

PD406

**TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

Shire of Busselton

Town Planning Scheme No. 5—Amendment No. 335

Ref: 853/6/6/6, Pt 335.

Notice is hereby given that the Shire of Busselton has prepared the abovementioned scheme amendment and policy for the Dunsborough Industrial Area for the purpose of—

1. Rezoning Lot 6 of Sussex Locations 362 and 802, Commonage Road, Dunsborough from "General Farming" to "Industry"; and
2. Inserting specific provisions into the Scheme Text relating to the use and development of the Dunsborough Industrial Park.

Plans and documents setting out and explaining the scheme amendment and policy for the Dunsborough Industrial Area have been deposited at Council Offices, Southern Drive, Busselton and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 25 August 1995.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 25 August 1995.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

I. STUBBS, Shire Clerk.

PD407

**TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENTS AVAILABLE FOR INSPECTION**

Town of Mosman Park

Town Planning Scheme No. 2—Amendment Nos. 18 and 20

Ref: 853/2/18/4, Pts 18 and 20.

Notice is hereby given that the Town of Mosman Park has prepared the abovementioned scheme amendments for the purpose of—

Amendment No. 18

Rationalising the boundaries of the Development Zone and the Parks and Recreation Reservation to accord with the boundaries of the Urban Zone and Parks and Recreation Reservations contained within the Metropolitan Region Scheme (as amended).

Amendment No. 20

Rezoning Lot 4 Stirling Highway, Mosman Park from "Residential R20/50" to "Service Station" as shown on the proposed zoning map.

Plans and documents setting out and explaining the scheme amendments have been deposited at Council Offices, Bay View Terrace, Mosman Park and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 25 August 1995.

Submissions on the scheme amendments should be made in writing on Form No. 4 and lodged with the undersigned on or before 25 August 1995.

These amendments are available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

T. J. HARKEN, Town Clerk.

PD703

**TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME**

Shire of Goomalling

Town Planning Scheme No. 3—District Scheme

Ref: 853/4/12/4.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Goomalling Town Planning Scheme No. 3—District Scheme on 1 July 1995—the Scheme Text of which is published as a Schedule annexed hereto.

R. M. CLARKE, President.
C. C. KERP, Shire Clerk.

Shire of Goomalling

Town Planning Scheme No. 3—(District Scheme)

The Goomalling 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) hereby makes the following Town Planning Scheme for the purpose of—

- (a) setting aside land for future public use as reserves;
- (b) controlling development;
- (c) other matters authorised by the enabling Act.

CONTENTS

PART I—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 General Obligations
- 1.8 Relationship of the Scheme to By-Laws
- 1.9 Interpretation
- 1.10 Revocation of Existing Scheme

PART II—LOCAL RESERVES

- 2.1 Local Authority Scheme Reserves
- 2.2 Matters to be Considered by the Council
- 2.3 Objectives
- 2.4 Compensation

PART III—ZONES

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

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
- 4.6 Development of Land Subject to Non-Conforming Use Rights

PART V—DEVELOPMENT REQUIREMENTS

- 5.1 Development of Land
- 5.2 Development Requirements
- 5.3 Combined Uses
- 5.4 Discretion to Modify Development Standards
- 5.5 Residential Development—Residential Planning Codes
- 5.6 Development Table
- 5.7 Car Parking and Access
- 5.8 Development on Land Subject to Dampness or Flooding
- 5.9 Development on Land Abutting a Residential Zone
- 5.10 Commercial Development
- 5.11 Industrial Development
- 5.12 Special Use Development
- 5.13 Rural Development
- 5.14 Development of Other Structures
- 5.15 Storage of Used Tyres
- 5.16 Control of Advertisements

PART VI—PLANNING APPROVAL

- 6.1 Application for Planning Approval
- 6.2 Advertising of Applications
- 6.3 Determination of Applications
- 6.4 Deemed Refusal
- 6.5 Preservation of Heritage Places

PART VII—ADMINISTRATION

- 7.1 Powers of the Scheme
- 7.2 Offences
- 7.3 Notices
- 7.4 Claims for Compensation
- 7.5 Appeals
- 7.6 Power to Make Policies

SCHEDULES

- SCHEDULE 1 Interpretations
- SCHEDULE 2 Special Use Zones
- SCHEDULE 3 Additional Uses
- SCHEDULE 4 Rural Residential Zones
- SCHEDULE 5 Exempted Advertisements

APPENDICES

- APPENDIX 1(a) Application for Planning Approval
- APPENDIX 1(b) Notice of Application for Planning Approval
- APPENDIX 1(c) Notice of Public Advertisement of Development Application
- APPENDIX 1(d) Determination of Application for Planning Approval
- APPENDIX 2 Control of Advertisements—Additional Information

PART I—PRELIMINARY

1.1 Citation

This Town Planning Scheme may be cited as the Shire of Goomalling Town Planning Scheme No.3 (District Scheme), hereinafter called, 'the Scheme' and shall come into operation on the publication of the notice of the Minister's final approval thereof in the *Government Gazette*.

1.2 Responsible Authority

The Authority responsible for implementing the Scheme is the Council of the Shire of Goomalling, hereinafter called 'the Council'.

1.3 Scheme Area

The Scheme applies to the whole of the District of the Shire of Goomalling.

1.4 Contents of Scheme

The Scheme comprises—

- (a) this Scheme Text;
- (b) the Scheme Maps.

1.5 Arrangement of Scheme Text

The Scheme Text is divided into the following parts—

- PART I PRELIMINARY
- PART II LOCAL RESERVES
- PART III ZONES
- PART IV NON-CONFORMING USES
- PART V DEVELOPMENT REQUIREMENTS
- PART VI PLANNING APPROVAL
- PART VII ADMINISTRATION

SCHEDULES
APPENDICES

1.6 Scheme Objectives

The intent of the Scheme is to direct and control development in the Scheme Area in such a way as shall promote and safeguard the health, safety, convenience and economic and general welfare of its inhabitants and the amenities of the area.

1.7 General Obligations

Subject to the provisions of the Town Planning & Development Act, 1928 (as amended) and all regulations made thereunder, and to the provisions of this Scheme, no person shall depart or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person use or permit the use of any land or building or undertake or permit any new work if the use, new work, reconstruction, alteration or modification does not conform with the Scheme or would tend to delay the effective operation of the Scheme.

1.8 Relationship of the Scheme to By-Laws

The provisions of the Scheme shall have effect, notwithstanding any by-law for the time being in force in the area and, where the provisions of the Scheme are at variance with the provision of any by-law, the provisions of the Scheme shall prevail.

1.9 Interpretation

1.9.1 Except as provided in Clauses 1.9.2 and 1.9.3, the words and expressions of the Scheme have their normal and common meaning.

1.9.2 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.

1.9.3 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.

1.10 Revocation of Existing Schemes

1.10.1 The Shire of Goomalling Town Planning Scheme No. 2, as amended, which came into operation by publication in the *Government Gazette* on 27 January 1978, is hereby revoked.

PART II—LOCAL RESERVES

2.1 Local Authority Scheme Reserves

The land shown as Scheme Reserves on the Scheme Map, hereinafter called 'Local Reserves', are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder.

These local reserves are set out hereunder—

- (a) Recreation
- (b) Public Purposes
- (c) Railway Purposes

2.2 Matters to be Considered by the Council

Where an Application for Planning Consent is made with respect to land within a Local Reserve, the Council shall have regard to—

- (a) the objectives as outlined below; and
- (b) the ultimate purpose intended for the reserve;

and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.

2.3 Objectives

2.3.1 The objectives for land shown as Recreation on the Scheme Map are—

- (a) to secure and reserve land for public access and recreation;
- (b) to maintain public recreation areas for the use of sporting and recreation bodes;
- (c) to preserve areas of natural vegetation worthy of retention;
- (d) to provide visual or noise buffer areas between incompatible uses;
- (e) to reflect and protect areas already set aside for National Parks or Crown Reserves.

2.3.2 The objectives for land shown as Public Purposes on the Scheme Map are—

- (a) to protect areas already set aside for public purposes by Crown Reserves;
- (b) to enable the Council to control development in public purpose reserves.

2.3.3 The objective for land shown as Railway Purposes on the Scheme Map are—

- (a) to set aside land for railway and other authorised purposes.

2.4 Compensation

2.4.1 Where the Council refuses planning consent for the development of a local reserve on the ground that the land is reserved for local authority purposes, or for the purposes shown on the Scheme Map, or grants consent subject to conditions that are unacceptable to the applicant, the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

2.4.2 Claims for such compensation shall be lodged at the office of the Council not later than six months after the date of the decision of Council refusing planning consent or granting it subject to conditions that are unacceptable to the applicant.

2.4.3 In lieu of paying compensation, the Council may purchase the land affected by such decision of the Council at a price representing the unaffected value of the land at the time of refusal of planning consent or of the grant of consent subject to conditions that are unacceptable to the applicant.

PART III—ZONES

3.1 Zones

3.1.1 The Scheme contains the following zones—

- (i) Residential
- (ii) Commercial
- (iii) Light Industry
- (iv) General Industry
- (v) Rural 1
- (vi) Rural 2
- (vii) Rural 3
- (viii) Rural Residential
- (ix) Special Use

- (x) Caravan Park & Camping Ground
- (xi) Hotel/Motel/Tavern
- (xii) Fuel Depot
- (xiii) Service Station
- (xiv) Civic & Cultural
- (xv) Church & Institutional

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

3.2 Zoning Table

3.2.1 The Zoning Table 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 classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

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

- 'P' means that the use is permitted, 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 consent.
- 'AA' means that the Council may, at its discretion, permit the use.
- 'SA' means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with Clause 6.2.
- 'IP' means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by Council.

3.2.3 Where no symbol appears in the cross reference of a use class against a zone in the Zoning Table a use of that class is not permitted in that zone.

3.2.4 Where, in the Zoning Table a particular use 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.

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

- (a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or
- (b) determine by absolute majority that the proposed use is consistent with the objectives and purposes of the zone and thereafter follow the advertising procedures of Clause 6.2 in considering an Application for Planning Consent.

TABLE No. 1
ZONING TABLE

	Residential	Commercial	Light Industry	General Industry	Rural 1	Rural 2	Rural 3	Rural Residential	Caravan Park and Camping Ground	Hotel/Motel/Tavern	Fuel Depot	Service Station	Civic & Cultural	Church & Institutional	Special Uses
Abattoir								SA							
Ancillary Accommodation	AA				AA	AA	AA	AA							
Aged or Dependent Persons Dwelling	AA														
Amusement Parlour		SA													
Aquaculture					SA	AA	P	AA							
Betting Agency		P													
Builders Storage Yard		AA	P	P											
Camping Area						SA	SA		P						
Car Park	AA	P	P	P		SA	SA								
Caravan Park									P						
Caretaker's House		IP	IP	IP		AA	AA		P						
Civic Use	AA	AA	AA	AA	AA	AA	AA	AA					P	AA	
Club Premises		AA			SA	SA	SA								
Consulting Rooms	AA	AA													
Convenience Store		P													
Day Care Centre	SA	AA													
Dry Cleaning Agency		P													
Dry Cleaning Premises			P	P											
Educational Establishment	SA	AA											AA		
Fast Food Outlet		P													
Fish Shop		P													
Fuel Depot			AA	AA							P				
Funeral Parlour	SA														
Garden Centre	P				AA	AA	AA	AA							
Health Centre/Studio	AA														
Home Occupation	AA				AA	AA	AA	AA							

Uses and Conditions of Use Limited to Those Listed in
Schedule 3

	Residential	Commercial	Light Industry	General Industry	Rural 1	Rural 2	Rural 3	Rural Residential	Caravan Park and Camping Ground	Hotel/Motel/Tavern	Fuel Depot	Service Station	Civic & Cultural	Church & Institutional	Special Uses
Hotel.....										P					
Industry—															
Cottage	SA				AA	AA	AA	AA							
Extractive						AA	AA								
General				P											
Light			P	P			SA								
Noxious															
Rural					SA	AA	AA	SA							
Service		AA	P	P											
Infant Health Clinic	SA	AA												P	
Intensive Agriculture						SA	SA								
Intensive Stock Rearing						SA	SA								
Kennels						SA	SA								
Laundromat		P													
Licensed Restaurant		AA									P				
Liquor Store		AA									P				
Machinery Display and Demonstration ..				P			AA								
Marine Collectors/Dealers Yard			AA	P			AA								
Market	SA	AA													
Milk Depot		AA	P	P			P								
Motel										P					
Motor Vehicle, Marine and Agricultural Machinery Sales		P	P	P											
Motor Vehicle Hire Station		AA		P											
Motor Vehicle Repair Station		AA	P												
Motor Vehicle Wrecking			SA	P											
Office		P	IP	IP	IP	IP	IP	IP							
Piggeries						SA	SA								
Place of Public Worship	SA	AA												P	
Place of Public Assembly		SA											AA	AA	
Produce Store		P	AA	P											
Public Amusement		AA													
Public Utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Rabbit Farm						SA	SA								
Residential—															
Single House	P				P	P	P	P							
Grouped Dwelling	AA														
Residential Building	AA														
Restaurant/Cafe		P								P		AA			
Rural Pursuit						P	P	P							
Service Station		SA	AA	AA								P			
Shop		P							IP			IP			
Showrooms		P	AA	P											
Special Motor Repair Station		AA													
Stables					AA	AA	P	AA							
Tavern										P					
Town Rural					P										
Trade Display		AA	IP	IP											
Veterinary Consulting Rooms		AA			SA	SA	AA	AA							
Veterinary Hospital		SA			SA	SA	SA	SA							
Warehouse & Storage		AA	AA	P											
Wood Yard		SA	P	P			SA								

Uses and Conditions of Use Limited to Those Listed in Schedule 3

3.3 Additional Uses

Notwithstanding anything contained in the Zoning Table the land specified in Schedule 3 may, subject to compliance with any condition specified in the schedule with respect to the land, be used for the purpose set against that land. The use so specified is in addition to the other uses permitted in the zone in which the land is situated unless any of those uses is excluded or modified by a condition specified in that Schedule.

3.4 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 2 and subject to compliance with any conditions specified in the schedule with respect to the land.

3.5 Zone Objectives & Policies

3.5.1 Residential Zone

The objective for the zone is to maintain a high standard of development, amenity and the townscape generally, and achieve efficient provision of services.

Council policies will therefore be—

- (a) The zone shall be predominantly residential;

- (b) Non-residential uses shall be compatible in character, scale and operation with the predominant residential use;
- (c) A non-residential use shall only be permitted if the use does not detract from the amenity of the area.

3.5.2 Commercial Zone

The objective for the zone is to maintain a compact and accessible town centre, providing a variety of service functions predominantly commercial, service and administrative.

Council policies will therefore be—

- (a) To maintain safety and efficiency of traffic flows and provide for adequate facilities for the storage and circulation of vehicles;
- (b) To preclude the storage of bulky and unsightly goods where they may be in public view;
- (c) To maintain the compatibility with the general streetscape, for all new buildings and modifications to existing buildings in terms of scale, height, style, materials, street alignment and design of facades;
- (d) To provide sheltered places for pedestrians;
- (e) To restrict industrial type uses to service or low impact, labour intensive industries that relate to the centre functions;
- (f) To reduce uses attracting large volumes of truck traffic other than to service retail outlets;
- (g) To provide for residential uses only where the uses are combined with a commercial use or where the residential uses occupy a floor level where it is impracticable or inappropriate to establish a shop or office.

3.5.3 Industrial Zones

The objective for the zones is to provide for diverse industries to locate in a manner which will avoid detrimental impact on other uses in the Shire and achieve satisfactory standards of amenity and accessibility.

Council policies will therefore be—

- (a) Permit in the appropriate industrial zone, the establishment of uses which provide desirable and conveniently located services to the community;
- (b) Permit establishment of noxious industries in the General Industrial zone under specific circumstances, and with appropriate environmental controls;
- (c) Require industrial premises to provide adequate and satisfactory provision of accessibility, car parking and appearance.

3.5.4 Rural 1 Zone—Town Environs

The objective for the zone is to ensure that Rural uses within the town environs are compatible with the amenity of the urban areas, and to provide for residential and rural residential use.

Council policies will therefore be to—

- (a) restrict rural uses to those which are considered to be consistent with the objective;
- (b) ensure that permitted uses are carried out in a manner which does not detrimentally affect the amenity of the urban area;
- (c) rezone appropriate land to Residential or Rural Residential following approval of development proposals;
- (d) require the planning approval of Council for residential and ancillary uses.

3.5.5 Rural 2 Zone—Wongamine

The objective for the zone is to ensure that buildings and other development on the prevailing small rural lots are not unduly intrusive onto the rural landscape.

Council policies will therefore be to—

- (a) require that planning approval be obtained for all buildings, including a residence;
- (b) require that outbuildings, including sheds, garages and the like be sited so that the outbuilding is no closer to the road frontage of a lot than the front wall of any residence on the lot;
- (c) assess applications for planning approval for a residence or other building to ensure minimal intrusion onto the rural landscape and consider requiring relocation of the building or tree planting for screening purposes where this is considered desirable and practicable;
- (d) protect the land from closer development which would detract from the rural character and amenity of the area.

3.5.6 Rural 3 Zone—General Farming

The objective for the zone is to maintain the rural economy of the Shire and protect the rural landscape and environment generally.

Council policies will therefore be to—

- (a) ensure that the zone contains predominantly rural uses and reserves for various purposes;
- (b) protect land from urban uses which may jeopardise the future use of that land for other planned purposes which are compatible with the rural zoning;
- (c) protect the land from closer development which would detract from the rural character and amenity of the area;

- (d) prevent any development which may affect the viability of a rural holding;
- (e) require that planning approval be obtained for all buildings including a residence and assess such applications to ensure minimal intrusion onto the rural landscape and the amenity of adjoining properties.

3.5.7 Rural Residential Zone

The objective for the zone is to provide for residential use on appropriately located rural land in the district in a manner which will enhance the District's social and economic structure without detrimentally affecting the rural landscape, environment and existing agricultural activity.

Council policies and requirements will therefore be—

- (a) Servicing
 - (i) No dwelling will be considered fit for human habitation unless it is connected to a potable water supply approved by Council and having a minimum capacity of 92,000 litres and an approved method of effluent disposal has been installed and is operating satisfactorily.
 - (ii) Solid waste shall not be buried on any property.
- (b) Landscape Protection
 - (i) No indigenous tree or substantial vegetation shall be felled or removed, except—
 - for parkland clearing around an approved building site, provided that the area cleared does not exceed 3,000m²;
 - for trees or vegetation which are dead, diseased or dangerous;
 - for the purposes of a firebreak required under a regulation or bylaw;
 - for the purposes of an access driveway;
 - an area up to 3 metres in width for the purpose of erecting and maintaining a boundary fence or up to 1 metre in width for internal fencing;
 - (ii) Removal of indigenous trees or substantial native vegetation for purposes other than the above exceptions shall require the consent of Council and, as a condition of granting consent, Council may require the planting and maintenance for a period of at least 3 years of native trees and vegetation of species and in locations approved by Council.
 - (iii) Within a tree planting area shown on a subdivisional guide map, Council shall require the planting and maintenance for a period of three years of suitable trees.
- (c) Environmental Controls
 - (i) The breeding or keeping of animals other than that included in the definition of Rural Pursuit will not be permitted unless such has been specifically approved by Council and subject to whatever conditions Council deems necessary.
 - (ii) The keeping of pigs is prohibited.
 - (iii) Council may take any action necessary to reduce or eliminate adverse effects on the environment or the amenity of the area caused solely or partly by the stocking of animals or unsuitable development on any lot and any costs incurred by Council in taking such action shall be recoverable by Council from the landowner.
- (d) Amenity Control
 - (i) Development shall be carried out in a manner that is aimed at preserving the rural amenity of the area.
 - (ii) Notwithstanding that a building or work may conform in all respects with the other provisions of the Scheme, the Council may apply whatever additional conditions it may believe necessary to maintain rural amenity. These conditions may include but not necessarily be limited to—
 - colour schemes which, in the opinion of Council are consistent and compatible with the natural landscape;
 - the planting of screen trees around buildings and maintenance of such for a period of at least 3 years;
 - (iii) The storage of materials, whatever the nature, shall be effected in a manner whereby no adverse visual impact shall occur from adjoining properties and/or roadways.
 - (iv) The use of solid fencing upon properties will not be permitted except where it can be demonstrated to the satisfaction of Council that no adverse visual impact will arise.
- (e) Zoning

Applications for rezoning to rural residential shall consist of a plan and report which, in the opinion of Council satisfactorily addresses the following—

 - (i) Topography of the land, with contours which adequately depict the landform.
 - (ii) Physical features such as existing buildings and other improvements, rock outcrops, tree areas or groups of trees, existing uses, streams, wells and other significant improvements.
 - (iii) Areas of land degradation and proposed methods of treatment thereof;
 - (iv) In the absence of a Rural Strategy, it will be the responsibility of each applicant to prepare a land capability assessment to the satisfaction of both the Council and the Western Australian Planning Commission.

(f) Subdivision Guide Map

Applications for zoning to rural residential shall be accompanied by a subdivision guide map which will be adopted by Council and form part of the Scheme for the purpose of enabling development control for the zone as referred to in Schedule 4. A subdivision guide map shall show, in addition to any other matter required by Council—

- (i) layout and size of lots;
- (ii) areas to be reserved for environmental or landscape protection;
- (iii) tree planting areas required by Council;
- (iv) any specific measures proposed for bush fire control;
- (v) if required by Council, building envelopes wherein all buildings on a lot must be contained.

Subdivision shall generally occur in accordance with a Subdivision Guide Map adopted by Council and approved by the Western Australian Planning Commission.

- (g) Permitted uses of conditions of use for a particular Rural Residential zone may be varied from the provisions of Table 1 or any other relevant clause or table of the Scheme and such variations shall be listed against the zone in Schedule 4.

PART IV—NON-CONFORMING USES

4.1 Non-Conforming Use Rights

No provisions 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 authorise 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 consent 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 consent to the change of use of any land from one 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 Discontinuance 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.

4.6 Development of Land Subject to Non-Conforming Use Rights

4.6.1 Subject to the provisions of Clause 4.3, any change of use or development shall be in accordance with Table 1, provided that the Council may permit—

- (i) minor repairs or maintenance necessary to ensure the safety and health of the public and users of the property;
- (ii) an extension of the buildings subject to the non-conforming use by up to 20% of the floor area of the building existing at the time of gazettal of the Scheme, or by such greater proportion which the Council considers will not prejudice the objectives of this Scheme, provided always that such extension is within the limits of the setbacks in this Scheme.

PART V—DEVELOPMENT REQUIREMENTS

5.1 Development of Land

5.1.1 Subject to Clause 5.1.2, a person shall not commence or carry out development of any land zoned or reserved under the Scheme without first having applied for and obtained the planning approval of the Council under the Scheme.

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

- (a) The development of land in a local 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 erection of a boundary fence except as otherwise required by the Scheme;
- (c) The erection on a lot of a single dwelling house, including ancillary buildings in the Residential zone, except where the single house is not the first erected on the lot;
- (d) Rural Pursuit in Rural Zones 2 & 3. Any other pursuit including the development of buildings will require the planning consent of Council;
- (e) The carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act;
- (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.

5.2 Development Requirements

Where requirements for a particular use are not set out in this Scheme, the development shall conform to the provisions for the predominant use of the zone in which it is situated, as determined by the Council, or where such provisions are inappropriate, to such requirements as the Council shall determine.

For the purposes of this Clause, the predominant uses in zones and local reserves shall be deemed to be as outlined in their respective objectives.

5.3 Combined Uses

Where two or more uses are combined in a single development, the development shall conform to the requirements for each use respectively, or where such requirements are inappropriate, to such requirements as the Council shall determine.

5.4 Discretion to Modify Development Standards

If a development, other than a residential development, the subject of an application for planning approval, does not comply with a standard or requirement prescribed by the Scheme with respect to that development 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; and
- (c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.

5.5 Residential Development—Residential Planning Codes

5.5.1 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.

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

5.5.3 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 provisions of those codes.

5.5.4 Unless otherwise indicated on the Scheme Maps, residential use in the Residential and Commercial zones of the townsites of Goomalling, Jennacubbine and Konnongorring shall conform to the provisions of the following Residential Planning Codes—

Single House—R12.5
Grouped Dwelling—R15
Multiple Dwelling—R40

5.6 Development Table

Any development that is permitted under the provisions of Part II and Part III of this Scheme shall conform to the requirements for that use as specified in Table 2—Development Table.

5.6.1 Building Setbacks

No building shall be constructed closer to the road or street alignment or alignments of the lot on which it stands than the distance prescribed hereunder.

TABLE 2—DEVELOPMENT TABLE

	Minimum Boundary Setback (Metres)
Residential	In accordance with the provisions of the Residential Planning Code.
Commercial	Nil
Light Industry	15.0
General Industry	15.0
Rural 1, Rural 2, Rural 3)	From Road Frontage—50
Rural Residential)	From Other Boundaries—20
Special Use	15.0
Caravan Park & Camping Ground	15.0
Hotel/Motel/Tavern	15.0
Fuel Depot	15.0
Service Station	15.0
Civic & Cultural	15.0
Church & Institutional	9.0

Notwithstanding the requirements of this table, Council may permit variation of the setbacks where—

- (a) a building envelope is shown on a Subdivision Guide Plan adopted by Council; or
- (b) it is shown to the satisfaction of Council that by reason of lot configuration, topography or economy, a variation is desirable subject to any special conditions as Council may see fit.

5.7 Car Parking & Access

All driveways and parking areas, where provided, shall be constructed and surfaced to Council's satisfaction, with appropriate measures for drainage and the disposal of surface water.

5.8 Development on Land Subject to Dampness or Flooding

5.8.1 Where, in the opinion of the Council, the dampness of the site on which a building is proposed to be constructed so warrants, the Council may require that one or two or all of the following measures shall be carried out—

- (a) The subsoil shall be effectively drained;
- (b) The surface of the ground beneath the building shall be regraded or filled and provided with adequate outlets to prevent any accumulation of water beneath the building;
- (c) The surface of the ground beneath the building shall be covered with an approved damp-resisting material.

5.8.2 A building shall not be constructed upon any land defined by the Council as being liable to flooding or inundation.

5.9 Development on Land Abutting a Residential Zone

Where non-residential development abuts a Residential zone, Council may require a variation of the standards which would be otherwise required for such development by the Scheme after consideration of any potential nuisance to the residential use.

5.10 Commercial Development

5.10.1 Commercial development in the Commercial zone shall comply with the requirements of Table 2 and the objectives for that zone as outlined in Part III.

5.10.2 Loading docks and accessways shall be provided sufficient in size to wholly contain delivery vehicles on site or within the building.

5.10.3 Where the Council considers it appropriate, rear access shall be provided to each tenement, in order to avoid using the front entrance or another tenement for service deliveries.

5.11 Industrial Development

5.11.1 Industrial development in the Industrial zones shall comply with the requirements of Table 2 and the objectives for those zones as outlined in Part III.

5.11.2 The front setback area may be used only for the purposes of landscaping, visitors car parking or access. The Council may approve the use of the front setback area for display or for loading and unloading of vehicles. No material or product may be stored within the front setback area.

5.11.3 Where an open storage area is visible from a public place or street, and is not of a display nature, it shall be screened to the satisfaction of the Council.

5.11.4 Front setback areas shall be landscaped, including an area of not less than one metre wide adjacent to each side boundary, except where an access is shared between adjacent lots. Areas other than the front setback that are visible from a public street or place shall be developed with landscaped open space or screened to the approval of the Council.

5.11.5 Loading docks and accessways shall be provided sufficient in size to wholly contain delivery vehicles on site or within the building, and to permit the passage of vehicles from and to the street in forward gear.

5.11.6 Where the Council considers it appropriate, rear access shall be provided to each tenement to avoid using the front entrance or another tenement for service deliveries.

5.11.7 Development of factory unit buildings for the purpose of providing multiple factory units on one lot shall conform to the following requirements—

- (a) No unit shall have a floor area of less than 100 square metres;
- (b) Each unit shall hold an appurtenant service yard which shall be a minimum of half the unit floor area;
- (c) Access to an office forming part of the unit and the major access to the unit itself shall not be through the service yard;
- (d) Off street parking in accordance with the requirements of Table 2 may be provided as an overall area on the site;
- (e) All facades shall be of materials approved by Council;
- (f) All other requirements, including access to the units for loading and unloading, servicing, landscaping building clearances, internal dividing walls and traffic circulation shall be at the discretion of Council, having regard to the need for satisfactory standards of construction, privacy, appearance and amenity.

5.12 Special Use Development

5.12.1 Where Council considers a particular development or use to be incompatible with the predominant uses in other zones, it may require such a development or use be restricted to the Special Use zone.

5.12.2 No person shall use any land, or any building or structure thereon, in a Special Use Zone, except for the purpose set out against that land in Schedule 2 and subject to compliance with any conditions specified in the Schedule with respect to the land.

5.13 Rural Development

5.13.1 Development in the Rural zones shall comply with the objectives for these zones as outlined in Part III, and with such requirements as the Council shall see fit relative to the proposed use.

5.13.2 Notwithstanding the provisions of Table 2, the setback requirement for a marine collectors/dealers yard in the Rural zone shall be 200 metres from all boundaries.

5.13.3 Water Supply

If a dwelling is not connected to a reticulated water supply or other supply of potable water approved by Council, Council will require storage for 92,000 litres of water.

5.14 Development of Other Structures

5.14.1 Development standards including height, area, setbacks and construction materials shall be determined by Council for the following structures: an outbuilding, carport or garage, pergola, shadehouse or conservatory, shed or workshop, any accommodation designed to house livestock, including a kennel, stable, aviary, fowl house and pigeon loft.

5.15 Storage of Used Tyres

Except with the approval of Council, the storage of more than one hundred used tyres is not permitted in the Scheme area.

5.16 Control of Advertisements

5.16.1 Power to Control Advertisements—

- (i) 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. Such planning consent is required in addition to any licence pursuant to Council's Signs, Hoarding and Bill Posting Bylaws.
- (ii) Applications for Council's consent pursuant to this Part shall be submitted in accordance with the provisions of Clause 6.1 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 2 giving details of the advertisement(s) to be erected, placed or displayed on the land.

5.16.2 Existing Advertisements

Advertisements which—

- (i) were lawfully erected, placed or displayed prior to the approval of this Scheme, or
- (ii) 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 Part referred to as 'existing advertisements', may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

5.16.3 Consideration of Applications

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

5.16.4 Exemptions from the Requirement to Obtain Consent

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Subclause 5.8.1, the Council's prior consent is not required in respect of those advertisements listed in Schedule 5 which for the purpose of this Part are referred to as 'exempted advertisements'. The exemptions listed in Schedule 5 do not apply to places, buildings, conservation areas or landscape protection zones which are either—

- (i) listed by the National Trust;
- (ii) listed on the register of the National Estate;
- (iii) included in local authority town planning schemes because of their heritage or landscape value.

5.16.5 Discontinuance

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

5.16.6 Derelict or Poorly Maintained Signs

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

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

5.16.7 Notices—

- (i) 'The advertiser' shall be interpreted as any one or any group comprised of the land owner, occupier or licensee.
- (ii) Any notice served in exceptional circumstances pursuant to Subclause 5.16.5 or Subclause 5.16.6 shall be served upon the advertiser and shall specify—
 - (a) the advertisement(s) the subject of the notice,
 - (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice,
 - (c) the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.
- (iii) Any person upon whom a notice is served pursuant to this Part 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.

5.16.8 Scheme to Prevail

Where the provisions of this Part are found to be at variance with the provisions of the Council's Signs, Hoarding and Bill Posting Bylaws, the provisions of the Scheme shall prevail.

5.16.9 Enforcement and Penalties

The offences and penalties provisions specified in Clause 7.2 of the Scheme apply to the advertiser in this part.

PART VI—PLANNING APPROVAL

6.1 Application for Planning Approval

6.1.1 Every application for Planning Approval shall be made in the form prescribed in Appendix 1(a) to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

6.1.2 Unless the Council waives any particular requirement, every application for Planning Approval shall be accompanied by—

- (a) a plan or plans to a scale of not less than 1:500, showing—
 - (i) street names, lot number(s), north point, and the dimensions of the site;
 - (ii) the location and proposed use of any existing buildings to be retained, and the location and use of buildings proposed to be erected on the site;
 - (iii) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (iv) the location, number, dimensions and layout of all carparking spaces intended to be provided;
 - (v) 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;
 - (vi) the location, dimensions 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;

- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- (c) any other plan or information that the Council may reasonably require to enable the application to be determined.

6.2 Advertising of Applications

6.2.1 Where an application is made for Planning Approval to commence or carry out development which involves an 'SA' use, the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions in this Clause.

6.2.2 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 consent of the Council, the Council may give notice of the application in accordance with the provisions of this clause.

6.2.3 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 twenty-one days of 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 twenty-one days from 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 twenty-one days from the date of publication of the notice referred to in paragraph (b) of this Clause.

6.2.4 The notice referred to in Clause 6.2.3 (a) shall be in the form contained in Appendix 1(b) with such modifications as circumstances require, and the notice referred to in Clauses 6.2.3(b) and (c) shall be in the form contained in Appendix 1(c).

6.2.5 After expiration of twenty-one 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 later, the Council shall consider and determine the application.

6.3 Determination of Applications

6.3.1 In determining an application for Planning Approval, the Council may consult with any authority which, in the circumstances, it thinks appropriate.

6.3.2 The Council, having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenity of the locality may refuse to approve any application for planning approval or may grant its approval unconditionally or subject to such conditions as it thinks fit.

6.3.3 The Council shall issue its decision in respect of an application for Planning Approval in the form prescribed in Appendix 1(d) to the Scheme.

6.3.4 Where the Council approves an application for Planning Approval under this Scheme, the Council may limit the time for which that approval remains valid.

6.4 Deemed Refusal

6.4.1 Where the Council has not, within sixty days of the receipt by it of an application for Planning Approval, either conveyed its decision to the applicant or given notice of the application in accordance with Clause 6.2, the application may be deemed to have been refused.

6.4.2 Where the Council has given notice of an application for Planning Approval, in accordance with Clause 6.2 and where the Council has not within ninety days of receipt by it of the application conveyed its decision to the applicant, the application may be deemed to have been refused.

6.4.3 Notwithstanding that an application for Planning Approval may be deemed to have been refused under Clauses 6.4.1 or 6.4.2, the Council may issue a decision in respect of the application at any time after the expiry of the sixty day or ninety day period specified in those clauses, as the case may be.

6.5 Preservation of Heritage Places

6.5.1 If the Council resolves that, in its opinion, a building, object, or place is of historical or architectural interest or of outstanding natural beauty then it shall be described and listed in the register of Heritage Places which shall be held with the Scheme but does not form part of the Scheme.

The Council may resolve its intention to declare a site to be a place of heritage value but the site shall not be included in the register of Heritage Places until the Council has notified all of the owners and occupiers in the area of its intentions in writing, advertised its intention for a period of 30 days calling for submissions, and considered any submissions received in response to its declaration.

The Council may at any time resolve that a heritage area should be extended or otherwise amended by the register of Heritage Places but shall not be amended until the Council has notified all owners and occupiers in the area of its intentions in writing, advertised its intention for a period of 30 days calling for submissions and considered any submissions.

6.5.2 No alteration or modification to any building, object or place which is included in the register of heritage places under clause 6.5.1 shall be commenced or carried out, by any person, without having obtained planning consent.

In considering any application to commence development the Council shall have due regard for any policy statement of the Council and to the published views of the National Trust of Australia (WA), and the Western Australian Heritage Council or its successors; and to the views of these or any other relevant bodies, which views the Council may solicit.

6.5.3 Where a development the subject of an application for planning consent involves a material alteration to, a material modification of, or the destruction (total or partial) of any building, object, or place the subject of a resolution under Clause 6.5.1, the Council, having regard to the desirability of retaining that building, object, or place, may refuse the application or approve of it subject to such conditions as the Council deems necessary to protect or preserve the building, object, or place.

6.5.4 Where development is proposed which would incorporate or conserve the whole or part of an existing building which the Council considers worthy of preservation; or where new development is proposed that, in the view of Council, enhances significant aspects of the built form of a heritage area and/or makes a significant contribution to the townscape, the Council may—

- permit an increase in the permissible floor area;
- permit setbacks consistent with the existing or neighbouring buildings;
- relax parking standards or any other matters which, in the opinion of the Council, would achieve the objectives of the Scheme without detriment to the amenity of the area, consistent with orderly and proper planning practice.

PART VII—ADMINISTRATION

7.1 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.

7.2 Offences

7.2.1 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 and issued;
- (c) unless all conditions imposed upon the grant and issue of any approvals 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 of that land or building or that part have been and continue to be complied with.

7.2.2 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.

7.3 Notices

7.3.1 Twenty-eight (28) days written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act.

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

7.4 Claims for Compensation

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*.

7.5 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.

7.6 Power to Make Policies

7.6.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.

7.6.2 A Town Planning Scheme Policy shall become operative only after the following procedures have been completed—

- (a) The Council, having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy once a week for two consecutive weeks in a newspaper circulating in the area, giving details of where the Draft Policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council;
- (b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy;
- (c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme Documents for inspection during normal office hours.

7.6.3 A Town Planning Scheme Policy may only be altered or rescinded by—

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

7.6.4 A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent, but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.

Schedule 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 in and for the purposes of the Local Government Act 1960 (as amended).

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

Advertisement: means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements and Advertising Sign shall be construed accordingly.

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 a machine, device or games table, mechanically or electronically powered, that releases or makes available balls, discs or other items for projection in or on the machine by the use of springs, flippers, paddles or cues, or electronic devices which are controlled or partly controlled by computer associated with electronic screen(s) operated by one or more players for amusement or 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 of the provisions of Part V of the Fisheries Act 1905 (as amended) and the Fisheries Regulations 1938 (as amended) is required.

Battle-axe lot: means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.

Betting Agency: means a building operated in accordance with the Totalisator Agency Board Betting Act 1960 (as amended).

Builder's Storage Yard: means land and buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.

Building: shall have the same meaning as is given to it in and for the purposes of the Residential Planning Codes.

Building Envelope: means an area of land within a lot marked on a plan forming part of the Scheme to which building development is restricted.

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 on bays or tent sites allocated for that purpose.

- Caretaker's Dwelling:** means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.
- Car Park:** means land and buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.
- Cattery:** means the use of an approved out-building constructed in accordance with the Health Act Model By-laws Series 'A' Part One—General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months.
- Civic Use:** means land and buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.
- Club Premises:** means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Act, 1970 (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 Commission 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 or treatment of physical or mental injuries or ailments, and the two 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 200m² gross leasable area.
- 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:** shall have the same meaning given to it in and for the purposes of the Act.
- District:** means the Municipal District of the Shire of Goomalling.
- Dog Kennels:** means land and buildings used for the boarding and 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 use is incidental to the predominant use.
- Dry Cleaning Premises:** means land and buildings used for the cleaning of garments and other fabrics by chemical processes.
- Educational Establishment:** means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory or institutional home.
- Effective Frontage:** means the width of a lot at the minimum distance from the street alignment at which buildings may be constructed, and shall be calculated as follows—
- where the site boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries;
 - 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;
 - 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;
- 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 and may, with the consent of Council, include cleaning and processing of fish for sale by retail from the premises.
- Floor Area:** shall have the same meaning given to it and for the purposes of the Building Code of Australia.
- Frontage:** means the boundary line or lines between a site and the street or streets upon which the site abuts.
- Fuel Depot:** means land and buildings used for the storage and sale in bulk of solid or liquid 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.

Gazettal 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 Centre: means a maternity or x-ray centre, a district clinic, a masseur's establishment or a medical clinic.

Heritage: In Burra Charter Terms, places of heritage value must have cultural significance—that have 'aesthetic, historic, scientific or social value for past, present or future generations'. Places of heritage can include buildings and other artefacts, as well as gardens and landscapes, and allows for both 'new' and 'old' heritage places.

Home Occupation: means a business or activity carried on with the written permission 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 interferences, 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 the land on which the business is conducted.
- (b) does not entail employment of any person not a member of the occupier's family;
- (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 in which it is located.
- (e) does not display a sign exceeding 0.2 m² in area;
- (f) in the opinion of the Council it is compatible with the principal uses to which land in the zone in which 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 fuelling or repairing of motor vehicles within the curtilage of the dwelling house or domestic out-building.

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

Hotel: means land and buildings providing accommodation for the public the subject of a Hotel Licence granted under the provisions of the Liquor Licensing Act, 1988 (as amended).

Industry: means the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following—

- (a) the winning, processing or treatment of minerals;
- (b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;
- (c) the generation of electricity or the production of gas;
- (d) the manufacture of edible goods;

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include—

- (i) the carrying out of agriculture,
- (ii) site work on buildings, work or land,
- (iii) in the case of edible goods the preparation of food for sale from the premises,
- (iv) panel beating, spray painting or motor vehicle wrecking.

Industry—Cottage: means an industry which produces arts and crafts 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,
- (c) is conducted in an out-building which is compatible to the zone and its amenity and does not occupy an area in excess of 55m²,
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located, and;
- (e) does not display a sign exceeding 0.2m² in area.

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 is extracted or on land adjacent thereto; or
- (b) the production of salt by the evaporation of water.

Industry General: means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry.

Industry Hazardous: means an industry which by reason of the processes involved or the method of manufacture or the nature of the materials used or produced requires isolation from other buildings.

Industry Light: means an industry—

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

Industry Noxious: means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911-1979 (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 having a retail shop front and used as a depot for receiving goods to be serviced.

Intensive Agriculture: means agricultural practices which are carried out with the aid of techniques including water reticulation to render the land capable of sustaining considerably greater numbers of stock, higher crop yields, or different types of crops than could be produced without the aid of those techniques.

Intensive Stock Rearing: means land and buildings which are used for the keeping, breeding and rearing of any species of farm animals at intensities well in excess of the stocking rate recommended by the Department of Agriculture.

Institutional Home: means a building used for residential purposes for the care and maintenance of children, the aged or the infirm and includes a benevolent institution.

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

Laundromat: means a building, open to the public, in which coin-operated or other washing machines, with or without provision for drying clothes, are available for use.

Liquor Store: means a building the subject of a Store Licence granted under the provisions of the Liquor Act, 1988 (as amended).

Lot: shall have the same meaning given to it in and for the purposes of, the Act and "allotment" has the same meaning.

Machinery Sales & Demonstration: means land and buildings used for the display and demonstration of farm machinery, but does not include sales from the premises.

Marine Collectors/Dealers 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 producers' market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stall holders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

Medical Centre: means 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.

Motel: means land and buildings used or intended to be used to accommodate patrons in a manner similar to a Hotel or Boarding House but in which special provision is made for the accommodation of patrons with motor vehicles.

Motor Vehicle, Marine & Agricultural Machinery Sales: means land and buildings used for the display and sale of new or second hand motorcycles, cars, trucks, caravans, boats and agricultural machinery and equipment, or any one or more of them and may include the servicing of goods sold from the site.

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 Station: means land and buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

Motor Vehicle Wrecking Premises: means land and buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.

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 products associated with horticultural and garden decor.

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.

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

(a) is entitled to the land for an estate in fee simple in possession; or

(b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or

(c) is a lessor or licensee from the Crown; or

(d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.

Park Home: means a movable dwelling, not being a vehicle as defined under the Road Traffic Act 1974-82, but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilised by jacks and provided with skirtings and being so designed and constructed as to permit independent occupancy for dwelling purposes.

Piggery: shall have the same meaning given to it in and for the purposes 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, toilets and amenities, external wall thicknesses, 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 levels of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in 'International Standards for Drinking Water—Third Edition, World Health Organisation—1971'.

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

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

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

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

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

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

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

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.

Rabbit Farming: means the farming of rabbits for meat and fibre, using the intensive caged system, as approved by the Department of Agriculture.

Radio and T.V. 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 for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes.

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

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

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

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

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

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

- (a) the growing of vegetables, fruit, cereals, food crops or trees, shrubs etc;
- (b) the rearing or agistment of goats, sheep, cattle or beasts of burden at stocking rates not in excess of stocking rates recommended by the Department of Agriculture;
- (c) the stabling, agistment or training of horses;
- (d) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;
- (e) the sale of produce grown solely on the lot;
- (f) the growing of trees and shrubs, and agro forestry for commercial purposes;
- (g) aquaculture;
- (h) the keeping of pigs, up to and including four in number.

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

- (i) the keeping of pigs in excess of four;
- (ii) farming of poultry, rabbits, emus or exotic animals;
- (iii) the processing, treatment or packing of produce;
- (iv) the breeding, rearing or boarding of domestic pets or greyhounds;
- (v) feed lots.

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.

Schedule: means a schedule to the Scheme.

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

Shop: means premises wherein goods are kept, exposed or offered for sale by retail or for hire, including premises for the provision of personal services, 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 a building wherein goods are displayed and may be offered for sale by wholesale and/or by retail, excluding the sale by retail of: foodstuffs, liquor or beverages, items of clothing or apparel, magazines, books or paper products, medical or pharmaceutical products, china, glassware or domestic hardware, and items of personal adornment.

Special Motor Repair Station: means land and buildings used for the mechanical repair and overhaul of motor vehicles or the machinery, but does not include panel beating, spray painting, chassis reshaping or tyre retreading.

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

Stables: means land and buildings used for the housing and keeping of horses, asses and mules.

Tavern: means land and buildings the subject of a Tavern Licence granted under the provisions of the Liquor Licensing Act, 1988 (as amended).

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

- (a) the growing of vegetables, fruit, cereals or food crops;
- (b) the rearing or agistment of goats, sheep, cattle, horses or beasts of burden at stocking rates not in excess of the stocking rates recommended by the Department of Agriculture;
- (c) the stabling and training of horses;
- (d) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens.

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

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

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.

Warehouse: means a building wherein goods are stored and may be offered for sale by wholesale and, with the consent of Council, by retail.

Wayside Stall: means a building situated on private land which offers for sale to the general public produce or 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).

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.

Schedule 2

SPECIAL USE ZONES

No.	Land Particulars	Permitted Uses	Development Standards/Conditions
1	Part Avon Location 4732, Beecroft Road, Goomalling.	Storage, repair & maintenance of earthmoving equipment and farm machinery belonging to the owner of the land. Installation of an overhead diesel fuel tank for storage of fuel for the owner's use, subject to compliance with the Flammable Liquids Regulations from time to time in force. The storage and packing of wool.	

Schedule 3

ADDITIONAL USES

No.	Land Particulars	Base Zone	Additional Use	Development Standards/Conditions
-----	------------------	-----------	----------------	----------------------------------

Schedule 4

RURAL RESIDENTIAL ZONES

Specified Area	Special Provisions
Lots 1 & 2 of Avon Loc 19913	Subdivision and development to be generally in accordance with the Limited Rural Strategy adopted by Council on 27 April 1994.
Lot 7 of Avon Loc 1545,	
Pt Avon Loc 2336,	
Avon Loc 626	

Schedule 5

EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 5.16.4

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated.)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly.	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-in Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ² .
Shops, Showrooms and other uses appropriate to a Shopping Area.	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	Not Applicable
Industrial and Warehouse Premises.	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements shall not exceed 15m ² Maximum permissible total area shall not exceed 10m ² & individual advertisement signs shall not exceed 6m ² .
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	N/A
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a government department, public authority or the council of a municipality, and c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A N/A N/A
Railway Property and Reserves.	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.
Advertisements within Buildings.	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings.	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows):		
i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
ii) Multiple Dwellings, Shops Commercial & Industrial projects.	One sign as for i) above.	5m ²

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (Includes the change of posters on poster signs and applies to non-illuminated signs unless other- wise stated.)	MAXIMUM AREA OF EXEMPTED SIGN
iii) Large development or redev- elopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for i) above. One additional sign showing the name of the project builder.	10m ² 5m ²
Sales of Goods or Livestock.	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
Property Transactions. Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows:		
a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m ² .
b) Multiple dwellings, shops, Commercial & Industrial Properties.	One sign as for a) above.	Each sign shall not exceed an area of 5m ² .
c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.	One sign as for a) above.	Each sign shall not exceed an area of 10m ² .
Display Homes. Advertisement signs displayed for the period over which homes are on display for public inspection.	i) One sign for each dwelling on display. ii) In addition to i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m ² 5m ²

Appendix 1(a)

SHIRE OF GOOMALLING
TOWN PLANNING SCHEME No. 3
Application For Planning Approval

Name of Owner of Land on which Development is proposed:

Surname: Given Names:.....

Address:.....

Submitted by:

Address for Correspondence:

Locality of Development: Street:

Titles Office Description of Land:

Plan or Lot No.	Location Diagram	Cert. of Number	Title Vol.	Folio
.....
.....
.....

State type of building proposed, or describe briefly the proposed development:

State approximate cost of proposed development:

State estimated time of completion:

* Three (3) copies of the site layout plan and other necessary plans of the proposal are submitted
with this application.

Signed:.....

Owner of the Land

Date:.....

Notes

1. This application can only be signed by the owner, or purchaser under option, of the land on which the development is proposed.

2. This is not an application for a building licence. Separate application forms and plans are to be submitted for such, after Planning Consent has been obtained.
3. This application is to be submitted in triplicate, together with copies of the plans requested, to the Council Office, Shire of

For Office Use Only:

File No: Gross Floor Area:
 Lot Area: Date Received:
 Zone: Effective Frontage:
 Use Table Symbol Use Class:

Appendix 1(b)

SHIRE OF GOOMALLING
TOWN PLANNING SCHEME No. 3
Notice of Application for Planning Approval

TO THE OCCUPIER/OWNER:

IN ACCORDANCE with the provisions of this Scheme the Council of the Shire of Goomalling hereby gives you notice that an Application for Planning Approval has been received as detailed below. The Council invites submissions from interested parties concerning the proposal within twenty-one (21) days of the service of this notice. The Council will duly consider such submissions prior to determining the Application.

Application submitted by:.....

Location of proposal:.....

The type of development and the nature of the proposed buildings are as follows:

The estimated time of completion is:

The approximate number of persons to be employed when the development is completed is:

Interested parties may request further details from the Council office in Goomalling.

Submissions shall be received within 21 days from the date indicated below.

.....
 Date

.....
 Shire Clerk

Appendix 1(c)

SHIRE OF GOOMALLING
TOWN PLANNING SCHEME No. 3
Notice of Public Advertisement
of Development Application

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 19....

.....
 Shire/Town Clerk

.....
 Date

Appendix 1(d)

**SHIRE OF GOOMALLING
TOWN PLANNING SCHEME No. 3**

Planning Approval*
Refusal of Planning Approval*

Application Dated: Owner of Land:

Applicant:

Details of Land:

Lot No. Street Loc No.

Certificate of Title Volume Folio:

Conditions of Approval (Where Applicable)

.....
.....
.....

Signed

Shire Clerk

This Approval is value for a period of months only.

*Delete as applicable.

Appendix No. 2

CONTROL OF ADVERTISEMENTS

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

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

2. Address in full:

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

4. Details of Proposed Sign:

Height: Width: Depth:

Colours to be used:

Height above ground level

(to top of Advertisement:

(to Underside:

Materials to be used:

Illuminated: Yes/No

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

If yes, state intensity of light source:

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

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

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

Signature of Advertiser(s):
(if different from land owners)

Date:

ADOPTION

Adopted by resolution of the Council of the Shire of Goomalling at the Ordinary meeting of the Council held on the 27th day of April 1994.

Dated 4th May 1994.

R. M. CLARKE, President.
C. C. KERP, Shire Clerk.

FINAL APPROVAL

1. Adopted by Resolution of the Council of the Shire of Goomalling at the Ordinary meeting of the Council held on the 26th day of April 1995 and the seal of the Municipality was pursuant to that Resolution hereunto affixed in the presence of:

R. M. CLARKE, President.
C. C. KERP, Shire Clerk.

This Scheme Text is to be 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 1st day of July 1995.

Recommended—

EUGENE FERRARO, for Chairperson Western Australian Planning Commission.

Date 15th June 1995.

Approved—

RICHARD LEWIS, Hon Minister for Planning.

Date 1st July 1995.

POLICE**PE401****POLICE AUCTION**

Under the provisions of the Police Act 1892-1983, unclaimed and stolen property will be sold by public auction at the premises of Broughton and Broughton, Auctioneers of Munda Way, Wedgefield.

R. FALCONER, Commissioner of Police.

PE402**POLICE AUCTION**

Under the provisions of the Police Act 1892-1992, unclaimed stolen bicycles will be sold by public auction at the Department of State Services, State Supply Disposal Centre, 21 Pilbara Street, Welshpool on Tuesday, 8th August, 1995 at 9.00 am.

Auction to be conducted by Mr K. Treloar, Government Auctioneer.

R. FALCONER, Commissioner of Police.

PE403**POLICE AUCTION**

Under the provisions of the Police Act 1892-1992, unclaimed found and stolen property will be sold by public auction at the Department of State Services, State Supply Disposal Centre, 21 Pilbara Street, Welshpool on Tuesday, 15th August 1995 at 9.00 am.

Auction to be conducted by Mr K. Treloar, Government Auctioneer.

R. FALCONER, Commissioner of Police.