 No commercial vehicle in excess of three (3) tonnes tare weight shall be permitted on any residential zoned lot without the planning approval of Council except for the purpose of delivering or loading normally associated with domestic residential uses and any such planning approval issued will be valid for a period of 12 months only and subject to renewal by Council for any additional periods of 12 months.

5.2.7 Notwithstanding the provisions of the Residential Planning Codes, the size and setbacks relating to outbuildings appurtenant to a residence shall be in conformity with the provisions of Schedule No. 4.

### **5.3 Development Table**

5.3.1 The development standards which apply to the various use of land shall be as specified in the tables entitled Development Table—General and Development Table—Outbuildings as contained in Schedule No. 4.

5.3.2 Subject to the provisions of the Scheme no person shall develop any land otherwise than in accordance with the provisions of the Tables specified in Schedule No. 4.

#### **5.4 Discretion to Modify Development Standards**

Except for development in respect of which the Residential Planning Codes apply under this Scheme, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that—

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

#### **5.5 Development of Land without Constructed/Dedicated Road Frontage or Access**

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

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

#### **5.6 General Provisions**

##### **5.6.1 Waste Disposal and Untidy Sites**

Land within the Scheme Area—

- (a) Shall not be used for the purpose of storage or the disposal of rubbish or industrial wastes (whether liquid or solid) without the written approval of Council.
- (b) Shall be maintained to a visual standard commensurate with that generally prevailing in the vicinity and Council may by written notice require the owner, occupier or lessee of any land to undertake such works as may be necessary to upgrade or restore the condition of the land to a standard acceptable to Council.

##### **5.6.2 Land Liable to Flooding**

In any zone laid down under the Scheme, Council may refuse to grant a planning approval or Building Licence Approval for any building or development located on land, which is considered by Council as being liable to flooding or inundation.

##### **5.6.3 Access for Loading and Unloading of Vehicles**

No person shall use a building for business or industry or for any purpose for which a licence has been granted under the Liquor Licencing Act 1988, unless there is provided a paved access-way for vehicles from a street to the rear of the building for the purpose of loading and unloading.

The access-way shall be so constructed that vehicles using it may return to a street in forward gear.

##### **5.6.4 Traffic Entrances**

- (a) The Council may refuse to permit more than one vehicular entrance or exit to or from any lot. The Council may require separate entrances and exits; or may require that entrances and exits be placed in positions nominated by it, if it considers such provision necessary to avoid or to reduce traffic hazards.
- (b) Access to a lot for vehicles shall not be permitted directly to or from major roads where access is available from side or rear streets.
- (c) Where access to a lot abutting a major road is available only from that road, parking, servicing and circulation areas within the lot shall be designed and constructed so as to allow unhindered movement within the lot and to enable vehicles to enter and leave the site in forward gear.
- (d) In the case of access to any road which is the responsibility of the Main Roads Department, that Department is to be consulted prior to the construction/modification or closure of any vehicular access to such road.

##### **5.6.5 Car Parking Requirements**

1. The minimum car parking spaces for particular uses are listed in Schedule No. 4.

Land and buildings shall not be used or developed—

- (a) For any use mentioned in Schedule No. 4 unless off street parking is provided in accordance with the requirements set out therein; or
- (b) For any use not mentioned in Schedule No. 4 unless off street parking is provided, as determined by Council.

2. All off street car parking spaces shall be—

- (a) Designed and laid out generally in accordance with the minimum specifications set out in Schedule No. 6;
- (b) Paved, marked, drained and maintained to the satisfaction of Council; and
- (c) Integrated with any existing adjoining car park.

3. Where an owner can demonstrate to the satisfaction of the Council that there is not the demand for the number of car parking spaces specified in the Schedule No. 4, landscaping may be provided in lieu of car parking spaces not constructed and the landscaping shall be included in calculations as car parking but not as landscaping.

4. In the Town Centre Zone where a developer can satisfy the Council that the minimum car parking requirements cannot be provided on the site, the Council may accept a cash payment in lieu of the provision of car parking spaces, but subject to the requirements of this clause—

- (a) A cash-in-lieu payment shall not be less than the estimated cost to the owner of providing and constructing the parking spaces required by the Scheme, plus the value estimated by the Valuer General, or by a licensed Valuer appointed by Council of that area of his land which would have been occupied by the parking spaces; and
- (b) Payments made under this clause shall be paid into a special fund to be used to provide public car parks and the Council may use this fund to provide public car parks anywhere in the immediate vicinity as and when required.

5. Council may approve an application for development where the number of car parking spaces proposed to be provided is less than the number required pursuant to the Scheme provided—

- (a) The applicant can demonstrate that other off street parking facilities are available to be shared with other land uses operating at different times and provided—
- (b) The Council is satisfied that no conflict will occur in the operation of land uses for which the joint use of parking facilities is proposed; and
- (c) Land owners who request sharing of parking facilities enter into a legal agreement for reciprocal rights of access to parking facilities.

#### 5.6.6 Landscaping Requirements

The minimum landscaping requirement detailed in Schedule No. 4 or referred to elsewhere in the Scheme means an open area designed, developed and maintained as garden planting and areas for pedestrian use. At the discretion of Council natural bushland, swimming pools and areas under covered ways may be included within the landscaping requirement, however garbage collection and handling spaces, and other open storage areas shall not be included. In considering the landscaping requirement of any application for planning approval, the following criteria shall apply—

- (a) Access driveways between a street alignment and any buildings may be included in the landscaping requirement but otherwise car parking areas and driveways shall not be included;
- (b) The Council may in a landscaped area restrict the use of concrete, gravel, pebble and similar hard materials and require in lieu thereof, the planting of drought resistant trees and shrubs of a type that require little maintenance;
- (c) Except where the provisions of the Scheme specify otherwise, a requirement of the landscaping of any development is that one native or locally acceptable tree capable of growing to a height of at least five metres shall be planted for every ten square metres of landscape area. Council may relax this requirement in the case of residential land use;
- (d) Landscaping required pursuant to this Scheme or pursuant to a conditional planning approval shall be carried out at the time of the development or at such other time as may be agreed in writing between the developer and the Council and shall thereafter be permanently maintained to the satisfaction of the Council; and
- (e) A landscaping strip with a minimum width of 2 metres shall be provided between car parking areas and adjoining street boundaries.

#### 5.6.7 Development of Lots with more than one Street Frontage

In the case of all zones except the Residential Zone, Council shall decide to which street frontage the street setback shall be applied and allow up to a 50 % reduction in the street frontage setback to the other street provided that adequate sight lines for traffic are maintained and the requirements of Clause 5.6.9 are complied with.

#### 5.6.8 Building Envelopes

- (a) Within any zone prescribed under the Scheme and notwithstanding any other provisions laid down under the Scheme, Council may, in specific instances require that all development on a lot is to only take place within a Building Envelope on that lot, which is located in a position approved by Council, after due regard is paid to the setback provisions of the Scheme and the geographical and physical criteria of the lot concerned.
- (b) Where a Building Envelope is designated on a lot, no clearing of flora shall be permitted outside the building envelope except for the following—
  - \* the removal of flora which is dead, diseased or dangerous.
  - \* the provision of a firebreak, which is located in a position approved by Council.
  - \* the provision of access to the Building Envelope, in a location approved by Council.
- (c) No building envelope is to have an area which is greater than 25% of the total lot area. Where that 25% is greater than 3000 m<sup>2</sup>, the maximum Building Envelope area permitted is 3000 m<sup>2</sup>.

#### 5.6.9 Visual Truncation-Corner Lots and Vehicular Access Ways

Except with the approval of the Council, no building, wall, fence or other form of visual obstruction greater than 0.75 metres in height, measured from the natural ground level at the boundary, shall be constructed or placed on a lot within a 15 metre truncation of a street corner as depicted in Schedule No. 6 or within a 3 metre by 1.5 metre truncation of a vehicular access way as depicted in Schedule No. 6.

#### 5.6.10 Use of Residential Zoned Land between a Street Reserve Boundary and any Building Setback Line

On Residential Zoned land, except as specified elsewhere in the Scheme or in the Residential Planning Codes, no person shall use the land between the street alignment and the front setback, otherwise than for—

- (a) gardens, landscaping and building associated with the same;
- (b) access driveways; and
- (c) the parking of any motor vehicle or caravan for periods of not more than eight (8) hours consecutively.

#### 5.6.11 Home Occupation /Cottage Industries

Council shall not permit a Home Occupation or Industry—Cottage as defined in Schedule No. 1—Interpretations unless planning approval is granted in accordance with Part VI of the Scheme.

- (a) Any planning approval issued for either of these activities will be valid for a period of 12 months only and any extension of the planning approval for a further period of 12 months must be the subject of a written application to Council for a renewal of the same.
- (b) Council's planning approval to carry on a Home Occupation or Cottage Industry shall apart from any specific conditions imposed by Council, be subject to the following general conditions—
  - (i) The planning approval shall be personal to the applicant and shall not be transferred to or assigned to any other person;
  - (ii) The planning approval shall be cancelled if there is a change in the occupier of the land in respect of which the planning approval was issued.
  - (iii) The person to whom the planning approval is granted by the Council to carry on a Home Occupation or Cottage Industry shall not carry on those activities at any premises other than the land in respect of which the Council's planning approval is granted;
  - (iv) if a Home Occupation or Cottage Industry has been carried on with the planning approval of the Council and if in the opinion of the Council such Home Occupation or Cottage Industry is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood, the Council may withdraw the planning approval granted by it and after such withdrawal, no person shall upon the subject land carry on a Home Occupation or Cottage Industry unless a further planning approval to do so, is granted by the Council.

#### 5.6.12 Outbuildings—Setbacks, Size and Construction Type

Within all Residential, Rural Residential, Town Centre or Special Use zoned land and on Rural zoned lots with an area of 2 ha or less, planning approval may be granted to outbuildings appurtenant to any dwelling, provided all boundary setbacks and building separation requirements have been complied with, the building is of single storey construction, located behind any dwelling on site and provided the proposed development complies with the following—

5.6.12.1 In the Residential, Town Centre and Special Use Zones of the Shire, where the lot size is 1500 m<sup>2</sup> or less in area—

- (a) Non-masonry construction, where the total non-masonry outbuilding area does not exceed 55 m<sup>2</sup> and the total outbuilding area does not exceed 75 m<sup>2</sup>;
- (b) Masonry construction and/or where the total outbuilding area has walls constructed of the same materials and appearance as the house and does not exceed 75m<sup>2</sup> and no parapet wall is greater in length than 8 metres;
- (c) Wall height of any outbuildings not to exceed 3 metres, this height limitation also applies to parapet walls—in the case of gable roof construction the maximum building height is not to exceed 4 metres;
- (d) Prior to considering a parapet wall construction on any boundary, the applicant will present Council with written agreement to the same by any affected adjoining landowner;
- (e) No planning approval will be granted for any outbuildings on any residential zoned lot which does not contain a residence;
- (f) The applicant providing the Shire with a written undertaking that the outbuilding constructed will only be used for the purpose permitted within the zone in which it is located, under the provisions of the Scheme;
- (g) Any application for planning approval which does not comply with the above shall be referred to Council for consideration.

5.6.12.2 In the Residential, Rural Residential, Town Centre and Special use Zones where the lot size is over 1500m<sup>2</sup>, and on rural zoned lots with an area of 2 ha or less—

- (a) Non-masonry zincalume construction, where the total zincalume outbuilding area does not exceed 55 m<sup>2</sup> and the total outbuilding area does not exceed 130m<sup>2</sup>;
- (b) Non-masonry colourbond construction, where the total colourbond outbuilding area does not exceed 75m<sup>2</sup> and the total outbuilding area does not exceed 130m<sup>2</sup>;
- (c) Masonry construction and/or where the total outbuilding area has walls constructed of the same materials and appearance as the house and does not exceed 130m<sup>2</sup>;
- (d) Wall height of any outbuilding not to exceed 4 metres, this height limitation also applies to parapet walls—in the case of a gable roof construction the maximum building height is not to exceed 5 metres;

- (e) Prior to considering a parapet wall construction the applicant will present Council with written agreement to the same by any affected adjoining landowner.
- (f) The applicant providing Council with a written undertaking that the outbuilding constructed, will only be used for the purpose permitted within the zone in which it is located under the provisions of the Scheme.
- (g) Any application for planning approval which does not comply with the above, shall be referred to Council for consideration.
- 5.6.12.3 Outbuilding setbacks from Boundaries in Residential, Rural Residential, Town Centre, Special Use or Rural zones.
- (i) Brick construction—Garages, Patios, Pergolas, Sheds and all other outbuildings except Carports—
- (a) In the Residential, Town Centre or Special Use Zones—
- If attached to a dwelling, 1.0m from side boundaries with eaves not closer than 0.75m to a side boundary, measured from the outer edge of the gutter. Setback to the rear boundary to be as specified for the dwelling under the R. Codes.
  - If detached from a dwelling, the outbuilding shall be at least 1.8m clear of the dwelling, 1.0m from a side boundary, 1.2m from the rear boundary, with eaves not closer than 0.75m to a side boundary, measured from the outer edge of the gutter.
- (b) In the Rural and Rural Residential Zone—
- All boundary setbacks to be as specified in Schedule No. 4.
- (ii) Metal or Wood Framed Construction—Garages, Patios, Pergolas, Sheds and all other outbuildings except Carports—
- (a) In the Residential, Town Centre or Special Use Zones—
- Garages, Sheds and all other outbuildings except Patios and Pergolas are to be detached from and at least 1.8m clear of the dwelling and any leach drains. Clearance to side and rear boundaries and to any septic tanks on-site is to be at least 1.2m.
  - Patios and Pergolas are to be setback at least 1.2m from any lot boundary unless otherwise approved by Council.
- (b) In the Rural and Rural Residential Zone—
- Garages, Sheds and all other outbuildings except Patios and Pergolas, are to be detached from and at least 1.8m clear of the dwelling and any leach drains and 1.2m clear of any septic tank.
  - All boundary setbacks to be as specified in Schedule No. 4.
- (iii) Carports—
- In the case of the Residential, Town Centre and Special Use Zones—
- (a) Columns of brick or steel may be erected on a boundary provided no more than 4 columns are used and roofing including guttering is at least 0.75m clear of the boundary. Beams shall be of steel where within 0.75m of a boundary and a dividing fence forming a side wall of the carport shall not be higher than 1.8m. Timber framed carports shall be sited 1200m clear of all boundaries.
- (b) In the Rural and Rural Residential Zone all boundary setbacks are to be as specified in Schedule No. 4.
- (iv) Corner Lots—
- In the case of a Residential, Town Centre or Special Use zoned corner lot—
- Where an outbuilding is constructed in brick or clad in colourbond, Council may permit a setback of 3.75m to the minor street.
  - Where an outbuilding is clad in zincalume a setback of 7.5m to the minor street shall apply.
  - In the case of a corner lot which is zoned other than Residential, Town Centre or Special Use the setback to the minor street shall be the same as the frontage setback laid down in Schedule No. 4.
- 5.6.12.4 For Setbacks of outbuildings in all other zones for the Shire, refer to Schedule No. 4.

#### 5.6.13 Appearance of Buildings and Secondhand Buildings

5.6.13.1 No person shall without first having obtained the approval of the Council erect or commence to erect a building which by virtue of colour or type of materials, architectural style, height, bulk or ornamental or general appearance has in the opinion of the Council an exterior design which is out of harmony with the exterior designs of existing buildings or is likely to injure the amenity of the locality.

5.6.13.2 The use of second hand material to clad the exterior of any building is not permitted unless approval has been granted by the Council.

5.6.13.3 Notwithstanding clause 5.6.13.2 the Council will only permit the external cladding of a building to be constructed of second hand material if, in the opinion of Council, the use of such material will not detrimentally affect the amenity of the locality.



5.6.13.4 Notwithstanding anything elsewhere appearing in the Scheme but subject to paragraph (c) the placement of a relocated second hand dwelling or building is not permitted on any lot unless—

- (a) in the opinion of the Council such dwelling or building is in a satisfactory condition and will not detrimentally affect the amenity of the locality.
- (b) an applicant for a building licence for such dwelling or building lodges a cash bond for an amount agreed to by Council and enters into an agreement to the satisfaction of the Council to reinstate the dwelling or building to an acceptable standard of presentation as determined by the Council within 12 months of the issue of a building licence; and
- (c) within the Corrigin Townsite north of Kunjin Street and east of a line designated by Kirkwood Street and/or a line which represents the northern projection of that road reserve, the placement of a second hand dwelling or building shall not be permitted on any lot.

5.6.13.5 All buildings and the land on which they are located, are to be maintained to a visual standard acceptable to Council and in a manner which preserves the amenity of the surrounding area. Council may by written notice require the owner, occupier or lessee of any land, to undertake such work as may be necessary to upgrade or restore the condition of the land and any building located thereon to a standard agreed to by Council.

#### 5.6.14 Building Height and Privacy

No site shall be developed or building constructed to contain more than two storeys or exceed 10 metres in height. Council may however use its discretion and vary these requirements if it can be assured that any height variation proposed, will not affect the privacy enjoyed by neighbouring developments and is sympathetic with the scale and character of the surrounding built environment.

## PART VI—USE AND DEVELOPMENT OF LAND

### 6.1 Requirements For Planning Approval

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

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

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

6.1.3 Notwithstanding that a single house does not require the prior approval of the Council pursuant to the Scheme, any person who wishes Council to vary any particular provision of the R-Codes relating to the erection of a single house shall, at the time of lodging an application for a building licence or earlier, apply in writing to Council, seeking Council's approval for the variation.

The Council may approve the variation with or without conditions or may refuse to approve the variation. The Council shall, before granting its approval, satisfy itself that—

- (a) the variation requested is one which the Council has the power to approve; and
- (b) approval of that variation would not compromise the objectives of the R-Codes.

### 6.2 Applications for Planning Approval

6.2.1 Every application for planning approval shall be made in the form prescribed in Schedule No. 8 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

6.2.2 Every application for planning approval shall, unless otherwise agreed to by Council, be accompanied by—

- (a) a plan or plans to a scale of not less than 1:500 showing—
  1. Street names, lot number(s), north point and the dimensions of the site;
  2. The existing contours of the site and any alteration to these as a result of the proposed development;

3. The location and proposed use of the site, including any existing buildings to be retained, and proposed buildings to be erected on the site;
  4. The existing and proposed means of access for pedestrians and vehicles, to and from the site;
  5. The location, number, dimensions and layout of all car parking spaces intended to be provided;
  6. 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;
  7. The location, dimension and design of any landscaped, open storage or trade display area, and particulars of the manner in which it is proposed to develop the same; and
  8. The location of all trees on-site, and the position of these to be either retained or planted as part of the development proposal.
- (b) plans, elevations and sections of any building proposed to be erected or altered, and of any building it is intended to retain; and
- (c) any other plan or information that the Council may reasonably require, to enable the application to be determined.

### **6.3 Advertising of Applications**

6.3.1 Where an application is made for planning approval to commence or carry out development which involves an 'SA' use, the Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of Sub-Clause 6.3.3.

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

6.3.3 Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out—

- (a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning approval, stating that submissions may be made to the Council within 21 days from the service of such notice;
- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within 21 days for the publication thereof;
- (c) a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of 21 days from the date of publication of the notice referred to in paragraph (b) of this Sub-Clause.

6.3.4 The notice referred to in Sub-Clause 6.3.3 (a) and (b) shall be in the form contained in Schedule No. 9 with such modifications as circumstances require.

6.3.5 After expiration of 21 days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the latter, the Council shall consider and determine the application.

### **6.4 Consultations with other Authorities**

6.4.1 In determining any application for planning approval the Council may consult with any other statutory, public or planning authority and with any other party it considers appropriate.

6.4.2 In the case of land reserved under the Scheme for the purposes of a public authority, the Council shall consult that authority before making its determination.

### **6.5 Matters to be Considered by Council**

6.5.1 The Council in, considering an application for planning approval, shall have due regard to the following—

- (a) the provisions of this Scheme and any other relevant town planning scheme operating within the district;
- (b) any relevant proposed new town planning scheme of the Council or amendment insofar as they can be regarded as seriously entertained planning proposals;
- (c) any approved Statement of Planning Policy of the Commission;
- (d) any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;
- (e) any planning policy, strategy or plan adopted by the Council under the provisions of this Scheme;
- (f) the preservation of any object or place of heritage significance;
- (g) the requirements of orderly and proper planning;
- (h) the preservation of the amenities of locality;
- (i) any other planning considerations which the Council considers relevant;
- (j) any relevant submissions or objectives received on the application.

**6.6 Determination of Applications**

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

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

6.6.2 The Council shall convey its decision to the applicant in the form prescribed in Schedule No. 10.

6.6.3 Where the Council grants planning approval, that approval—

- (a) continues in force for two years, or such other period as specified in the approval, after the date on which the application is approved; and
- (b) lapses if the development has not substantially commenced before the expiration of that period.

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

**6.7 Deemed Refusal**

6.7.1 Subject to sub-clause 6.7.2, an application for planning approval shall be deemed to have been refused where a decision in respect of that application is not conveyed to the applicant by the Council within 60 days of the receipt of it by the Council, or within such further time as agreed in writing between the applicant and the Council.

6.7.2 An application for planning approval which is subject of a notice under sub-clause 6.3.3 shall be deemed refused where a decision in respect of that application is not conveyed to the applicant by the Council within 90 days of the receipt of it by the Council, or within such further time as agreed between the applicant and the Council.

6.7.3 Notwithstanding that an application for planning approval may be deemed to have been refused under sub-Clauses 6.7.1 or 6.7.2, the Council may issue a decision in respect of the application at any time after the expiry of the 60 days or 90 day period specified in those Clauses, and that decision shall be regarded as being valid.

**6.8 Approval Subject to later Approval of Details**

6.8.1 Where an application for a development that includes the carrying out of any building or works, the Council may grant approval subject to matters requiring the subsequent approval of the Council. These matters may include the siting, design, external appearance of the buildings, means of access or landscaping.

6.8.2 The Council may decline to deal with an application requiring later approval of details or call for further details if it thinks fit.

6.8.3 Where the Council has granted approval subject to matters requiring the later approval of the Council, application for approval of those matters must be made not later than the expiration of two years beginning with the date of the first approval.

**6.9 Approval of Existing Developments**

6.9.1 The Council may grant approval to a development already commenced or carried out regardless of when it commenced or was carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme, with or without the exercise of a discretion provided in the Scheme, as to all matters other than the provisions requiring Council's approval prior to the commencement of development.

6.9.2 The application to the Council for approval under sub-clause 6.9.1 shall be made on the form prescribed in Schedule No. 8.

6.9.3 A development which was not permissible under this Scheme at the time it was commenced or carried out may be approved if at the time of approval under this clause it is permissible.

**PART VII—SPECIAL CONTROLS****7.1 Heritage—Precincts and Places of Cultural Significance****7.1.1 Purpose and Intent**

7.1.1.1 The purpose and intent of the heritage provisions are—

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

**7.1.2 Heritage List**

7.1.2.1 The Council shall establish and maintain a Heritage List of places considered by the Council to be of heritage significance and worthy of conservation.

7.1.2.2 For the purposes of this clause, the Heritage List means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the Heritage of Western Australia Act 1990 (as amended), or such parts thereof as described in the Municipal Inventory.

7.1.2.3 The Council shall keep copies of the Heritage List with the Scheme documents for public inspection during normal office hours.

**7.1.3 Designation of Heritage Precincts**

7.1.3.1 The Council may designate an area of land to be a heritage precinct where, in the opinion of Council, special planning control is needed to conserve and enhance the heritage values and character of the area.

7.1.3.2 The Council shall adopt for each heritage precinct a policy statement which shall comprise—

- (a) a map showing the boundaries of the precinct;
- (b) a list of places of heritage significance;
- (c) objectives and guidelines for the conservation of the precinct.

7.1.3.3 The Council shall keep a copy of the policy statement for any designated heritage precinct with the Scheme documents for public inspection during normal office hours.

7.1.3.4 The procedure to be followed by the Council in designating a heritage precinct shall be as follows—

- (a) the Council shall notify in writing each owner of land affected by the proposal;
- (b) the Council shall advertise the proposal by way of a notice in a newspaper circulating in the district, by the erection of a sign in a prominent location in the area affected by the designation, and by such other methods as the Council consider necessary to ensure widespread notice of the proposal, describing the area subject of the proposed designation and where the policy statement which applies to the precinct may be inspected;
- (c) the Council shall invite submissions on the proposal within 28 days of the date specified in the notice referred to immediately above;
- (d) the Council shall carry out such other consultations as it thinks fit;
- (e) the Council shall consider any submissions made and resolve to designate the heritage precinct with or without modification or reject the proposal after consideration of submissions;
- (f) the Council shall forward notice of its decision to the Heritage Council of WA and Western Australia Planning Commission.

7.1.3.5 The Council may modify or may cancel a heritage precinct or any policy statement which relates to it by following the procedure set out in sub-clause 7.1.3.4 above.

#### 7.1.4 Applications for Planning Approval

7.1.4.1 In dealing with any matters which may affect a heritage precinct or individual entry on the Heritage List, including any application for planning approval, Council shall have regard to any heritage policy of the Council.

7.1.4.2 The Council may, in considering any application that may affect a heritage precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA and any other relevant bodies, and take those views into account when determining the application.

7.1.4.3 Notwithstanding any existing assessment on record, Council may require a heritage assessment to be carried out prior to the approval for any development proposed in a heritage precinct or individual entry listed on the Heritage List.

7.1.4.4 For the purposes of sub-clause 6.1.1 of the Scheme, the term 'development' shall have the meaning as set out in the Town Planning and Development Act (as amended) but shall also include, in relation to any place entered in the Heritage List or contained within a heritage precinct, any act or thing that is likely to significantly change the external character of the building, object, structure or place.

#### 7.1.5 Formalities of Application

7.1.5.1 In addition to the application, formalities prescribed in sub-clause 7.1.4 and any formalities or requirements associated with applications for planning approval contained in any other provision of the Scheme, the Council may require an applicant for planning approval, where the proposed development may affect a place of cultural heritage significance or a heritage precinct, 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 subject of the application, and drawn as one continuous elevation;
- (b) in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all existing vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;
- (c) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
- (d) any other information which the Council indicates that it considers relevant.

#### 7.1.6 Variations to Scheme Provisions

7.1.6.1 Where desirable, to facilitate the conservation of a heritage place or to enhance or preserve heritage values, the Council may vary any provision of the Scheme provided that, where in the Council's opinion the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for variation, the Council shall—

- (a) consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to clause 6.3; and
- (b) have regard to any expressed views prior to making its decision to grant the variation.

7.1.6.2 In granting variations under sub-clause 7.1.6.1, the Council may enter into a heritage agreement under Part 4 of the Heritage of Western Australia Act 1990 with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

### 7.1.7 Purchase or Resumption

The Council may, pursuant to the provisions of the Scheme Text and/or the Act, acquire land, buildings or part thereof, that it considers is necessary to the preservation or conservation of any place, precinct, building or object listed under all categories detailed in the Municipal Inventory of Heritage Places.

## **7.2 Control of Advertisements**

### 7.2.1 Power to Control Advertisements

7.2.1.1 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.

7.2.1.2 Application for Council's planning approval pursuant to this Part shall be submitted in accordance with the provisions of Clause 6.2 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out in Schedule No. 11 giving details of the advertisement(s) to be erected, placed or displayed on the land.

### 7.2.2 Existing Advertisements

7.2.2.1 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.

### 7.2.3 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.

### 7.2.4 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 7.2.1.1, the Council's prior planning approval is not required in respect of those advertisements listed in Schedule 1, which for the purpose of this Clause are referred to as 'exempted advertisements'. The exemptions listed in Schedule 1 do not apply to land, building, objects, structures and places included on the Heritage List or within a heritage precinct established or designated under Clause 7.1 of the Scheme.

### 7.2.5 Discontinuance

Notwithstanding the scheme objectives and sub-clause 7.2.4, 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.

### 7.2.6 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.

### 7.2.7 Notices

7.2.7.1 '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.

7.2.7.2 Any notice served in exceptional circumstances pursuant to sub-clause 7.2.5 or 7.2.6 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.

7.2.7.3 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 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.

### 7.2.8 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.

### 7.2.9 Enforcement and Penalties

The offences and penalties specified in Clause 8.2 of the Scheme apply to the advertiser in this Clause.

### 7.3 **Planning Policies**

7.3.1 The Council may prepare a planning policy (herein after called 'a policy') which may make a provision for any matter related to the planning or development of the Scheme Area which may be prepared so as to apply—

- (a) generally or in a particular class of matter or in particular 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 a Policy so prepared.

7.3.2 A Policy shall become operative only after the following procedures have been completed—

- (a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.
- (b) Policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.
- (c) The Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft policy.
- (d) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.

7.3.3 The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.

7.3.4 An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in sub-clause 7.3.2.

7.3.5 A Policy may be rescinded by—

- (a) preparation or final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing Policy; and
- (b) publication of a formal notice of rescission by the Council twice in a local newspaper circulating in the district.

7.3.6 A Policy shall not bind the Council in respect of any application for planning approval, but the Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision.

7.3.7 Any Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

### 7.4 **General Policy Statements**

#### 7.4.1 General Townscape Policy—Corrigin Urban Area

In considering any application for subdivision or development within this area, Council shall have regard to the Townscape of Corrigin which is being progressively promoted and developed by the local authority and the community at large.

#### 7.4.2 General Townscape, Landscape and Development Improvement Policy

Notwithstanding the specific provisions of the Scheme or any General Policies detailed within the same, Council shall in considering any development proposal have regard to any systems area designated by the Department of Environmental Protection and/or any Townscape and/or Soil Conservation Plan which relates to land within the Shire and may impose conditions relating to the following—

- (a) The need to protect and rehabilitate water courses and catchment areas.
- (b) The need for the preservation of existing trees and nature corridors and the planting of additional trees and other vegetation within all zones and reservations within the Shire, in order to provide shade, aesthetic pleasure, reduce roadside noise, provide habitats for natural fauna, reduce salinity in soil, prevent erosion and assist in the proper balancing of the Greenhouse effect;
- (c) The height, bulk and location of buildings in order to preserve a streetscape, enhance views, preserve local character and the amenity of the area generally.
- (d) The preservation of areas or buildings of architectural or historic interest and the development of land abutting the same.
- (e) The amenity of the zone and the possible resulting need to either, refuse to support the subdivision of land within the zone, or approve the development of a project submitted for consideration.

#### 7.4.3 General Policy—Rural Residential Zone

In considering applications for planning approval to commence development in the Rural Residential Zone, Council shall have regard to—

- (a) The need to provide for a service to the local community, in association with on-site single residential development, which must be constructed as the visual frontage of each lot.
- (b) The need to ensure that the provision of such a service does not cause injury to, or adversely affect the overall amenity of the community, from a living, visual or operational point of view.

- (c) The need to ensure that any project proposed in the zone, is not industrial in nature and does not require the provision of any essential service main of a greater capacity than normally required in a Single Residential zone.
- (d) The need to continuously achieve a desirable 'Built Environment' which realistically pays regard to the amenity values of any adjoining resident.
- (e) the amenity of the zone and the possible resulting need to either, refuse to support the subdivision of land within the zone, or approve the development of a project submitted for consideration.

#### 7.4.4 General Local Rural Policy

In considering any support for the subdivision and/or development of Rural Zoned Land, within the Shire, Council shall in addition to the provisions of the Scheme, have regard to—

- (a) The objectives for the Rural Zone laid down in Clause 3.5.4.
- (b) Possible conflict between incompatible land uses as a result of subdivision and/or development within the Rural Zone.
- (c) The fact that the existence of more than one dwelling house on a Rural Zoned lot/location should not be construed as a basis for Council support to the subdivision of the lot/location.
- (e) Inappropriate subdivision and/or development generating problems relating to land drainage, water supply, bush fire safety and inadequate road access, which could result in additional cost to the community at large.

#### 7.5 **Flora Preservation and Planting**

The Sub Clauses which follow relate to flora preservation and planting for the purpose of conserving and enhancing the natural beauty, convenience and amenity of all road and other reservations within the Shire and also each zone defined under the Scheme, in order to assist Council to realise the following benefits—

- \* Rehabilitation of Rural Zoned Land
- \* Reduction of soil salinity
- \* Reduction of erosion
- \* Provision of habitats for native fauna
- \* Provision of aesthetic pleasure
- \* Reduction of roadside noise
- \* Visual amenity of the locality

7.5.1 No natural vegetation shall be cleared from any crown reservation or removed from any road reservation in the Shire whether or not such reservation has been developed with a constructed roadway, without the written approval of Council and/or any other responsible authority.

7.5.2 In considering any rezoning or development proposal in any zone specified on the Scheme Map, Council may at its discretion unless otherwise specified in the provisions of the Scheme, require the preservation and or planting of flora as a condition of rezoning and or planning approval.

7.5.3 Areas of Flora Preservation and Planting will be detailed in the minimum landscaping requirements for any development proposal submitted for Council consideration.

7.5.4 Within any area approved for flora preservation purposes as a condition of planning approval, no indigenous flora may be felled without the approval of Council, except—

- (a) Where the flora is dead, diseased or dangerous.
- (b) For the purpose of a firebreak required by a Regulation or By-law except that in order to preserve the amenity of the area Council may at its discretion vary the position of any required firebreak to avoid destruction of vegetation or due to the physical features of the subject land.

7.5.5 The Council may, by notice served upon individual landowners or upon a subdivider of land within a rural zone, require the preservation of groups and/or corridors of flora and thereafter no landowner shall cut, remove or otherwise destroy any such flora unless the Council rescinds the notice or orders.

7.5.6 The Council requires any land developer or landowner via a signed Statement of Undertaking to advise future land holders and/or successors in Title, of the restrictions in relation to the clearing and drainage of the land and the protection of natural vegetation as laid down under the provisions of the Scheme.

### PART VIII—ADMINISTRATION

#### 8.1 **Powers of the Scheme**

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

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

- (c) An officer of the Council, authorised by the Council for the purpose, may at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being served.

### **8.2 Offences**

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

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

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

### **8.3 Notice for Removal of Certain Buildings**

8.3.1 Twenty Eight days written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act.

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

### **8.4 Claims for Compensation**

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

8.4.2 Where in respect of any application for planning approval to commence and carry out development on land reserved under this Scheme the Council, or any appellate body thereafter, refuses or grants approval subject to conditions such that the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose, the owner of the land may within six (6) months of the date of the relevant decision, claim compensation from the Council for injurious affection.

### **8.5 Election to Purchase and Valuation**

8.5.1 Where compensation for injurious affection is claimed pursuant to either sub-clauses 8.4.1 or 8.4.2, the Council may, at its option elect to acquire the land so affected instead of paying compensation.

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

8.5.3 Where the Council elects to acquire land as provided in sub-clause 8.5.1, if the Council and the owner of the land are unable to agree as to the price to be paid for the land by the Council, the price at which the land may be acquired by the Council shall be the value of the land as determined in accordance with sub-clause 8.5.4.

8.5.4 The value of the land referred to in sub-clause 8.5.3 shall be the value thereof on the date that the Council elects to acquire the land and that value shall be determined—

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

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

8.5.5 The Council may deal with or dispose of land acquired for a Local Reserve or pursuant to the preceding sub-clause 8.5.4 upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.

### **8.6 Arbitration**

Any dispute or difference in respect of any matter which by the terms of the Scheme may be determined by arbitration may be referred to the arbitration of a single arbitrator in the manner provided for by the Commercial Arbitration Act 1985 or any statutory modification thereof for the time being in force and if the parties fail to agree upon any one single arbitrator, the arbitrator he may be nominated by the President of the Law Society of Western Australia for the time being, but if the dispute or difference relates to values only, the arbitrator shall be a valuer appointed by the President for the time being of the Western Australian Division of the Australian Institute of Valuers and Land Administrators (Inc.).

### **8.7 Appeals**

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

### **8.8 Delegation**

8.8.1 The Council may, either generally or in a particular case or cases, by resolution passed by an absolute majority of the Council, delegate to the following eligible persons the authority to deal with an application for planning approval made under this Scheme—

- (a) a member of the Council being the Chairman of the committee required at the direction of Council to consider and report upon all applications for planning approval within its municipal district, and being qualified by experience with the work of any such committee; and/or



(b) that officer of the Council, holding or eligible to hold a Municipal Town Planners Certificate, appointed to the position of Town Planner for the purpose of the Local Government Act with overall responsibility for the planning functions of the Council or appointed by the Council to supervise the development control functions of the Council,

or those persons who from time to time occupy the positions referred to in (a) and (b) above.

8.8.2 Any delegation made under sub-clause 8.8.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.

8.8.3 A delegation of authority pursuant to the provisions of this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power.

8.8.4 The performance of the function by a delegate under sub-clause 8.8.1 shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.

8.8.5 Without affecting the generality of the provisions of this clause, where in the exercise of any power under this Scheme the Council is required to form any opinion or view or have any state of mind or to consider to have due regard to any matter, then that requirement shall be satisfied if a person exercising delegated authority in respect of that power performs the function.

8.8.6 A resolution to revoke or amend a delegation under this clause may be passed by a simple majority.

8.8.7 An officer or member exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.

8.8.8 A person who is or has been a delegate of the Council is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any powers conferred, or the carrying out of any duty imposed on the Council by this Scheme.

### **8.9 Amendments to the Scheme**

8.9.1 The Council shall keep the Scheme under constant review and where appropriate carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means for pursuing community objectives regarding development and land use.

8.9.2 The Council may, from time to time, initiate an amendment to the Scheme in accordance with the Act and Regulations and shall give consideration to any application to have the Scheme amended.

8.9.3 In the case of a proposed amendment to the zoning of land other than that requested by the owner, the Council shall, before initiating any amendment to the Scheme, invite comment from the owner of the land concerned.

8.9.4 Council shall take into consideration any comments or submissions received in respect of a proposed amendment to the Scheme and shall only proceed with the amendment where it is satisfied the amendment would be consistent with the objectives of the Scheme and would not be contrary to the public interest.

### SCHEDULE No. 1—INTERPRETATIONS

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

**Absolute Majority**—Shall have the same meaning as is given to it and for the purposes of the Local Government Act 1995 (as amended).

**Act**—Means the Town Planning and Development Act 1928 (as amended).

**Additional Accommodation Unit**—Means separate living accommodation attached to or within the curtilage of a dwelling house, constructed for and used exclusively by an aged, invalid or disabled relative of the owners of the dwelling house or such other person as may be approved by Council, in respect of which an Annual Written Permit to occupy has been issued by Council and is current.

**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.

**Aged Persons Village**—Means a building or group of buildings designed for residential occupation by aged persons and includes buildings and parts of buildings used for communal facilities, food preparation, dining, recreation, laundry or medical care.

**Amenity Building**—Means a building or part of a building that employees of persons engaged in an industry or business may use for their personal comfort, convenience or enjoyment of 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.

**Aquaculture**—Means any fish farming operation for which a Fish Farm Licence issued pursuant to the provision of Part V of the Fisheries Act, 1905 (as amended), and the Fisheries Regulations, 1938 (as amended), is required.

- Art Gallery—Means premises used for showing works of art.
- Art and Craft Studio and Sales—Means premises used as a working room by a painter, sculptor, photographer or other craftperson and includes the sale of art or craft.
- Bank—Means any land or building used for banking purposes.
- Battle-Axe Lot—Means a lot having access to public road by means of an access strip included in the Certificate of Title of that lot.
- Bed and Breakfast Accommodation—Means accommodation provided for hire or reward under the main roof of a dwelling house for not more than four (4) adults or one family in the form of a maximum of two (2) guest bedrooms and one (1) guest bathroom.
- Betting Agency—Means a building operated in accordance with the Totalisator Agency Board Betting Act 1960 (as amended).
- Builders 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, assemble and dismantling processes incidental to the predominant use.
- Building—Shall have the same meaning as is given to it in and for the purposes of the Residential Planning Codes.
- Building Envelope—Means an area of land within a lot marked on a plan adopted by resolution of the Council outside which building development is not permitted.
- 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.
- Building Setback—Means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected.
- Camping Area—Means land used for the lodging of persons in tents or other temporary shelter.
- Caravan Park—Means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps or bays or tent sites allocated for that purpose.
- Caretaker's Dwelling—Means a building used as a dwelling—
- (a) 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; or
  - (b) By a person or persons whose primary employment is the maintenance or management of the operation of the rural pursuit occurring on the land upon which their accommodation is situated.
- Car Park—Means land and buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.
- Cattery—Means the use of an approved outbuilding constructed in accordance with the Health Act Model By-Laws Series 'A' Part One—General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months.
- 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.
- 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 buildings or premises be licenced under the provisions of the Liquor Act 1988 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.
- Commission—Means the Western Australian Planning Commission constituted under the Western Australian Planning Commissions Act 1985.
- Consulting Rooms—Means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors, and persons ordinarily associated with a practitioner, in the prevention, investigation or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.
- Convenience Store—Means land and buildings used for the retail sale of convenience goods being those goods commonly sold in Supermarkets, Delicatessens and Newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a Convenience Store shall not exceed 200 m<sup>2</sup> gross leasable area.
- Convention Centre—Means land and buildings used by an assembly of a group with common interests to convey information.
- Day Care Centre—Means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended).
- Development—Has the meaning assigned to it by the Act which is as follows—
- 'development means the use or development of any land and includes the erection, construction, alteration of or addition at any building or structure on the land and the carrying out on the land of any excavation works and in the case of any building, object, structure or place entered in the Heritage List or contained within a Heritage Precinct also includes any act or thing which—
1. Is likely to change the character of the place or the external appearance of any building; or
  2. Would constitute an irreversible alteration to the fabric of any building.
- 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 Corrigin.
- Dog Kennels—Means land and buildings used for the boarding and/or breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such is incidental to the predominant use.
- Drive-In-Theatre—Means land and buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.
- Dry Cleaning Agency—Means premises used for the collection and delivery of garments and other fabrics to be cleaned at a dry cleaning premises.
- Dry Cleaning Premises—Means land and buildings used for the cleaning of garments and other fabrics by chemical processes.
- Dwelling—Means a building or portion of a building containing at least one living room and includes rooms, outbuildings (as defined in this Schedule) and other structures attached to or separate from such building but auxiliary thereto; such building or portion thereof being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by—
- (a) A single person;
  - (b) A family; or
  - (c) No more than six (6) persons who do not comprise a single family.
- Eating House—Means any house, building or structure or any part thereof in which meals are served to the public for gain or reward. The term does not include—
- (a) Any premises in respect of which a hotel licence, a limited hotel licence, a tavern licence, a restaurant licence or winehouse licence has been granted under the Liquor Act;
  - (b) Any lodging house or hostel; or
  - (c) Any building or other structure used temporarily for serving meals to the public at any fair show, military encampment, races or other public sports, games or amusements.
- Educational Establishment—Means a school, college, university, technical institute, academy or other educational centre, and includes accommodation for students, 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 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; or
  - (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.
- Factory Unit Building—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).
- Fast Food Outlet—Means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a fish shop.
- Fish Shop—Means a building where wet fish and similar foods are displayed and offered for sale.
- Floor Area—Shall have the same meaning given to it in and for the purposes of the Building Code of Australia.
- Frontage—Means 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 gaseous fuel, but does not include a service station.
- Funeral Parlour—Means land and buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.
- Garden Centre—Means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings.
- Gazetted Date—Means the date of which this Scheme is published in the Government Gazette.
- Gross Leasable Area—Means in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.
- Health Studio—Means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.
- Holiday Accommodation—Means land and buildings constructed and used for the accommodation of holiday makers and organisations generally in accordance with the Local Government Model By-Laws (Holiday Accommodation) No. 18, and may include, with the approval of Council, uses incidental to the normal function of a holiday accommodation facility.

**Home Occupation**—Means a business or activity carried on with the planning approval of the Council within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that—

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of light, noise, vibration, electrical interference, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding or on the land on which the business is conducted;
- (b) does not entail employment of any person not a member of the occupier's family, except where Council otherwise agrees in writing.
- (c) does not occupy an area greater than twenty square metres;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone which it is located;
- (e) does not display a sign exceeding 0.2m<sup>2</sup> in area;
- (f) in the opinion of the Council it is compatible with the principal uses to which land in the zone it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area;
- (g) does not entail the presence, use or calling of a vehicle of more than two tonnes tare weight;
- (h) does not entail the presence of more than one commercial vehicle and does not include provision for the fueling or repairing of motor vehicles within the curtilage of the dwelling house or domestic outbuilding;
- (i) does not entail the offering for sale or display of motor vehicles, machinery or goods (other than goods manufactured or serviced on the premises);
- (j) does not entail a source of power other than an electric motor of not more than 0.373 kilowatts (0.5hp); and
- (k) complies with the provisions of clause 5.6.11.

**Horticulture**—Means the intensive or extensive cultivation and production of crops, for purposes of trade, commercial reward or gain and involving any form of land irrigation requiring the application of more than one thousand five hundred (1,500) cubic metres of water per annum, and includes—

- (a) Market gardening;
- (b) Orcharding for exotic or native fruit or nut production;
- (c) Turf and Lucerne growing;
- (d) Native or exotic plant or flower nurseries; and
- (e) The sale of produce grown solely on the lot.

**Hospital**—Means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital.

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

**Hotel**—Means land and buildings providing accommodation for the public the subject of a Hotel Licence granted under the provisions of the Liquor Act 1988 (as amended).

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

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products;
- (b) where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land, except where Council otherwise agrees in writing.
- (c) is conducted in an outbuilding which is compatible to the zone and its amenity and does not occupy an area in excess of 55m<sup>2</sup>;
- (d) does not require the provisions of any essential service main of a greater capacity than normally required in the zone which it is located;
- (e) does not display a sign exceeding 0.2m<sup>2</sup> in area;
- (f) complies with the provisions of Clause 5.6.11

**Industry Extractive**—Means an industry which involves—

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

**Industry General**—Means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry.

**Industry Hazardous**—Means an industry which, 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—
- 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
  - the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.
- Industry Noxious**—Means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act 1911-79 (as amended) but does not include a fish shop, dry cleaning premises, marine collectors yard, Laundromat, piggery or poultry farm.
- Industry Rural**—Means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.
- Industry Service**—Means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings have a retail shop front and used as a depot for receiving goods to be serviced.
- 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—
- the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;
  - the establishment and operation of plant and fruit nurseries;
  - the development of land for irrigated fodder production and irrigated pasture (including turf farms);
  - 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;
  - dairy milking sheds;
  - 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;
  - aquaculture.
- Land**—Shall have the same meaning given to it in and for the purposes of, the Act.
- 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 Store**—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. Corner store shall have the same meaning.
- Lodging House**—Shall have the same meaning as is given to the term in and for the purposes of the Health Act 1911-1979 (as amended)
- Lot**—Shall have the same meaning given to it in and for the purpose of, the Act and 'allotment' has the same meaning.
- Marine Collectors Yard**—Means land and buildings used for the storage of marine stores under the provisions of the Marine Stores Act 1902 (as amended) and Marine Dealer's Yard and Marine Store have the same meaning.
- Market**—Means land and buildings used for a fair, a farmers' or producer' 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 a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretations of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.
- Milk Depot**—Means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.
- Mobile Home**—Means any vehicle or similar relocatable structure having been manufactured with wheels (whether or not such wheels have been removed) and having no footings other than wheels jacks or skirtings and so designed or constructed as to permit independent occupancy for continuous dwelling purposes incorporating its own facilities including bathroom and toilet facilities.
- Mobile Home Park**—Means land upon which two or more mobile homes, occupied for dwelling purposes, are located regardless of whether or not a charge is made for such accommodation.
- Motel**—Means land and buildings used or intended to be used to accommodate patrons in a manner similar to a Hotel or Lodging House but in which special provision is made for the accommodation of patrons with motor vehicles.
- Motor Cycle Sales Premises**—Means land and buildings used for the display and sale of motor cycles and accessories, and includes mechanical repairs and minor body work repair of motor cycles to be sold from the premises.

- Motor Vehicle and Marine Sales Premises**—Means land and buildings used for display and sale of new or second-hand motor cycles, cars, trucks, caravans and boats or any one or more of them and may include, the servicing of such vehicles.
- Motor Vehicle Hire Station**—Means land and buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.
- Motor Vehicle Repair**—Means any land or 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 Station**—Means land and buildings where vehicles are washed and cleaned by or primarily by mechanical means.
- Motor Vehicle Wrecking Premises**—Means land and buildings used for storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.
- Museum**—Means land and buildings used for storing and exhibiting objects illustrative of antiquities, natural history, art, nature and curiosities.
- Non-Conforming use**—Means a use of land which, though lawful immediately prior to the coming into operation of this Scheme, is not in conformity with the Scheme.
- Nursery**—Means land and buildings used for the propagation, rearing and sale of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens and plantations.
- Office**—Means a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature.
- Open Air Display**—Means the use of land as a site for the open air display and/or sale of goods and equipment.
- Open Air Storage**—Means land and buildings used for the storage of materials in the open air.
- Outbuilding**—Means a non-habitable building used in conjunction with a dwelling house and includes a carport, private garage, shed, private workshop or the like, but does not include farm sheds.
- Owner**—In relation to any land includes the Crown and every person who jointly or severally whether at law or in equity—
- Is entitled to the land for an estate in fee simple in possession; or
  - Is a person to whom the Crown has lawfully contracted to grant the fee simple of the land;
  - Is a lessor or licensee from the Crown; or
  - 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, mortgage in possession, or otherwise.
- Piggery**—Shall have the same meaning given to it in and for the purpose of the Health Act 1911-1979 (as amended).
- Plot Ratio**—Except for a single house, attached house, grouped dwelling or multiple dwelling where it shall have the same meaning given to it in the Residential Planning Codes, plot ratio means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries, and in calculating the gross total of the areas of all floors the areas shall be measured over any walls provided that lift shafts, stairs, plant rooms and the gross floor area of any floor space used for the parking of wheeled vehicles including access to and from that space within the building shall not be included.
- 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—Third Edition, World Organisation—1971'.
- Poultry Farm**—Means land and buildings used for hatching, rearing or keeping of poultry for either egg or meat production and for purposes of trade, commercial reward or gain which does not constitute an offensive trade within the meaning of the Health Act 1911-1990 (as amended).
- Prison**—Shall have the same meaning given to it in and for the purposes of the Prisons Act 1981 (as amended).
- Private Hotel**—Means land and buildings used for the residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Act 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.
- Public Amusement**—Means land and buildings used for the amusement or entertainment of the public, with or without charge.
- Public Authority**—Shall have the same meaning given to it in and for the purposes of the Act.
- Public 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.
- Rabbitry**—Means any building, enclosure or yard in which two hundred (200) or more rabbits are kept, reared, bred or fattened for the production of meat, fur or wool for purposes of trade, commercial reward or gain.
- 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.
- Recreational Facility**—Means land or buildings designed, used or adapted for use for the purpose of tennis courts, swimming pools, squash courts or centres, gymnasium and skating rinks and for all similar purposes in respect of which a charge may be made for the use thereof.
- Residential Building**—Means a building or portion of a building, together with rooms and out buildings 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—
- (a) Temporarily by two or more persons, or
  - (b) 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 Planning Codes**—Means the Residential Planning Codes, set out in Appendix 2 to the Statement of Planning Policy No. 1 together with any amendments thereto as published in the Government Gazette on 13th December, 1991.
- Restaurant**—means a building or portion of a building wherein food is prepared solely for sale and consumption within the building or portion thereof and the expression shall include a licensed restaurant, café or nightclub, and also includes a restaurant at which food for consumption outside the building or portion thereof, is sold where the Council is of the opinion that forms a minor part of the business only.
- 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 is 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 Articles Act 1902 (as amended).
  - (b) Materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.
- Rural Pursuit**—Means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith—
- (a) Extensive dry land agriculture for crop production;
  - (b) Dry land production and pasturing of livestock;
  - (c) Production and Pasturing of livestock on irrigated lands;
  - (d) Plantation growing of trees;
  - (e) The sale of produce grown solely on the lot provided that if a roadside stall is used it is approved by Council and the Main Roads Department, where appropriate, and
  - (f) the stabling, agistment or training of horses;
- but does not include the following except as approved by the Council—
- (i) The keeping of pigs;
  - (ii) Poultry Farming;
  - (iii) The processing, treatment or packing of produce;
  - (iv) The breeding, rearing or boarding of domestic pets.
- Salvage Yard**—Means land and buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including, (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.
- Sawmill**—Means land and buildings where logs or large pieces of timber are sawn but does not include a joinery works unless logs or large pieces of timber are sawn therein.
- Second-Hand Dwelling**—Means any building or structure or part thereof used or intended to be used for human habitation and which does not consist of substantially all new material and may be transported or moved to a site for the purpose of re-erection.
- Service Station**—Means the land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and 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.

- Shop**—Means a building where in goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided and includes a hairdresser, beauty therapist and such similar uses, but does not include a bank, fuel depot, market, service station, milk depot, marine collectors yard, timber yard or land and buildings used for the sale of vehicles or for any purpose falling within the definition of industry.
- Showroom**—Means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, china, glassware or domestic hardware, or items of personal adornment.
- Stables**—Means any buildings or land or both on which horses are kept, bred or trained for private or hobby purposes or for purposes of trade, commercial reward or gain.
- Stock Feedlot**—Means any building, enclosure, yard or paddock in which livestock are kept for reasons associated with the rearing, breeding or fattening of the stock, for purposes of trade, commercial reward or gain at a stock rate in excess of that common for Rural Pursuits operating in the locality.
- Tavern**—Means any land or buildings the subject of a Tavern Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).
- Theatre**—Means any land or building where the public may view a theatrical production.
- Trade Display**—Means land and buildings used for the display of trade 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 of 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.
- Veterinary Consulting Rooms**—Means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight.
- Veterinary Hospital**—Means a building used in connection with the treatment of sick animals and includes the accommodation of sick animals.
- Viticulture**—Means land or buildings normally associated with the growing of grapes.
- Warehouse**—Means a building wherein goods are stored and may be offered for sale by wholesale.
- Waste Disposal**—Means the use of land for the purpose of storage or the disposal of domestic or industrial rubbish, refuse or waste whether liquid or solid.
- Wayside Stall**—Means a building situated on private land which offers for sale to the general public produce of any commodity which is produced on the land upon which the buildings are located.
- Wholesale**—Means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant' for Sales Tax purposes under the provisions of the Sales Tax Assessment Act No. 1. 1930 (as amended).
- Wine House**—Means land and buildings the subject of a Wine House Licence granted under the provisions of the Liquor Act, 1988 (as amended).
- Winery**—Means land and buildings used in the processing of grapes to produce wine and includes the sale of wine produced on the premises directly to the public.
- 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 and buildings used for the keeping, breeding or display of fauna and the term includes Zoo but does not include kennels or keeping, breeding or showing of domestic pets.

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 SCHEDULE No. 2  
 Zoning Table

USE & DEVELOPMENT CLASS	Residential	Town Centre	Industrial	Rural	Rural Residential	Special Uses
1 Abattoir	X	X	X	SA	X	
2 Additional Accommodation Unit	AA	X	X	AA	AA	
3 Bed and Breakfast Accommodation	AA	AA	X	AA	AA	
4 Caretakers Dwelling	IP	IP	IP	IP	IP	
5 Car Park	IP	IP	IP	IP	IP	
6 Car Sales Premises	X	AA	AA	X	X	
7 Civic Buildings	AA	P	X	AA	AA	
8 Club	X	P	AA	SA	X	



SCHEDULE No. 2—*continued*  
Zoning Table—*continued*

USE & DEVELOPMENT CLASS	Residential	Town Centre	Industrial	Rural	Rural Residential	Special Uses
9 Consulting Rooms	SA	P	AA	X	SA	
10 Contour Banks/Drains	X	X	X	AA	AA	
11 Day Care Centre	SA	P	X	SA	SA	
12 Dog Kennels/Cattery	X	X	X	SA	X	
13 Dry Cleaning Premises	X	AA	AA	X	X	
14 Educational Establishment	AA	AA	AA	AA	AA	
15 Family Care Centre	AA	AA	X	AA	AA	
16 Fuel Depot	X	X	AA	SA	X	
17 Health Centre/Clinic	SA	P	X	SA	SA	
18 Holiday Cabins/Chalets	X	X	X	SA	X	
19 Home Occupation	AA	AA	X	AA	AA	
20 Hotel	X	AA	X	X	X	
21 Industry—Cottage	AA	AA	X	AA	AA	
22 Industry—Extractive	X	X	AA	AA	X	
23 Industry—General	X	X	P	X	X	
24 Industry—Noxious or Hazardous	X	X	X	SA	X	
25 Industry—Light	X	X	P	X	X	
26 Industry—Rural	X	X	P	AA	X	
27 Industry—Service	X	AA	P	X	X	
28 Intensive Agriculture	SA	X	X	AA	AA	
29 Institutional Building	SA	AA	X	SA	X	
30 Institutional Home	SA	AA	X	SA	X	
31 Lodging House	SA	P	X	AA	AA	
32 Medical Centre	SA	P	X	X	X	
33 Motel	X	P	X	X	X	
34 Motor Repair Station	X	AA	P	X	X	
35 Motor Vehicle Wrecking	X	X	AA	X	X	
36 Nursery	X	AA	AA	AA	SA	
37 Office	X	P	IP	IP	IP	
38 Petrol Filling Station	X	AA	AA	X	X	
39 Piggery	X	X	X	AA	X	
40 Poultry Farm	X	X	X	AA	X	
41 Professional Office	IP	P	X	IP	IP	
42 Public Recreation	SA	AA	AA	SA	SA	
43 Public Utility	AA	AA	AA	AA	AA	
44 Public Worship	X	AA	AA	AA	SA	
45 Residential Building	AA	X	X	AA	AA	
46 Residential—Single House	P	AA	X	P	P	
47 Residential—Attached House	AA	AA	X	X	AA	
48 Residential—Grouped Dwelling	AA	AA	X	X	X	
49 Restricted Premises	X	SA	X	X	X	
50 Road House	X	AA	AA	AA	X	
51 Roads/Rights of Way	P	P	P	P	P	
52 Rural Pursuit	X	X	X	P	AA	
53 Salvage Yard	X	X	AA	X	X	
54 Service Station	X	P	AA	X	X	
55 Shop	X	P	X	X	X	
56 Showroom	X	P	IP	X	X	
57 Stables	X	X	X	P	AA	
58 Trade Display	X	AA	IP	X	IP	
59 Transport Depot	X	X	P	AA	IP	
60 Veterinary Clinic	X	AA	AA	AA	AA	
61 Veterinary Hospital	X	SA	AA	AA	SA	

SCHEDULE No. 3  
Special Use Zones

No.	Land Particulars	Permitted Uses	Development Standards/Conditions (See Schedule No. 4, Item 6)
1.	Lot 422 Reserve 27307 Dry Well Road Corrigin Townsite	<ul style="list-style-type: none"> <li>• Golf club premises</li> <li>• Uses ancillary to the permitted use</li> </ul>	<ul style="list-style-type: none"> <li>• As determined by Council</li> </ul>
2.	Lots 226 and 227 Lynch Street Corrigin Townsite	<ul style="list-style-type: none"> <li>• Place of public worship</li> <li>• Uses ancillary to the permitted use</li> </ul>	<ul style="list-style-type: none"> <li>• As determined by Council</li> <li>• Lot amalgamation to be considered prior to further development</li> </ul>
3.	Lots 228 and 229 Kirkwood Street Corrigin Townsite	<ul style="list-style-type: none"> <li>• Agcare Rural Centre</li> <li>• Private school</li> <li>• Uses ancillary to permitted uses</li> </ul>	<ul style="list-style-type: none"> <li>• As determined by Council</li> <li>• Lot amalgamation to be considered prior to further development</li> </ul>
4.	West Part of Lot 178 Kirkwood Street Corrigin Townsite	<ul style="list-style-type: none"> <li>• Masonic Lodge</li> <li>• Aged Persons Village</li> <li>• Uses ancillary to the permitted uses</li> </ul>	<ul style="list-style-type: none"> <li>• As determined by Council</li> </ul>
5.	Lots 151 (Reserve 17799), 152 and 153 Cnr Lynch & Jose Street Corrigin Townsite	<ul style="list-style-type: none"> <li>• Place of public worship</li> <li>• Uses ancillary to the permitted use</li> </ul>	<ul style="list-style-type: none"> <li>• As determined by Council</li> </ul>
6.	Lot 4 Cnr Kunjin & Boyd Streets Corrigin Townsite	<ul style="list-style-type: none"> <li>• Motel</li> <li>• Tourist Accommodation</li> <li>• Uses ancillary to the permitted use</li> </ul>	<ul style="list-style-type: none"> <li>• As determined by Council</li> </ul>
7.	Lot 200 Kunjin Street Corrigin	<ul style="list-style-type: none"> <li>• Roadhouse</li> <li>• Uses ancillary to the permitted use</li> </ul>	<ul style="list-style-type: none"> <li>• As determined by Council</li> </ul>
8.	Part Lot 53 Kunjin Street Corrigin Townsite	<ul style="list-style-type: none"> <li>• Tourist Accommodation</li> </ul>	<ul style="list-style-type: none"> <li>• As determined by Council</li> </ul>

SCHEDULE No. 4  
Zone/Use Development Table—General

Zone	Use	Min Lot Area (m <sup>2</sup> )	Min Effect Frontage (m)	Min Boundary Setbacks (m)			Min Car Parking Spaces	Min Landscaping % of Site	Other Requirements
				Front	Rear	Side			
1. Residential	Residential All other Permitted Uses			See Residential Planning Codes (R 12.5) As Listed in this Schedule or as Determined By Council					
2. Town Centre	Residential  Commercial  Shop Office Eating House  Hotel  Tavern	  -  - -  1 ha  4 000	  -  - -  80	11 or 20  " " "  20	7.5  " " "  15	Nil or 2m if abutting a Residential Zone  " " "  10/Storey	1 per 10m <sup>2</sup> of gross leasable area  " " 1 per 3m <sup>2</sup> of Public Area  1 per bedroom + 1 per 3m <sup>2</sup> of Public Area	-  - -  25	Schedule No. 7 applies  " " "  "

SCHEDULE No. 4—*continued*  
Zone/Use Development Table—General—*continued*

Zone	Use	Min Lot Area (m <sup>2</sup> )	Min Effect Frontage (m)	Min Boundary Setbacks (m)			Min Car Parking Spaces	Min Landscaping % of Site	Other Requirements
				Front	Rear	Side			
2. Town Centre— <i>continued</i>	Motel	4 000	80	20	15	10/Storey	1.5 per Accommodation Unit	20	"
	Educational Establishment	To be determined by Council	30m	20	10	5/Storey	As determined by Council	As determined by Council	As determined by Council
	Service Station	1 500 (Roadhouse 2 000)	25	11 or 20	7.5	5	20	As determined by Council	Boundary Setbacks apply to Pumps, Canopy, Buildings
	Public Worship Place of	2 000	20	11 or 20	7.5	2	1 per 5 seats	50	Schedule No. 7 Applies
	All other Permitted Uses		As Listed in this Schedule or as determined by Council						
3. Industrial	General Industry	2 000	25	11 or 20	7.5	5m on one side	As determined by Council	As determined by Council	Schedule No. 7 Applies
	Light/Service Industrial	1 000	25	11 or 20	7.5	"	"	"	"
	All other Permitted Uses		As listed in this Schedule or as determined by Council						
4. Rural	Rural	Based on Locally Acceptable Farm Units	200m	15	15	5	As determined By Council	As determined By Council	As determined By Council
	All other Permitted Uses		As listed in this Schedule or as determined by Council						
5. Rural Residential	Any Permitted Use	1 ha With Water Supply 2 ha without Water Supply	-	10	10	5	As determined by Council	As determined by Council	As determined by Council
6. Special Use	Any Permitted use	As required under this Schedule or by Council based on the Predominant use in the Locality in which the use is to be located.							

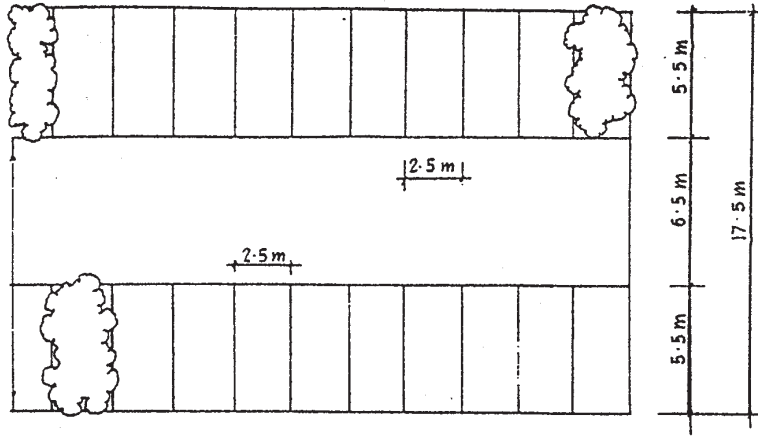
- Note:
1. For Car parking criteria refer to Clause 5.6.5
  2. For all Outbuilding (ie Setbacks, Size, Construction type) refer to Clause 5.6.12 where the provisions of 5.6.12 do not apply all outbuilding setbacks will be as specified in Schedule No. 4.
  3. For landscaping criteria refer to Clause 5.6.6.

SCHEDULE No. 5  
Additional Uses

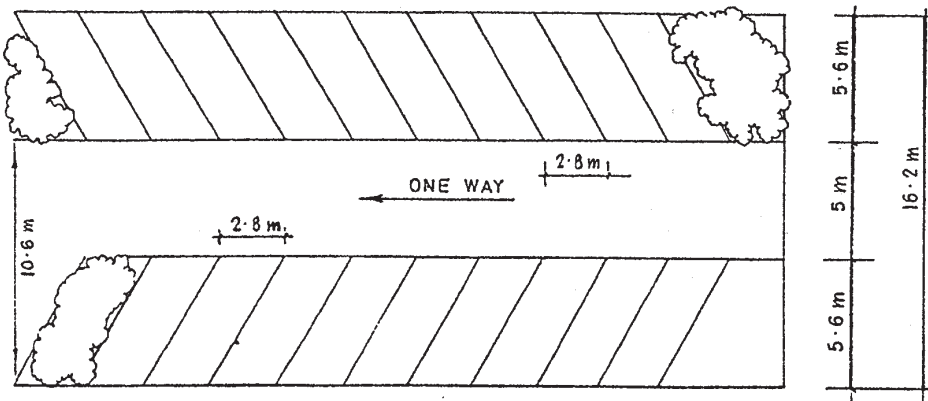
No.	Land Particulars	Permitted Uses	Development Standards/Conditions

SCHEDULE No. 6  
Minimum Car Parking Layout Specifications

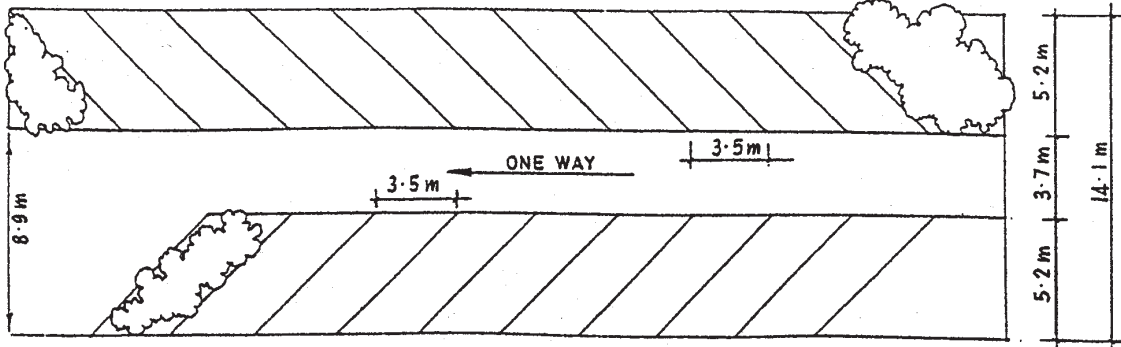
90° PARKING



60° PARKING

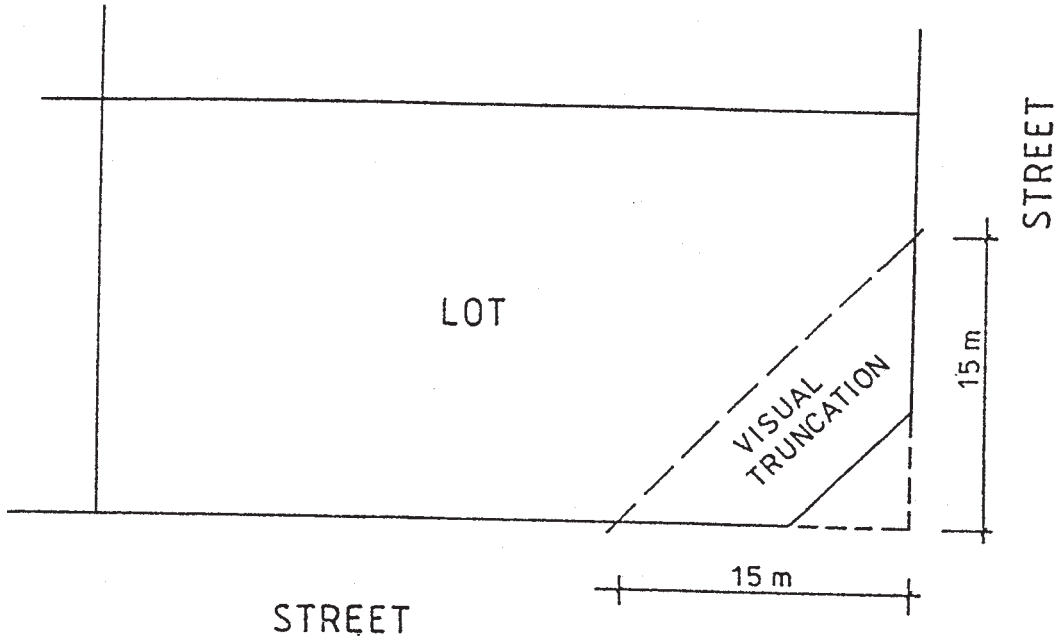


45° PARKING

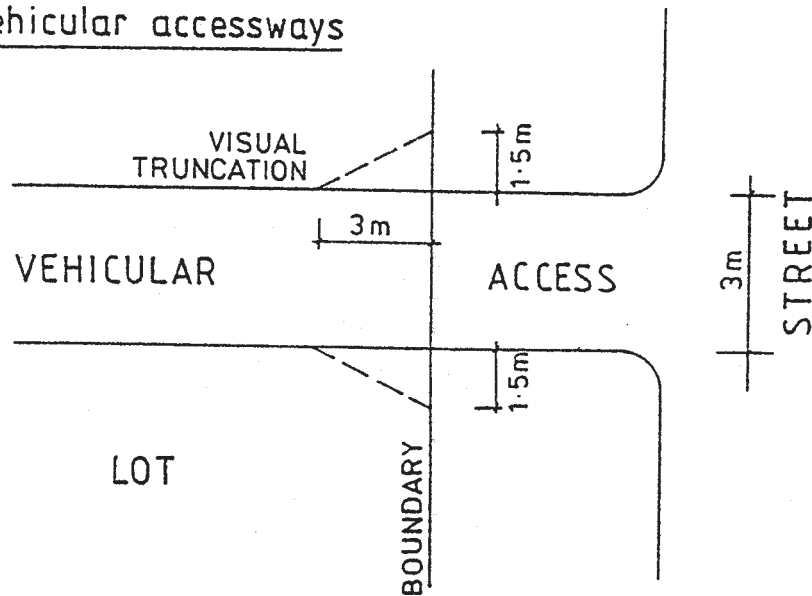


SCHEDULE No. 6—continued  
Visual Truncation

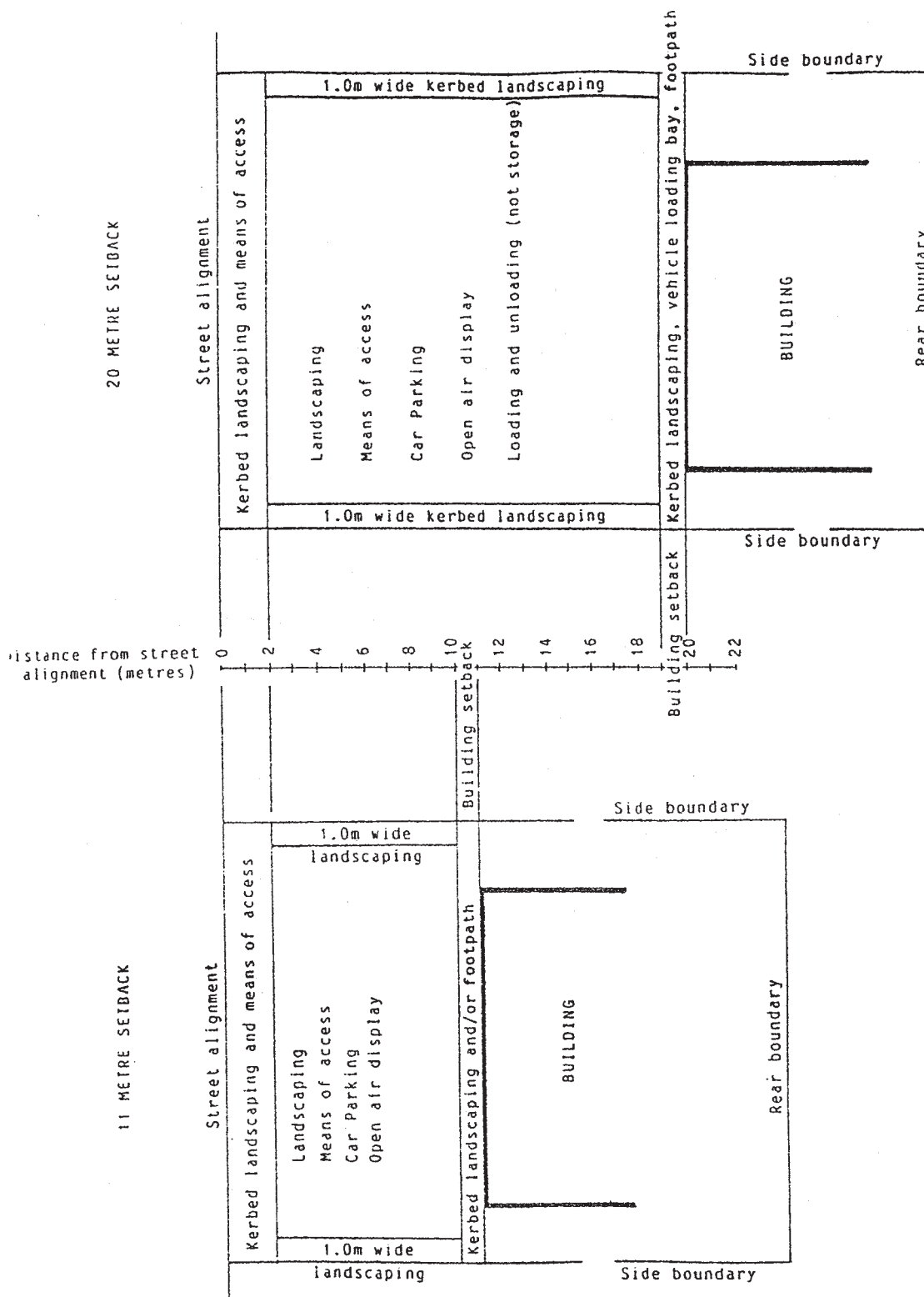
corner lots



vehicular accessways



SCHEDULE No. 7  
Use of Setback Areas in Zones other than Residential



- Note: 1. The above diagrams are examples of 11m and 20m front setback usage.  
 2. Council may approve setbacks other than these detailed above where a development proposal is being undertaken in sympathy with Clause 7.4.1 and/or Council is of the opinion that a lesser setback will not adversely affect the amenity of the locality or adjoining development.

SCHEDULE No. 8  
**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
*Shire of Corrigin*  
 TOWN PLANNING SCHEME No. 2  
 APPLICATION FOR PLANNING APPROVAL

- 1. Surname ..... Given Name .....
- Full Address .....
- 2. Surname of Landowner ..... Given Name .....
- 3. Submitted By .....
- 4. Address for Correspondence .....
- 5. Locality of Development .....
- 6. Title Details of Land .....
- 7. Name of Road Serving Property .....
- 8. State Type of Development .....
- Nature and Size of all Buildings Proposed .....
- .....
- General Treatment of Open Portions of the Site .....
- .....
- Details of Car Parking and Landscaping Proposals .....
- .....
- Approximate cost of Proposed Development .....
- Estimate Time for Construction .....

..... Signature of Owner	..... Signature of Applicant or Agent
(Both signatures are required if applicant is not the owner)	
..... Date	..... Date

Note: This form should be completed and forwarded to the Council together with 2 copies of detailed plans showing complete details of the development including a site plan showing the relationship of the land to the area generally. In areas where close development exists, or is in the course of construction, plans shall show the siting of buildings and uses on lots immediately adjoining the subject land.

SCHEDULE No. 9  
*Shire of Corrigin*  
 TOWN PLANNING SCHEME No. 2

NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL

It is HEREBY NOTIFIED for public information and comment that the Council has received an application to develop land for the purpose described hereunder—

LAND DESCRIPTION

Lot No. .... Street .....

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.....200.....

.....  
 Chief Executive Officer

.....  
 Date

SCHEDULE No. 10
TOWN PLANNING AND DEVELOPMENT ACT 1928

Shire of Corrigin

TOWN PLANNING SCHEME No. 2

DECISION ON APPLICATION FOR PLANNING APPROVAL

The Council having considered the application—

Dated .....

Submitted By .....

On behalf of .....

hereby advise that it has decided to—

REFUSE/GRANT APPROVAL—TO COMMENCE DEVELOPMENT
—TO DISPLAY AN ADVERTISEMENT

subject to the conditions / for the following reasons—

.....
Chief Executive Officer

.....
Date

- Note: 1. Any Council decision to grant approval is only valid for a period of two (2) years from the date shown on the decision, unless otherwise stated in the decision.
2. It is the responsibility of the Owner/Developer to ensure that the provisions of the Aboriginal Heritage Act 1972/80 are complied with, be contacting the Aboriginal Affairs Department of Western Australia prior to the commencement date of any development.



SCHEDULE No. 11

Shire of Corrigin

TOWN PLANNING SCHEME No. 2

CONTROL OF ADVERTISEMENTS

ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL
(to be completed in addition to Application for Planning Approval)

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

Address in full: .....

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

Details of Proposed Sign:

Height:..... Width:..... Depth:.....

Colours to be used: .....

Height above ground level—(to top of advertisement) .....

—(to underside) .....

Materials to be used: .....



Illuminated: Yes/No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating, and state intensity of light source: .....

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

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 above.

Signature of Advertiser(s):.....  
(if different from landowners)

Date:.....

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ADOPTION

Adopted by Resolution of the Council of the Shire of Corrigin at the meeting of the Council held on the 19th day of March 1997.

D. P. ABE, President.  
B. W. MEAD, Chief Executive Officer.

Dated 19 March 1997.

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Final Approval

1. Adopted by Resolution of the Council of the Shire of Corrigin at the ordinary meeting of the Council held on this 15th day of September 1999 and the seal of the Municipality was pursuant to the Resolution hereunto affixed in the presence of—

D. P. ABE, President.  
B. W. MEAD, Chief Executive Officer.

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The Scheme Text is to read in conjunction with the approved maps of the Scheme described in Clause 1.4 of this Scheme and to which formal approval was given by the Hon. Minister for Planning on the date shown below.

2. Recommended/submitted for final approval by the Western Australian Planning Commission.

EUGENE FERRARO, for Chairperson.

Dated 22 February 2000.

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3. Final approval granted.

Hon G. KIERATH, Minister for Planning

Dated 22 February 2000.

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**PD402\***

METROPOLITAN REGION SCHEME  
NOTICE OF RESOLUTION—CLAUSE 27  
LOT 1619 FURLEY ROAD, SOUTHERN RIVER  
CITY OF GOSNELLS

Amendment No.1025/27

File No.: 812-2-25-21

Notice is hereby given that in accordance with Clause 27 of the Metropolitan Region Scheme, the Perth Region Planning Committee for and on behalf of the Western Australian Planning Commission and acting under delegated powers, resolved on 14 March 2000 to transfer land from the Urban Deferred Zone to the Urban Zone as shown on Plan Number 4.1475.

This plan may be viewed at the offices of—

- |   |   |
|---|---|
| <p>i) Ministry for Planning<br/>1st floor, 469 Wellington Street<br/>PERTH WA</p> <p>ii) City of Gosnells<br/>2120 Albany Highway<br/>GOSNELLS WA</p> | <p>iii) J S Battye Library<br/>Alexander Library Building<br/>Francis Street<br/>NORTHBRIDGE WA</p> |
|---|---|

PETER MELBIN, Secretary,  
Western Australian Planning Commission.

**PD501\***

WESTERN AUSTRALIAN PLANNING COMMISSION  
METROPOLITAN REGION SCHEME (SECTION 33) AMENDMENT  
SOUTH FREMANTLE / HAMILTON HILL  
CALL FOR PUBLIC SUBMISSIONS

Amendment No: 1008/33

File No: 809-2-1-61

The Western Australian Planning Commission intends to amend the Metropolitan Region Scheme for land at Hamilton Hill in the Cities of Cockburn and Fremantle, and is seeking public comment.

**Purpose**

The amendment will rezone the land from the Industrial Zone and Railways Reservation to the Urban Zone and Parks and Recreation reservation, as detailed in the Commission's *Amendment Report*.

The proposed Urban zone allows for a variety of land uses, the detail of which will be determined under the District Zoning Schemes of the Cities of Cockburn and Fremantle. These local scheme amendments will also have public submission periods.

**Environmental Review**

The Environmental Protection Authority required the Amendment be formally assessed by way of an environmental review. An environmental review has been prepared by the Commission to examine the potential environmental impacts if the amendment is implemented, and puts forward proposed environmental management measures.

The *Environmental Review Report* is being advertised concurrently with the Metropolitan Region Scheme amendment so that environmental matters related to the Amendment can be commented on.

In addition to the official display centres shown below, the environmental review document along with the Commission's *Amendment Report* can be examined at the public libraries of Fremantle, Coolbellup and Spearwood, and the Library Information Centre of the Department of Environmental Protection, 8<sup>th</sup> floor, Westralia Square, 141 St Georges Terrace, Perth.

**Procedure**

The procedure for amending the Scheme, as set out in section 33 of the Metropolitan Region Town Planning Scheme Act, is to be used to advertise this proposal. Public submissions are invited and the Amendment will eventually be put to Parliament for final approval.

Copies of the amending plan and detail plan showing the proposed changes to the zones and reservations of the Scheme, the Commission's *Amendment Report* and the *Environmental Review Report*, will be available for public inspection from Monday 21 February 2000 to Friday 26 May 2000 at each of the following places—

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Ministry for Planning<br/>1<sup>st</sup> Floor<br/><i>Albert Facey House</i><br/>469 Wellington Street<br/>Perth</li> <li>• J S Battye Library<br/>Alexander Library Building<br/>Francis Street<br/>Northbridge</li> </ul> | <p>Council Offices of the municipalities of—</p> <ul style="list-style-type: none"> <li>• City of Cockburn</li> <li>• City of Fremantle</li> <li>• City of Perth</li> <li>• Town of East Fremantle</li> </ul> |
|--|---|

Any person who desires to make a submission supporting, objecting to, or providing comment on any provisions of the proposed amendment should do so on the Form 6A. This submission form is available on request from the display locations and is also contained in the explanatory *Amendment Report*.

Submissions must be lodged with the—

Secretary  
Western Australian Planning Commission  
469 Wellington Street  
Perth WA 6000

on or before 5.00 pm Friday 26 May 2000. Late submissions will not be considered.

PETER MELBIN, Secretary,  
Western Australian Planning Commission.

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**POLICE**

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**PE501****POLICE ACT 1892****POLICE AUCTION**

Under the provisions of the Police Act 1892, unclaimed and stolen property will be sold by public auction at South West Auctioneering Company, Lot 51 Strelley Street, Busselton on 1st April 2000.

B. MATTHEWS, Commissioner of Police,  
West Australian Police Service.

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**WORKSAFE**

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**WS401****OCCUPATIONAL SAFETY AND HEALTH ACT 1984****OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 1996****EXEMPTION CERTIFICATE PURSUANT TO REGULATION 2.12**

(No. 1 of 2000)

I, Brian Thomas Bradley, WorkSafe Western Australia Commissioner, hereby grant an exemption to Otis Elevator Company Pty Ltd from Regulation 4.3(2)(c) of the Occupational Safety and Health Regulations 1996 in relation to the requirement for a statement from a design verifier that the Otilec 11A hydraulic passenger lift meets the requirements of the relevant standard (AS1735) to be included in the application for design verification on the basis that the above item of plant meets an equivalent level of safety at all times.

Therefore, on this basis and having considered the circumstances surrounding your request, I advise that I am prepared to grant an exemption.

Dated this 23rd day of February 2000.

BRIAN THOMAS BRADLEY, WorkSafe Western Australia Commissioner.

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**PUBLIC NOTICES**

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**ZZ201****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS,  
WESTERN AUSTRALIA, IN THE SUPREME COURT OF WESTERN AUSTRALIA**

In the matter of the will of Alice Louisa May Gowans late of 16 Deerness Way, Armadale in the State of Western Australia, Business Proprietor, deceased.

Notice is hereby given that all persons having claims or demands against the estate of the above-named deceased Alice Louisa May Gowans are requested to send particulars thereof in writing to the administrator, Margaret Mary Bettenay of Lot 255 Irymple Road, Roleystone in the said state, within one month from the date of publication after which date the administrator will proceed to distribute the assets of the deceased among the persons entitled thereto having regard only to the claims and demands of which she shall then have notice.

**ZZ202****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the estate of the deceased person Phyllis Eleanor McLean late of 141 Ardross Street, Ardross who died on 26 February 2000 are required by the personal representative, Eugene Ivan Harold Jarvis of care of Peter J. Griffin & Co., Solicitors of Suite 4, 1st Floor, 48 Kishorn Road, Applecross, Western Australia, to send particulars of their claims to him by 28 April 2000, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which he then has notice.

Dated: 15 March 2000.

PETER GRIFFIN.

**ZZ203****TRUSTEES ACT 1962**

Yvonne Pauline Thring late of Unit 12/151 Hubert Street, East Victoria Park, Teacher's Aide.  
Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) for the deceased's estate who died 16th February 2000 are required by us the Trustees, Charmaine, Natalie and Adam Thring, 3 Boona Court Karawara WA 6152, to send particulars of your claims to us by 20 April 2000, after that date I will convey or distribute the assets with regard to only the claims of which I have notice.

**ZZ401****NOTICE OF DISSOLUTION OF PARTNERSHIP**

Notice is hereby given that the partnership heretofore subsisting between Keith John Hornsey and Yvonne Kaye Hornsey both of 16 Mungup Road, Borden, Western Australia as trustees for The Hornsey Family Trust and Christopher Peter King and Alice Patricia King both of 13 Wakefield Crescent, Albany Western Australia as trustees for The C & A King Family Trust carrying on business as agricultural machinery dealers at Borden, Western Australia under the style or firm of H.C. Trappitt & Sons has been dissolved as from the 30th day of June 1999 so far as concerns the said Keith John Hornsey and Yvonne Kaye Hornsey as trustees for The Hornsey Family Trust who retire from the said firm.

Dated the 10th day of March 2000.

KEITH JOHN HORNSEY,  
YVONNE KAYE HORNSEY,  
CHRISTOPHER PETER KING,  
ALICE PATRICIA KING.

**COUNTER SALES 1999-2000****(As from 1 July 1999)**

	\$
<b>Government Gazette—(General)</b> .....	2.55
<b>Government Gazette—(Special)</b>	
<b>Up to 2 pages</b> .....	2.55
<b>Over 2 pages</b> .....	5.05
<b>Hansard</b> .....	14.45
<b>Industrial Gazette</b> .....	12.85
<b>Bound Volumes of Statutes</b> .....	224.00

