

CLICK ON BLUE HIGHLIGHTED TEXT TO SCAN THROUGH DOCUMENT.  
USE SCROLL BAR TO RETURN TO THIS PAGE *(or Control & Home Key)*

[GO TO CONTENTS PAGE](#)

# SHIRE OF SHARK BAY

## TOWN PLANNING SCHEME NO. 2 (District Zoning Scheme)

---

**VERSION 1**

---

### DISCLAIMER

This is a copy of the Town Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department for Planning and Infrastructure. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department for Planning and Infrastructure of any errors or omissions in this document.

**Date Produced: 4 February 2004      Incorporating Amendment 45  
Excluding Amendment 44  
Amendments Pending 46 and 47**

**Prepared by the Department for Planning and Infrastructure**

**Original Town Planning Scheme Gazettal Date: 25 January 1985**

**SHIRE OF SHARK BAY**  
**TOWN PLANNING SCHEME NO 2**  
**DISTRICT ZONING SCHEME**

The Council of the Shire of Shark Bay 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 which may be cited as the Shire of Shark Bay Town Planning Scheme No 2 - District Zoning Scheme, hereinafter referred to as "the Scheme" and shall come into operation upon publication in the *Government Gazette*.

# CONTENTS

<b>PART I - PRELIMINARY</b>		<b>PAGE NO</b>
<a href="#">1.1</a>	<a href="#">Scheme Area</a> .....	5
<a href="#">1.2</a>	<a href="#">Revocation</a> .....	5
<a href="#">1.3</a>	<a href="#">Responsible Authority</a> .....	5
<a href="#">1.4</a>	<a href="#">Scheme Documents</a> .....	5
<a href="#">1.5</a>	<a href="#">Arrangement of Scheme Text</a> .....	5
<a href="#">1.6</a>	<a href="#">Interpretations</a> .....	5
<a href="#">1.7</a>	<a href="#">General Objectives of the Scheme</a> .....	5
 <b>PART II - DEVELOPMENT AND ITS APPROVAL</b>		
<a href="#">2.1</a>	<a href="#">Planning Approval Required</a> .....	6
<a href="#">2.2</a>	<a href="#">Form of Application</a> .....	6
<a href="#">2.3</a>	<a href="#">Matters to be Considered by Council</a> .....	6
<a href="#">2.4</a>	<a href="#">Power to Determine Applications</a> .....	6
<a href="#">2.5</a>	<a href="#">Period of Making Decisions</a> .....	7
<a href="#">2.6</a>	<a href="#">Permitted Development</a> .....	7
<a href="#">2.7</a>	<a href="#">Enforcement and Appeals</a> .....	7
 <b>PART III - RESERVED LAND</b> .....		8
 <b>PART IV - ZONED LAND AND GENERAL PROVISIONS</b>		
<a href="#">4.1</a>	<a href="#">Zones</a> .....	9
<a href="#">4.2</a>	<a href="#">Specific Zoning Objectives</a> .....	9
<a href="#">4.3</a>	<a href="#">Use and Development Standards</a> .....	10
<a href="#">4.4</a>	<a href="#">General Provisions</a> .....	18
<a href="#">4.5</a>	<a href="#">Residential Planning Codes</a> .....	20
<a href="#">4.6</a>	<a href="#">Residential Zone - Objectives and Policies</a> .....	20
<a href="#">4.7</a>	<a href="#">Provisions Relative to the Residential Development Zone</a> .....	22
<a href="#">4.8</a>	<a href="#">Special Use Zones</a> .....	23
<a href="#">4.9</a>	<a href="#">Extractive Industries, Mining and Quarrying</a> .....	23
 <b>PART V - NON-CONFORMING USE OF LAND</b>		
<a href="#">5.1</a>	<a href="#">Status of Non-Conforming Uses</a> .....	24
<a href="#">5.2</a>	<a href="#">Development on Land Used for Non-Conforming Purposes</a> .....	24
<a href="#">5.3</a>	<a href="#">Change of Non-Conforming Use</a> .....	24
<a href="#">5.4</a>	<a href="#">Compliance with Development Standards</a> .....	24
<a href="#">5.5</a>	<a href="#">Discontinuance of Non-Conforming Use</a> .....	24
 <b>PART VI - FINANCE AND ADMINISTRATION</b>		
<a href="#">6.1</a>	<a href="#">Power and Authorities of Council</a> .....	26
<a href="#">6.2</a>	<a href="#">Compensation</a> .....	26
<a href="#">6.3</a>	<a href="#">Enforcement of Provisions</a> .....	26
<a href="#">6.4</a>	<a href="#">Notices</a> .....	26
<a href="#">6.5</a>	<a href="#">Valuations</a> .....	27
<a href="#">6.6</a>	<a href="#">Arbitration</a> .....	27
<a href="#">6.7</a>	<a href="#">Power to make Policies</a> .....	27
<a href="#">6.8</a>	<a href="#">Appeals</a> .....	28

## **PART 7 - CONTROL OF ADVERTISEMENTS**

<a href="#">7.1</a>	<a href="#">Power to Control Advertisements</a> .....	29
<a href="#">7.2</a>	<a href="#">Existing advertisements</a> .....	29
<a href="#">7.3</a>	<a href="#">Consideration of Application</a> .....	29
<a href="#">7.4</a>	<a href="#">Exemptions from the Requirement to Obtain Consent</a> .....	29
<a href="#">7.5</a>	<a href="#">Discontinuance</a> .....	29
<a href="#">7.6</a>	<a href="#">Derelict or Poorly Maintained Signs</a> .....	30
<a href="#">7.7</a>	<a href="#">Notices</a> .....	30
<a href="#">7.8</a>	<a href="#">Scheme To Prevail</a> .....	30
<a href="#">7.9</a>	<a href="#">Enforcement and Penalties</a> .....	30

### **TABLES**

<a href="#">TABLE 1</a>	Zoning Table .....	12
<a href="#">TABLE 2</a>	Development and Car Parking Standards .....	15
<a href="#">TABLE 3</a>	Exempted Advertisements Pursuant to Clause 7.4 .....	31

### **APPENDICES**

<a href="#">Appendix 1</a>	Form for Application for Planning Approval .....	33
<a href="#">Appendix 2</a>	Decision of Application for Planning Approval .....	34
<a href="#">Appendix 3</a>	Interpretations .....	35
<a href="#">Appendix 4</a>	Car Parking Layouts .....	44
<a href="#">Appendix 5</a>	Schedule of Special Use Zones .....	45
<a href="#">Appendix 6</a>	Notice of Public Advertisement of Development Proposal .....	49

<a href="#">ADOPTION</a>	.....	50
--------------------------	-------	----

## **PART 1 - PRELIMINARY**

### **1.1 SCHEME AREA**

The Scheme shall apply to the whole of the Shire of Shark Bay which is contained within the inner edge of the broken black line on the Scheme Map and which area is hereinafter referred to as the "Scheme Area".

### **1.2 REVOCATION**

The Shire of Shark Bay Town Planning Scheme No. 1 published in the *Government Gazette* on 6 June 1975 and subsequently amended from time to time is hereby revoked.

### **1.3 RESPONSIBLE AUTHORITY**

The Authority responsible for the implementation of this Scheme shall be the Council of the Shire of Shark Bay hereinafter referred to as "The Council".

### **1.4 SCHEME DOCUMENTS**

The Scheme is comprised of the following documents:

- (i) Land Use Map,
- (ii) Scheme Map,
- (iii) Scheme Text.

A complementary Scheme Report has also been prepared.

### **1.5 ARRANGEMENT OF SCHEME TEXT**

The Scheme Text is divided into the following parts:

- Part 1 Preliminary
- Part 2 Development and its Approval
- Part 3 Reserved Land
- Part 4 Zoned Land and General Provisions
- Part 5 Non-Conforming Use of Land
- Part 6 Finance and Administration

### **1.6 INTERPRETATIONS**

In this Scheme the terms used shall have the respective interpretations set out in Appendix "D" of the Town Planning Regulations 1967 except those terms for which interpretations are given in Appendix 3 of this Scheme Text.

### **1.7 GENERAL OBJECTIVES OF THE SCHEME**

Pursuant to the provisions of the Act, in particular section 6 and the First Schedule, the general objectives of this Scheme are:

- (a) To reserve land required for various public purposes.
- (b) To zone the balance of the land within the Scheme Area for the various purposes described in the Scheme.
- (c) To introduce various land uses and development controls for the purpose of securing and maintaining an orderly and properly planned use and development of land within the Scheme Area and to preserve and enhance the environmental qualities of the area.

## **PART II - DEVELOPMENT AND ITS APPROVAL**

### **2.1 PLANNING APPROVAL REQUIRED**

Except as provided for in Clause 2.6, no development including the material change in the use of land, shall be carried out on land within the Scheme Area without the prior consent of the Council.

Such consent is hereinafter referred to as 'a planning approval' and is required in addition to a building licence.

### **2.2 FORM OF APPLICATION**

Applications for planning approval shall be in the form set out in Appendix No. 1 to this Scheme and shall be accompanied by such plans and other explanatory material as may be required by Council.

### **2.3 MATTERS TO BE CONSIDERED BY COUNCIL**

In considering any such application, Council shall have regard to:

- (i) the objectives and provisions of this Scheme;
- (ii) the orderly and proper planning of land within the Scheme Area; and

may take into account:

- (iii) the nature of the proposed development in relation to the development either existing or proposed on adjoining land;
- (iv) the size, shape and character of the lot upon which the development is to be carried out and the influence which this may have on the siting and nature of any new building;
- (v) the views from any new building and the views which that building may interrupt;
- (vi) the design and external appearance (including the exterior cladding) of any new building and its effect upon the amenity of existing buildings and the area generally;
- (vii) the representations of any Statutory Bodies or other interested parties with whom it may confer;
- (viii) the existing and likely future amenity of the Scheme Area;
- (ix) the nature and condition of roads serving the sites under consideration, and the need for car parking, loading and vehicle turning space within the site to adequately serve anticipated development;
- (x) any other matters relevant to town and regional planning, the public interest in general and the locality surrounding the proposed development in particular.

### **2.4 POWER TO DETERMINE APPLICATIONS**

The Council having considered an application for planning approval may either:

- (a) refuse to grant its approval giving its reasons; or
- (b) grant approval; or
- (c) grant approval subject to such conditions and requirements as it deems fit.

Without limiting the above, the Council may, where it deems appropriate, grant planning approvals which:

- (i) if not implemented within the period of time specified in each such approval, shall thereafter cease to be valid; or
- (ii) permit the use and development of land to occur for limited periods of time after the expiration of which periods, as specified in each such approval, the use of the land shall cease and the site shall be restored to its former condition.

## **2.5 PERIOD FOR MAKING DECISIONS**

The Council shall convey its decision on any such application for planning approval to the applicant in the form set out at Appendix 2 to this Scheme within 60 days of the date upon which it was received at the Council's offices unless the Council shall have first obtained the applicant's approval in writing for an extension of that period and in the event that a decision has not been made within the period or extended period, the application may be deemed to have been refused for the purpose of appeal.

## **2.6 PERMITTED DEVELOPMENT**

The following classes of development may be undertaken without the approval of the Council and are referred to as permitted development:

- (a) The replacement, maintenance or repair by Government Agency or Statutory Undertaking of any equipment necessary to provide and maintain a public service.
- (b) The maintenance and repair of any building provided that no works of a structural nature are undertaken and no material change in the external appearance of the building is involved.
- (c) Activities and work which lie within the definition of development but which are associated with and necessary for the continuation of a primary use of land which lawfully exists by virtue of the other provisions of this Scheme or by approvals granted pursuant to this Scheme.
- (d) Changes in the use of land and buildings for which an approval pursuant to the other provisions of this Scheme is not required except those changes of use which, give rise to:
  - (i) a material change in the appearance of the property concerned;
  - (ii) the need, as may be determined by the Council, for additional car parking accommodation, landscaping or other special site treatments;
  - (iii) significant increases in the amount of traffic attracted to the site;
  - (iv) the need for the provision of significantly improved public services and utilities of any kind.
- (e) Within the Rural (Pastoral) Zone, buildings and other structures required for agricultural purposes only provided that such buildings and structures are not constructed within 300m of a major highway or important local road or the vegetation line adjacent to the coast.
- (f) The erection on a lot of single dwelling house, in a zone where the proposed use is designated with the symbol 'P' in the cross-reference to that zone in the Zoning Table.

## **2.7 ENFORCEMENT AND APPEALS**

The powers available to Council to enforce the provisions of this Scheme and to enforce compliance with decisions made thereunder together with rights of appeal are set out in Part 6.

## PART III - RESERVED LAND

3.1 Parts of the Scheme Area are included in reserves as set out hereunder:

Parks and Recreation  
Public Purposes  
Communications.

- 3.2
- (a) Land set aside under this Scheme for the purpose of a reservation is deemed to be reserved for the purpose indicated on the Scheme Map.
  - (b) Except as otherwise provided in this Part, a person shall not carry out any development on land reserved under this Scheme, other than the erection of a boundary fence, without first applying for and obtaining from the Council a planning approval pursuant to Part 2 hereof.
  - (c) In giving its approval, the Council shall have regard to the ultimate purposes intended for the reserve and shall in the case of land reserved for the purpose of a Public Authority confer with that Authority before giving its approval.
  - (d) No provision of this Part shall prevent the continued use of land for the purpose for which it was being lawfully used immediately prior to the Scheme having the force of Law, or the repair and maintenance, for which prior consent in writing of the Council has been obtained, of buildings or works lawfully existing on the land.
- 3.3
- (a) Where Council refuses to grant a planning approval for the development of land reserved under the Scheme on the ground that the land is reserved for public purposes, or grants approval 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.
  - (b) Claims for such compensation shall be lodged at the office of the Council not later than six calendar months after the date of the decision of the Council refusing approval or granting it subject to conditions that are unacceptable to the applicant.
  - (c) In lieu of paying compensation, the Council may purchase the land affected by such decision of the Council at a price not exceeding the value of the land at the time of the refusal of approval or of the grant of approval subject to conditions that are unacceptable to the applicant.

## **PART IV - ZONED LAND AND GENERAL PROVISIONS**

### **4.1 ZONES**

Land other than land reserved under Part 3 of the Scheme is classified into zones as set out hereunder:

1. Residential
2. Residential Development
3. Caravan Park
4. Hotel
5. Local Shopping and Central Business
6. Service Station/Roadhouse
7. Industry
8. Private Clubs and Institutions
9. Rural (Pastoral)
10. Special Use
11. Town Centre

### **4.2 SPECIFIC ZONING OBJECTIVES**

4.2.1 In respect of the Rural Districts of the Shire, the objective of the Scheme is to preserve both the pastoral potential of the land and the environment qualities of the area generally, by prohibiting development and uses which would interfere with or operate to the detriment of current pastoral practice.

4.2.2 In the Urban Areas of Denham Townsite, the Scheme seeks to achieve the following objectives:

- (a) to establish a central business area based on the existing commercial functions of the town, which are easily accessible from all points within the town and which also service the recreational use made of the Freycinet Reach foreshores.
- (b) to adopt a residential planning code which will provide for a variety of housing types, in particular catering for medium density housing in selected locations considered appropriate by Council.
- (c) to show the areas of land which will be required within the planned period principally for residential purposes but also for other uses such as holiday flats and cottages, chalet parks and caravan parks as may be shown to be needed and locationally acceptable upon closer study of the areas involved.
- (d) to set aside the area of land which has been planned for industrial uses.
- (e) to recognise the established residential areas and other principal uses of the town.
- (f) to zone sites where the nature of the uses does not readily fall into the border land use classifications.

### 4.3 USE AND DEVELOPMENT STANDARDS

4.3.1 Table No 1 hereunder indicates the several uses which, subject to the provisions of Part 2 may be permitted by the Council under this Scheme in the various zones. The suitability of each use within each zone may be determined by cross reference between the list of "Use Classes" on the left hand side of the table and the list of "Zones", along the top of that Table.

4.3.2 The symbols used in the cross references in Table No 1 appended to this Clause have the following meanings:

"P" Uses in respect of which the Council's planning approval pursuant to Part 2 will be granted provided that the appropriate minimum site requirements and development standards specified in this Scheme and all conditions (if any) imposed by the Council in granting planning approval are complied with to the satisfaction of the Council.

"AA" Uses which the Council may, at its discretion, permit pursuant to this Scheme.

"SA" Uses which Council exercising the discretionary powers available to it may approve under this Scheme except such approval may not be granted by the Council until:

(a) full details and particulars of the proposal have been advertised by the Council or the applicant at least twice in a newspaper circulating in the district. Such advertisement shall specify the manner in which and the period (not being less than 21 days) during which representation may be made to the Council.

(b) a sign giving the same details as the advertisement referred to in paragraph (a) above has been affixed in a conspicuous position of the land the subject of the proposal for the entire duration of the advertisement period.

(c) adjoining property owners have been notified of the proposal in writing.

(d) the Council has considered any representations made either in support or in opposition to the proposal.

"IP" Uses which will not be approved by the Council unless it can be satisfied that the proposed use will be incidental to the predominant use of the land as may be determined by the Council.

"X" Uses which are not permitted under this Scheme.

**TABLE NO 1 - ZONING TABLE**

- |                            |                                   |                     |
|----------------------------|-----------------------------------|---------------------|
| 1. RESIDENTIAL             | 5. COMMERCIAL                     | 9. RURAL (PASTORAL) |
| 2. RESIDENTIAL DEVELOPMENT | 6. SERVICE STATION/ROADHOUSE      | 10. SPECIAL USE     |
| 3. CARAVAN PARK            | 7. INDUSTRY                       | 11. TOWN CENTRE     |
| 4. HOTEL                   | 8. PRIVATE CLUBS AND INSTITUTIONS |                     |

USE CLASSES	ZONES										
	1	2	3	4	5	6	7	8	9	10	11
<b>RESIDENTIAL USES</b>											
Dwelling House	P	P	P	IP	X	X	X	IP	P	*	AA
Attached or Grouped Dwellings											
2	AA	AA	X	X	X	X	X	X	AA	*	AA
3	SA	AA	X	X	X	X	X	X	X	*	AA
4	SA	AA	X	X	X	X	X	X	X	*	AA
5	SA	AA	X	X	X	X	X	X	X	*	AA
Multiple Dwellings	X	AA	X	X	X	X	X	X	X	*	SA
Caretaker's Flat/House	X	X	IP	IP	IP	IP	IP	IP	X	*	IP
Additional Accommodation	AA	AA	X	X	X	X	X	IP	AA	*	SA
Residential Building	SA	AA	X	X	X	X	X	X	X	*	SA
Home Occupation	IP	IP	X	X	X	X	X	IP	IP	*	AA
<b>TRAVELLING AND VACATIONAL USES</b>											
Residential Hotel	SA	AA	X	X	X	X	X	X	X	*	
Boarding/Guest House	SA	AA	X	X	X	X	X	X	X	*	
Lodging House	SA	AA	X	X	X	X	X	X	X	*	
Motel	X	AA	X	X	X	X	X	X	X	*	SA
Chalet Park	X	X	P	X	X	X	X	X	X	*	SA
Holiday Cottages	X	X	AA	X	X	X	X	X	X	*	SA
Caravan Park	X	X	AA	X	X	X	X	X	X	*	SA
Camping Area	X	X	AA	X	X	X	X	X	X	*	SA
<b>LICENSED PREMISES</b>											
Hotel	X	X	X	P	X	X	X	X	X	*	SA
Tavern	X	X	X	P	SA	X	X	X	X	*	SA
Wine Shop	X	X	X	AA	AA	X	X	X	X	*	SA
Liquor Store	X	X	X	AA	AA	X	X	X	X	*	AA
Licensed Restaurant	X	X	X	AA	AA	X	X	X	X	*	AA
Drive-in Liquor Store	X	X	X	AA	AA	X	X	X	X	*	AA

**TABLE NO 1 - ZONING TABLE (continued)**

- KEY TO COLUMNS**
- |                            |                                   |                     |
|----------------------------|-----------------------------------|---------------------|
| 1. RESIDENTIAL             | 5. COMMERCIAL                     | 9. RURAL (PASTORAL) |
| 2. RESIDENTIAL DEVELOPMENT | 6. SERVICE STATION/ROADHOUSE      | 10. SPECIAL USE     |
| 3. CARAVAN PARK            | 7. INDUSTRY                       | 11. TOWN CENTRE     |
| 4. HOTEL                   | 8. PRIVATE CLUBS AND INSTITUTIONS |                     |

USE CLASSES	ZONES										
	1	2	3	4	5	6	7	8	9	10	11
<b>COMMERCIAL USES</b>											
Shop	X	X	IP	IP	P	AA	X	X	X	*	P
Restaurant/Cafe/Eating House	X	X	X	AA	P	AA	X	X	X	*	AA
Take-away Food Outlet	X	X	X	AA	AA	AA	AA	X	X	*	AA
Fish Shop	X	X	X	X	SA	X	X	X	X	*	SA
Car, Boat and Caravan Sales Premises	X	X	X	X	SA	X	AA	X	X	*	SA
Car Park	IP	IP	P	P	P	P	P	P	X	*	P
Service Station/Petrol Filling Station	X	X	X	X	X	P	AA	X	X	*	SA
Bank	X	X	X	X	AA	X	X	X	X	*	AA
Office	X	X	IP	IP	AA	IP	IP	X	X	*	P
Professional Office	IP	IP	X	X	AA	X	X	X	IP	*	P
Consulting Room	IP	IP	X	X	AA	X	X	X	X	*	P
Medical Clinic	IP	IP	X	X	AA	X	X	X	X	*	AA
Showrooms	X	X	X	X	AA	X	AA	X	X	*	AA
Warehouse and Storage	X	X	X	X	X	X	AA	X	X	*	IP
Trade Display	X	X	X	X	X	X	AA	X	X	*	AA
Dry Cleaning Agency	X	X	IP	IP	AA	X	IP	X	X	*	AA
Laundrobar	X	X	IP	IP	AA	X	X	X	X	*	AA
Funeral Parlour	X	X	X	X	X	X	SA	X	X	*	SA
<b>INDUSTRIAL USES</b>											
Light Industry	X	X	X	X	IP	X	P	X	X	*	X
Service Industry	X	X	X	X	IP	X	AA	X	X	*	SA
General Industry	X	X	X	X	X	X	AA	X	X	*	X
Motor Vehicle Wrecking	X	X	X	X	X	X	AA	X	X	*	X
Noxious Industry	X	X	X	X	X	X	SA	X	X	*	X
Abattoir	X	X	X	X	X	X	SA	X	SA	*	X

**TABLE NO 1 - ZONING TABLE (Continued)**

- KEY TO COLUMNS**
- |                            |                                   |                     |
|----------------------------|-----------------------------------|---------------------|
| 1. RESIDENTIAL             | 5. COMMERCIAL                     | 9. RURAL (PASTORAL) |
| 2. RESIDENTIAL DEVELOPMENT | 6. SERVICE STATION/ROADHOUSE      | 10. SPECIAL USE     |
| 3. CARAVAN PARK            | 7. INDUSTRY                       | 11. TOWN CENTRE     |
| 4. HOTEL                   | 8. PRIVATE CLUBS AND INSTITUTIONS |                     |

USE CLASSES	ZONES										
	1	2	3	4	5	6	7	8	9	10	11
<b>INDUSTRIAL USES (continued)</b>											
Extractive Industry	X	X	X	X	X	X	X	X	SA	*	X
Rural Industry	X	X	X	X	X	X	AA	X	AA	*	X
Fuel Depot	X	X	X	X	X	X	AA	X	IP	*	X
Woodyard	X	X	X	X	X	X	AA	X	X	*	X
Marine Dealer	X	X	X	X	X	X	AA	X	X	*	X
Transport Depot	X	X	X	X	X	X	AA	X	X	*	X
Dry Cleaning Premises	X	X	X	X	X	X	AA	X	X	*	X
<b>PUBLIC AND COMMUNITY USES</b>											
Day Care Centre	SA	SA	IP	X	AA	X	X	AA	X	*	AA
Kindergarten	SA	SA	X	X	X	X	X	AA	X	*	AA
Health Centre/Studio	SA	SA	X	X	AA	X	X	X	X	*	AA
Infant Welfare Clinic	SA	SA	X	X	AA	X	X	X	X	*	AA
Public Amusement	X	X	IP	IP	AA	X	AA	AA	X	*	AA
Public Recreation	SA	AA	IP	IP	AA	X	X	AA	X	*	P
Place of Public Worship	X	AA	X	X	X	X	X	P	X	*	AA
Place of Public Assembly	X	AA	X	X	X	X	X	AA	X	*	AA
Civic Building	X	X	X	X	SA	X	X	AA	X	*	P
Museum	X	X	X	X	SA	X	X	AA	X	*	AA
Institutional Home/Building	X	X	X	X	X	X	X	AA	X	*	
Reformation Institution	X	X	X	X	X	X	X	X	SA	*	X
Zoological Gardens	X	X	X	X	X	X	X	X	SA	*	X
Public Utility	P	P	P	P	P	P	P	P	P	*	P

**TABLE NO 1 - ZONING TABLE (Continued)**

- |                            |                                   |                     |
|----------------------------|-----------------------------------|---------------------|
| 1. RESIDENTIAL             | 5. COMMERCIAL                     | 9. RURAL (PASTORAL) |
| 2. RESIDENTIAL DEVELOPMENT | 6. SERVICE STATION/ROADHOUSE      | 10. SPECIAL USE     |
| 3. CARAVAN PARK            | 7. INDUSTRY                       | 11. TOWN CENTRE     |
| 4. HOTEL                   | 8. PRIVATE CLUBS AND INSTITUTIONS |                     |

USE CLASSES	ZONES										
	1	2	3	4	5	6	7	8	9	10	11
<b>PUBLIC AND COMMUNITY USES</b> (continued)											
Radio/TV Installation	X	X	X	X	X	X	AA	X	AA	*	SA
Private Club	X	X	X	SA	SA	X	X	AA	X	*	
Drive-in Theatre	X	X	X	X	X	X	X	X	X	*	X
<b>RURAL USES</b>											
Kennels	X	X	X	X	X	X	X	X	SA	*	X
Veterinary Clinic	X	X	X	X	AA	X	X	X	AA	*	X
Veterinary Establishment	X	X	X	X	X	X	X	X	AA	*	
Rural Pursuit	X	X	X	X	X	X	X	X	AA	*	X

## TABLE 2 - DEVELOPMENT AND CAR PARKING STANDARDS

**NOTES:** cps - car parking spaces  
 gfs - gross floor space  
 \* - standard to be determined by Council in each case

ZONE	DEVELOPMENT AND CAR PARKING REQUIREMENTS									
	SETBACKS			SITE COVERAG E %	LANDSC APING %	USES	MIN LOT AREA m <sup>2</sup>	MIN EFFECT FRONT m	CAR PARKING REQUIREMENTS	SPECIAL REMARKS (see also General Provisions)
	FRONT m	SIDE m	REAR m							
Caravan Park	*	*	*	40	40	Caravan/Chalet Park Holiday Cottages Camping Grounds	4,000	30	1.5 cps/unit, bay or site plus 1cps/4 such units, bays or sites for visitor parking	
Hotel	*	*	*	30	25	Hotel Tavern  Wine Shop Liquor Store Licensed Restaurant Drive-In Liquor Store	5,000 2,500    See standards applicable for shops, restaurants etc below.	50 50	1 cps/3m <sup>2</sup> net bar space, and/or 1 cps/4 seats of dining area and 1.5 cps/unit of accommodation as appropriate.	Servicing accommodation will also be required for all development in this Zone with, where practicable, turning facilities for delivery vehicles clear of the street.  Landscaping to be provided along or near the street frontage.
Commercial	3	Nil	7.5	50	10	Shops & Banks Cafe/Restaurant ) Eating Houses/ ) Take-away Food ) Outlets )  Offices  Consulting/ Medical Rooms or Clinics Day Care Centre	200  200  * *  2,000	6  6  6 6  25	1 cps/15m <sup>2</sup> gfs 1 cps/4seats plus 1 cps/5m <sup>2</sup> of waiting area for take-away foods  1 cps/50m <sup>2</sup> gfs  4 cps/consultant or practitioner  1 cps/staff member	Within this zone where loading and unloading of goods is required to service the particular use then servicing accommodation together with, if practicable, on-site turning facilities for service vehicles will be required. Within this zone landscaping shall be provided along or near the street frontage.  Additional accommodation for picking up and setting down of children will be required.
<b>Additional Provisions for the Commercial Zone</b> - unless it is satisfied that an alternate design for development is justified, Council will require buildings to be orientated towards Knight Terrace with car parking and servicing facilities to the rear. Where, for special reasons acceptable to Council, proposals for developments recessed from Knight Terrace are approved, Council will require special treatment of the Forecourt of the development by way of surfacing, landscaping and pedestrian movement areas etc.										

**TABLE 2 - DEVELOPMENT AND CAR PARKING STANDARDS (Continued)**

**NOTES:** cps - car parking spaces  
 gfs - gross floor space  
 \* - standard to be determined by Council in each case

ZONE	DEVELOPMENT AND CAR PARKING REQUIREMENTS									
	SETBACKS			SITE COVERAG E %	LANDSC APING %	USES	MIN LOT AREA m <sup>2</sup>	MIN EFFECT FRONT m	CAR PARKING REQUIREMENTS	SPECIAL REMARKS (see also General Provisions)
	FRONT m	SIDE m	REAR m							
Service Station/ Roadhouse	10	5	5	*	10	Service/Petrol Filling Station and Roadhouse  Shops/Eating Houses Take-Away Food Outlets  See standards applicable to these uses above.	1,500	40	*	Minimum front setback for bowsers and canopies is 5 m.  Landscaping to be provided along or near the street frontage.
Industry	6	5 on one side nil on the other	5	50	10	Light, General & Service Industry  Factory Units  Showrooms/ Warehouses  Motor Vehicle Wrecking Marine Dealer	1,000  2,000  1,000  4,000	25  30  25  40	1 cps/50m <sup>2</sup> gfs  1 cps/40m <sup>2</sup> gfs  1 cps/100m <sup>2</sup> gfs  *	Within this zone the servicing requirements for the Local Shopping & Central Business Zone shall also apply.  For Factory Units the Council will specify in each case the provision to be made for Service yards, storage areas and staff parking. Landscaping required to be provided within this zone shall be sited along or near the street frontage. For sites to be used for these purposes, the landscaping requirement may be increased to 20%, the sites shall be enclosed with 2 m high screen (solid) fencing on all sides of the area to be used for storage and no goods vehicles or parts thereof shall be stacked or stored to exceed the height of the enclosing fence.
<p><b>Additional Provisions for the Industry Zone</b> - the side and rear setbacks given for this Zone may be varied by Council dependent upon the arrangements to be made for loading and unloading, car parking and open storage. There shall be no open storage of goods, unserviceable machinery or vehicles, or building materials within 10 metres of the front boundary of any lot within this Zone which areas shall be set aside for use for parking, loading and unloading, landscaping or, with Council's approval, for trade displays. All open storage areas shall be screened by solid fencing and/or landscaping and/or other means acceptable to Council to ensure that such open storage areas are not exposed to view.</p> <p>There shall be no more than 1 caretaker's flat or house on any industrial lot.</p>										

**TABLE 2 - DEVELOPMENT AND CAR PARKING STANDARDS (Continued)**

**NOTES:** cps - car parking spaces  
 gfs - gross floor space  
 \* - standard to be determined by Council in each case

ZONE	DEVELOPMENT AND CAR PARKING REQUIREMENTS									
	SETBACKS			SITE COVERAG E %	LANDSC APING %	USES	MIN LOT AREA m <sup>2</sup>	MIN EFFECT FRONT m	CAR PARKING REQUIREMENTS	SPECIAL REMARKS (see also General Provisions)
	FRONT m	SIDE m	REAR m							
Private Clubs & Institutions	9	3	7.5	30	20	Places of Public Worship or Public Assembly Private Clubs	3,000 *	30 *	1 cps/4 seats in the main auditorium *	Car parking will be determined by Council with respect to membership and frequency of attendance at the facility concerned.
Rural (Pastoral)	*	*	*	*	*	Rural Uses  Veterinary Clinic Establishment	* *	* *	*  4 cps/consultant or veterinarian	The setback for all buildings from Major Roads within this zone is 60 metres.
Special Use	See Clause 4.8 and Appendix No 5									
Town Centre						Caravan Park  Hotel Dining Area  Shops and Banks Cafe/Restaurant/ Eating House/Take Away Food Outlets Offices Service Trades Private Clubs/ Churches Consulting Rooms			1.5 cps/unit, bay or site plus 1 cps/4 such units, bays or sites for visitor parking. 1 cps/3m <sup>2</sup> net bar space, and 1 cps/4 seats or 1.5 cps/unit of accommodation as appropriate. 1 cps/15m <sup>2</sup> gfs.  1 cps/5m <sup>2</sup>  1 cps/50m <sup>2</sup> gfs 1 cps/50m <sup>2</sup> gfs 1 cps/4 seats  4 cps/practitioner	

- 4.3.3 Notwithstanding that uses may be acceptable pursuant to the provisions of Clause 4.3.2 and Table No 1 Zoning Table, nothing in this Part shall prevent the Council from refusing planning approval or granting planning approval subject to conditions, on the grounds that the layout, design, height, siting or general appearance of the development is/are not acceptable to Council or will only be acceptable if the requirements of imposed conditions are satisfied.
- 4.3.4 In respect of uses which are not specifically mentioned in Table No 1, the Council may either:
- (a) determine that the proposed use is consistent with the objective of the zone concerned and thereafter act as if it was included among the list of uses which may be permitted by the Council following the "SA" procedures, or
  - (b) determine that the proposed use is not consistent with the objectives of the zone concerned in which case the use shall be deemed to be prohibited.
- 4.3.5 A determination made by Council pursuant to the provisions of Clause 4.3.3 shall, for the purpose of this Scheme, be regarded as the exercise or a discretionary power.
- 4.3.6 Table No 2 - Development and Car Parking Standards follows Table No 1 Zoning Table and sets out the minimum requirements relating to setbacks, site coverage, landscaping and car parking.

#### **4.4 GENERAL PROVISIONS**

##### **4.4.1 Compliance with Development Requirements**

Subject to the provisions of Clause 4.4.2, development within the Scheme Area shall conform to the standards set out:-

- (a) in Table No 1 - Zoning Table,
- (b) in Table No 2 - Development and Car Parking Standards,
- (c) in this Part,
- (d) in the Residential Planning Codes.

Where no standard is prescribed, development shall be carried out in accordance with the requirements which Council may specify in each particular case.

With respect to Table No 2, development shall not only comply with the Development and Car Parking Requirements for the use concerned but shall also comply with the Zone Standards appropriate to the Zone within which the development is to be established.

##### **4.4.2 Power to Relax Development Standards and Requirements**

Notwithstanding the provisions of Clause 4.4.1, and with the exception of the provision of the Residential Planning Codes contained herein, the Council may, in exceptional circumstances relax the standards set out in this Part and in Table No 2 by a proportion not exceeding 5% of the dimensions, distances, ratios and areas specified.

Nothing in this Scheme shall prevent Council, at its discretion, from approving development on a lot or lots smaller than those specified in Table No 2:-

- (a) where such lots were created prior to this Scheme coming into operation, or
- (b) where such lot or lots were specifically approved for the purpose by the Town Planning Board, provided that the Council is satisfied that compliance with the relevant development standards can be achieved.

#### **4.4.3 Setbacks**

In instances where a site has more than one street frontage the Council may determine which shall be regarded as the front for the purpose of the setbacks prescribed in Table No 2 and may permit the observance of setbacks of one half of those specified in respect of the other street frontages. Moreover where compliance with the setbacks specified in this Table (as may be reduced pursuant to this and the foregoing Clauses) would, in the Council's opinion be unreasonable by virtue of the irregular shape of the lot or some other physical difficulty of the land, the Council may approve developments where the average distance from the respective boundaries complies with those setback requirements.

#### **4.4.4 Plot Ratio**

For all developments to which the standards and requirements of the Residential Planning Codes - Country Towns do not apply, the maximum Plot Ratio shall not exceed 1.0:1.

#### **4.4.5 Car Parking**

Car Parking required pursuant to the provisions of this Scheme shall be provided in accordance with the details set out in Appendix No 4.

Parking areas and driveways shall be constructed, drained, laid out and landscaped to Council's satisfaction at the time of the development or at such other time as may be agreed in writing between the owner of the land and the Council. Such parking areas and driveways when completed in accordance with this Clause shall thereafter be permanently maintained to Council's satisfaction.

#### **4.4.6 Servicing**

Development projects which require the despatch or receipt of goods of any kind, loading and unloading space will be required to be provided clear of the street. In general, Council will also seek to ensure that servicing vehicles are able to enter and leave sites in a forward direction.

#### **4.4.7 Cash-in-Lieu of Car Parking Spaces**

In the Commercial Zone, if the Council is satisfied that adequate constructed car parking is to be provided in close proximity to a proposed development, notwithstanding the provisions of Table 2, it may accept a cash payment in lieu of the provision of car parking spaces but subject to the following requirements:

- (i) a cash-in-lieu payment shall be not less than the estimated cost to the owner of providing and constructing the parking spaces required by the Scheme, plus the value, as estimated by the Valuer General of Western Australia, of that area of his land which would have been occupied by the parking spaces;
- (ii) before the Council agrees to accept a cash payment in lieu of the provision of parking spaces, the Council must have already provided a public car park nearby, or must have firm proposals for providing a public car park area within a period of not more than eighteen months from the time of agreeing to accept the cash payment;
- (iii) payments made under this clause shall be paid into a special fund to be used to provide public car parks in the near vicinity.

#### **4.4.8 Landscaping**

In accordance with the provisions of Part 2, landscaping proposals shall be submitted to and approved by the Council and shall be carried out at the time of the development or at such other time as may be agreed in writing between the developer and the Council and shall thereafter be maintained to the satisfaction of the Council.

Council will pay special attention to the purpose of the landscaping when examining each such proposal to determine suitability of positioning and type of landscaping.

#### **4.4.10 Caravan and Boat Storage**

Except as hereinafter provided, no caravans, boats, trailers and similar items shall be stored between a dwelling and the street. Notwithstanding this provision, the Council may, if compliance is impossible or impractical, grant special approval for the storage of such items in selected positions within the front setback area.

### **4.5 RESIDENTIAL PLANNING CODES**

- (a) 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.
- (b) A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.
- (c) Unless otherwise provided for in the Scheme, the Development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.

### **4.6 RESIDENTIAL ZONE - OBJECTIVES AND POLICIES**

**4.6.1** Application for development within the Residential Zone shall be in accordance with the Residential Policy Map adopted by Council and forming part of the Scheme, and the objectives and policies referred to in the following sub-clauses.

#### **4.6.2 Precinct One - Durlacher Street - West**

Council's Objective shall be to retain the predominant single residential character of the locality, whilst permitting other community uses consistent with the functioning of a residential environment.

Council's policy will therefore be to:

Permit residential development in accordance with the provisions of the R10 Code, except that where Council is satisfied a developer can demonstrate that the soil conditions can adequately cater for long term on-site effluent disposal, development will be permitted in accordance with the provisions of the R20 Code.

#### **4.6.3 Precinct Two - Part North Location 58**

Council's Objective shall be to encourage the precinct to develop as a predominantly single residential area whilst recognising that limited medium density development may be encouraged where permitted by the Residential Planning Code.

Council's policy will therefore be to:

- (a) encourage single residential use by adopting the provisions of the R10/20 Code.
- (b) permit residential development in compliance with the provisions of Table No 1 and where permitted under the provisions of the prevailing code.

#### **4.6.4 Precinct Three - Central Hughes Street**

Council's Objective shall be to encourage medium density development within the precinct, in locations considered suitable for higher density development from a traffic circulation and safety point of view.

Council's Policy will therefore be to:

- (a) Adopt the provisions of the R 10/30 Code whereby the basic code of R10 applies to all residential development unless Council is satisfied in a particular case, that comprehensive development proposals have been prepared which take into account:
  - . the affect the proposal will have on the residential amenity of the locality by reason of street design, building bulk and overshadowing, privacy between building and traffic generation,
  - . the need for a satisfactory system of effluent disposal to be provided,
  - . the requirements for satisfactory traffic access to the proposed development in relation to the street system with development, for this reason, being encouraged on lots fronting Hughes Street,
  - . any other matter required to be taken into account under the provisions of the R30 Code.
- (b) Require that the "SA" provisions of the Scheme prevail where residential development is proposed under the R30 Code provisions of the Scheme.

#### **4.6.5 Precinct Four - Knight Terrace**

Council's Objectives shall be to support the intensification of residential use by encouraging a desirable variety of housing types within the precinct.

Council's policy will therefore be to:

- (a) Adopt the provisions of the R 30 Code;
- (b) Ensure that comprehensive development proposals have been prepared which take into account:
  - . the design and function of Knight Terrace as the main commercial street and primary focal point for the holidaymaker,
  - . the need for a satisfactory system of effluent disposal to be provided,
  - . any other matter under the provisions of the R 20 Code.
- (c) Ensure that upon re-development, land within the precinct will be filled to an appropriate level.

#### **4.6.6 Precinct Five - Knight Terrace**

Council's objective shall be to encourage the precinct to develop as a lower density residential area, recognising the residential character of the existing locality.

Council's policy will therefore be to:

- (a) Adopt the provisions of the R20 Code.
- (b) Ensure that comprehensive development proposals have been prepared which take into account:
  - the need for proposed development to complement the existing single residential character of the locality,

- the need for a satisfactory system of effluent disposal to be provided,
  - any other matter required under the provisions of the R20 Code.
- (c) Ensure that upon re-development, land within the precinct will be filled to an appropriate level.

#### **4.7 PROVISIONS RELATIVE TO THE RESIDENTIAL DEVELOPMENT ZONE**

- 4.7.1 It is the intention of the Council to ensure that subdivision and development of land within the Residential Development Zone takes place only after comprehensive planning ensures the maximum possible benefits of urban design and servicing.
- 4.7.2 In this regard the Council, before supporting or approving any proposal for subdivision or development of land within the zone, may require the preparation of an Outline Development Plan for the whole of the zone or for any particular part or parts as is considered appropriate by the Council with regard to the primary intent of the zone.
- 4.7.3 The Outline Development Plan shall show:
- (i) the topography of the area;
  - (ii) the vegetation of the area;
  - (iii) the existing major road system;
  - (iv) the location and width of proposed roads;
  - (v) the approximate location of the recreation and open space areas proposed;
  - (vi) the population, residential densities and detailed subdivision standards proposed, including the location of appropriate "Residential Planning Code" densities;
  - (vii) the layout of stormwater drainage and other services;
  - (viii) the development proposed, the method of carrying out the development and the projected times of completion of each stage of development;
  - (ix) such other information as shall be required by Council.
- 4.7.4 When an Outline Development Plan has been prepared to the satisfaction of Council, the Council shall notify in writing each owner of land affected by the Plan of the existence of the Plan and invite each owner to make a submission to Council regarding any aspect of the Plan of interest to or affecting that owner.
- 4.7.5 The Council shall specify a time within which submissions will be received, but the time shall not be less than 28 days from the date of the notification described in Clause 4.7.4.
- 4.7.6 The Council shall consider any submissions made under Clauses 4.7.4 and 4.7.5 and may amend and adopt the Outline Development Plan after consideration of such submissions.
- 4.7.7 The Council shall subsequently forward the Outline Development Plan to the Town Planning Board, together with a precis of, and the Council's decision in relation to, each submission received in respect of the Plan, and shall request the Board to adopt the Plan submitted as the basis for approval of subdivision applications within the area covered by the Plan.

- 4.7.8 Any departures from or alteration to the Outline Development Plan, may subject to the approval of the Board, be permitted if the Council considers that the proposed departure or alteration will not prejudice the progressive subdivision and development of the area the subject of the Plan.
- 4.7.9 An application for planning approval to develop land included in the zone shall not be approved until an Outline Development Plan has been prepared and adopted, unless the Council is satisfied that the proposed development will not prejudice the subsequent preparation and adoption of an Outline Development Plan.

#### **4.8 SPECIAL USE ZONES**

- 4.8.1 The list of sites included within this Zone is at Appendix No 5 which details the respective purposes for which those sites may be used or developed.
- 4.8.2 In addition to the uses nominated for each site, Council may, at its discretion, approve the establishment of other uses where it can be fully satisfied that the additional uses are ancillary and incidental to the approved predominant use and are consistent with the objectives of this Scheme.

#### **4.9 EXTRACTIVE INDUSTRIES, MINING AND QUARRYING**

- 4.9.1 The use of land for extractive industry, mining or quarrying involving the removal of sand, gravel, clay, soil, rock, stone, ore, minerals or similar substances requires the prior approval of the Council pursuant to Part 2.
- 4.9.2 Applications made to the Council for any such approval shall contain all relevant information relating to the nature of the activity, the depth of excavation, the need for and position of buildings, structures, plant and equipment and the arrangements to be made for the rehabilitation of the land when the use is terminated.
- 4.9.3 The Council in exercising its powers pursuant to Part 2 may impose such conditions at it deems fit and these may include matters relating to control of the depth of excavation, control over the treatment and external appearance of the site during mining operations and the rehabilitation of the site where appropriate, control of solid, liquid and gaseous waste disposal, protection of public roads and any other matter reasonably required in the public interest.

## **PART V - NON-CONFORMING USE OF LAND**

### **5.1 STATUS OF NON-CONFORMING USES**

No provision of the Scheme shall prevent:

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the time of the 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 required under the Town Planning and Development Act 1928 (as amended) and any other law authorising the development to be carried out have been duly obtained and were current.

### **5.2 DEVELOPMENT ON LAND USED FOR NON-CONFORMING PURPOSES**

- (a) Where in respect of land reserved under Part 3 of the Scheme, a non-conforming use exists, or was authorised as mentioned in Clause 5.1 of this Part, on that land, all or any erections, alterations or extension of the buildings thereon or any use thereof shall not be carried out unless the approval of the Council has been obtained in writing.
- (b) Subject to the provisions of Clause 5.4, where in respect of the Scheme, a non-conforming use exists, or was authorised as mentioned in Clause 5.1 of this Part, and provided that the prior consent of the Council has been obtained in writing in accordance with the provisions of Part 2 of this Scheme, buildings may be extended by 20% of the floor area of the building existing at the time of the gazettal of this 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 provided in this Scheme.

### **5.3 CHANGE OF NON-CONFORMING USE**

The Council, upon receipt of a formal application pursuant to Part 2 hereof may permit the use of any land to be changed from one non-conforming use to another non-conforming use, provided the proposed use is, in the opinion of the Council, less detrimental to the amenity of the neighbourhood than the existing use or is in the opinion of the Council, closer to the intended uses of the zone.

### **5.4 COMPLIANCE WITH DEVELOPMENT STANDARDS**

In considering any application for approval for planning approval pursuant to Clauses 5.2 and 5.3, nothing shall prevent the Council from requiring compliance with the Development Standards of this Scheme relevant to the existing or proposed use of the land, and nothing in this Scheme shall prevent the Council from refusing any such application on the grounds that compliance with the appropriate Development Standards could not be achieved.

### **5.5 DISCONTINUANCE OF NON-CONFORMING USE**

- 5.5.1 If, after the gazettal date of this Scheme, a non-conforming use is discontinued for an uninterrupted period of six months or more, that use shall, for the purposes of this Scheme, be deemed to have ceased and thereafter a person shall not, except in accordance with any approval granted by Council pursuant to Clause 5.3, use of permit to be used any land or any building or structure thereon for any purpose except in conformity with this Scheme.
- 5.5.2 Notwithstanding the provisions of the foregoing Sub Clause 5.5.1, the Council may, on application from the owner, extend the period of six months specified therein if it is satisfied that there has been no intention of the owner or occupier to discontinue the non-conforming use.

- 5.5.3 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.

## **PART VI - FINANCE AND ADMINISTRATION**

### **6.1 POWERS AND AUTHORITIES OF COUNCIL**

- 6.1.1 In carrying out the provisions of the Scheme the Council shall have the following powers and authorities:
- (a) to enter and inspect at all reasonable times, any land within the Scheme Area by its officers, agents or servants to ascertain any matter relative to the operation of the Scheme or to ascertain compliance with the provisions of the Scheme,
  - (b) to enter into agreement with the owners or occupiers or prospective owners or occupiers of any land within the Scheme Area,
  - (c) to co-operate with the Crown and any department of the State with reference to the carrying out of any of the objectives of this Scheme,
  - (d) to purchase land within the Scheme Area and for that purpose to enter into contracts and agreements with owners and thereafter to deal with the land in any way to give effect to the objectives of the Scheme,
  - (e) to resume any land for any purpose necessary for effective implementation of the Scheme,
  - (f) to deal with, dispose of, transfer or sell any land which it owns or which it has acquired pursuant to this Scheme in accordance with the provisions of the Scheme.

### **6.2 COMPENSATION**

Claims for compensation pursuant to this Scheme and to section 11 of the Town Planning and Development Act 1928 (as amended) shall be made not later than six months from the date on which notice of approval of the Scheme is published in the *Government Gazette*, except in the case of reserved land where the provisions of Part 3 shall apply.

### **6.3 ENFORCEMENT OF PROVISIONS**

6.3.1 Any person contravening the Scheme, or failing or neglecting:-

- (i) to comply with the provisions of this Scheme, or
- (ii) to comply with any terms or conditions imposed on any planning approval granted pursuant to this Scheme, or
- (iii) to carry out development as may be approved by Council pursuant to this Scheme in strict accordance with the plans so approved,

is guilty of an offence and without prejudice to any other remedies available to Council is liable to prosecution and the penalties prescribed under the Act.

### **6.4 NOTICES**

6.4.1 Any notice required under this Scheme:

- (a) shall be addressed to the owner, occupier, or lessee of the land in question;
- (b) shall describe in general terms the matters requiring attention, the remedial action required and shall specify the period (not being less than 28 days), within which the work shall be carried out;

- (c) shall, where necessary, advise the person to whom it is addressed that in default of his compliance with such notice, the Council will enter such land and carry out the requirements of such notice itself at the expense of that person;
- (d) any notice required to be given hereunder may be served personally or be pre-paid letter addressed to the person to be served at this address, as shown in the rate book of the Council if he shall be a ratepayer or at his last known address (whether he is a ratepayer or not) and such notice shall be deemed to be served on the day following the date of posting.

## **6.5 VALUATIONS**

Where it is necessary to ascertain the value of any land for the purpose of the Scheme, the value may be determined by either the Valuer General or by a licensed valuer appointed by the Council.

## **6.6 ARBITRATION**

Any dispute or difference in respect of any matter which by the terms of the Scheme may be determined by arbitration may be referred to the arbitration of a single arbitrator in the manner provided for by the Arbitration Act 1895 or any statutory modification thereof for the time being in force, and if the parties fail to agree upon any one single arbitrator, he may be nominated by the President of the Law Society of Western Australia for the time being but if the dispute or difference relates to values only the arbitrator shall be a valuer appointed by the President for the time being of the Western Australian Division of the Australian Institute of Valuers (Inc).

## **6.7 POWER TO MAKE POLICIES**

6.7.1 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.

6.7.2 Such Town Planning Scheme Policies shall become operative only after the following procedures have been completed:

- (i) The Council, having resolved to adopt a Town Planning Scheme Policy, shall advertise a summary of the Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the full policy may be inspected and where, in what form and during what period (not being less than 21 days) representations may be made to Council.
- (ii) Council shall review its Town Planning Scheme Policy in the light of any representations made and shall then decide to rescind the Policy or to finally adopt the Policy with or without amendments or modifications.
- (iii) 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.

6.7.3 Following final adoption, a Town Planning Scheme Policy may only be altered or rescinded by:

- (i) Preparation and final adoption of a new Policy pursuant to this Clause, specifically worded to supersede an existing Policy.
- (ii) Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.

6.7.4 A Town Planning Scheme Policy shall not bind the Council in respect of any applications for Planning Approval but Council shall take into account the provision of the Policy and objectives which the Policy was designed to achieve before making its decision.

## **6.8 APPEALS**

Any applicant who is aggrieved by any decision made or deemed to have been made by Council exercising any of the discretionary powers available to it under this Scheme may appeal, in accordance with Part V of the Act, to the Honourable Minister for Planning or to the Town Planning Appeal Tribunal.

## **PART VII - CONTROL OF ADVERTISEMENTS**

### **7.1 POWER TO CONTROL ADVERTISEMENTS**

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

7.1.2 Applications for Council's Consent to this Part shall be submitted in accordance with the provisions of Part II of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 1 giving details of the advertisement(s) to be erected, placed or displayed on the land.

### **7.2 EXISTING ADVERTISEMENTS**

Advertisements which:

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

### **7.3 CONSIDERATION OF APPLICATION**

Without limiting the generality of the matters which may be taken into account when making a decision upon an Application for Planning 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.

### **7.4 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 Clause 7.1.1, the Council's prior consent is not required in respect of those advertisements listed in Table 3 which for the purpose of this Part are referred to as 'exempted advertisements'. The exemptions listed in Table 3 do not apply to buildings, conservation areas or landscape protection ones 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 scheme because of their heritage or landscape value.

### **7.5 DISCONTINUANCE**

Notwithstanding the Scheme objectives and Clause 7.4, 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.

## **7.6 DERELICT OR POORLY MAINTAINED SIGNS**

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

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

## **7.7 NOTICES**

7.7.1 'The advertiser' shall be interpreted as any one or any group comprised of the owner, occupier, licensee.

7.7.2 Any notice served in exceptional circumstances pursuant to Clause 7.5 or pursuant to Clause 7.6 shall be served upon the advertiser and shall specify:

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

7.7.3 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.

## **7.8 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.

## **7.9 ENFORCEMENT AND PENALTIES**

The offences and penalties provisions specified in Clause 6.3 of the Scheme apply to the advertiser in this part.

**TABLE 3 - EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 7.4**

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (Includes the change of posters on posters on poster signs and applies non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name-plate as appropriate.	0.2m <sup>2</sup>
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m <sup>2</sup>
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 <sup>2</sup>
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 <sup>2</sup> .
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 By-laws.	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 5 m in height above ground level.	Total area of any such advertisements shall not exceed 15m <sup>2</sup> .  Maximum permissible total area shall not exceed 10m <sup>2</sup> and individual advertisement signs shall not exceed 6m <sup>2</sup> .
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
Advertisements within Buildings	All advertisements placed or displayed within building 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, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m <sup>2</sup>

**TABLE 3 - EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 7.4  
(continued)**

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
<p>Building Construction Sites advertisement signs displayed only for the duration of the construction as follows:</p> <p>(i) Dwellings</p> <p>(ii) Multiple Dwellings, Shops, Commercial &amp; Industrial projects</p> <p>(iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height</p>	<p>One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.</p> <p>One sign as for (i) above.</p> <p>One sign as for (i) above.</p> <p>One additional sign showing the name of the project builder.</p>	<p>2m<sup>2</sup></p> <p>5m<sup>2</sup></p> <p>5m<sup>2</sup></p>
<p>Sales of Goods of Livestock</p>	<p>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.</p>	<p>2m<sup>2</sup></p>
<p>Property Transactions. Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows:</p> <p>(a) Dwellings</p> <p>(b) Multiple Dwellings, Shops, Commercial and Industrial Properties.</p> <p>(c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.</p>	<p>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.</p> <p>One sign as for (a) above.</p> <p>One sign as for (a) above.</p>	<p>Each sign shall not exceed an area of 2m<sup>2</sup>.</p> <p>Each sign shall not exceed an area of 5m<sup>2</sup>.</p> <p>Each sign shall not exceed an area of 10m<sup>2</sup>.</p>
<p>Display Homes. Advertisement signs displayed for the period over which homes are on display for public inspection.</p>	<p>(i) One sign for each dwelling on display.</p> <p>(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.</p>	<p>2m<sup>2</sup></p> <p>5m<sup>2</sup></p>

# APPENDIX NO 1

## TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) SHIRE OF SHARK BAY FORM FOR APPLICATION FOR PLANNING APPROVAL

1. Surname of Applicant ..... Given Name(s) .....  
Full Address.....  
.....
2. Surname of Landowner ..... Given Name(s) .....  
(if different from above)  
Full Address.....  
.....
3. Submitted by.....
4. Address for Correspondence.....  
.....
5. Locality of Development .....
6. Title Details of Land.....
7. Name of Road serving property.....
8. State type of development.....  
Nature and size of all buildings proposed.....  
.....  
Materials to be used on external surfaces of buildings.....  
.....  
General treatment of open portions of the site .....
- .....  
Details of car parking and landscaping proposals .....
- .....  
Approximate cost of proposed development .....
- .....  
Estimated time for construction .....

.....  
Signature of Owner

Signature of Applicant or Agent

(both signatures are required if applicant is not the owner)

(See overleaf for application form and plan requirements)

This form should be completed and forwarded to the Shark Bay Shire Council together with 3 copies of plans showing complete details of the site, the location and the development.

All applications shall, unless specifically exempted by Council, be accompanied by:

- (a) a location plan showing the land the subject of the application and its relationship to surrounding lots and streets:  
and in the case of the erection of new buildings:
- (b) a site plan showing:
  - (i) the position, type and use of all existing buildings and improvements on the land indicating those to be removed as part of the proposed development;
  - (ii) the position, type and use of any new buildings and improvements on the land; and where relevant immediately adjoining;
  - (iii) areas to be landscaped, surfaced for parking or developed for any other purpose within the site; and
  - (iv) contours and any earthworks to be undertaken as a part of the development;or in the case of a change in the use of land and/or buildings:
- (c) a site plan and floor plan(s) of the building(s).

## APPENDIX NO 2

### TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

#### SHIRE OF SHARK BAY

#### DECISION OF APPLICATION FOR PLANNING APPROVAL

The Council, having considered the application dated.....submitted by  
..... on behalf of.....  
hereby advises that it has decided to:

**\*REFUSE/GRANT PLANNING APPROVAL TO COMMENCE DEVELOPMENT**

\*for the following reasons/subject to the following conditions:

Minute No: .....

Date of Council Decision .....

SHIRE CLERK

\*Delete as appropriate

## APPENDIX NO 3 - INTERPRETATIONS

**Absolute Majority of Council** - means a majority of the total number of members for the time being of Council whether present and voting or not.

**Act** - means the Town Planning and Development Act 1928 (as amended).

**Additional Accommodation** - means accommodation attached to and forming part of a dwelling house and occupied by a relative of the occupiers of the principal dwelling unit as provided for in By-law 53.5 of the Uniform Building By-laws.

**Advertisement** - means any word, letter, model, sign, placard, board, hoarding, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction and includes any structure, erection or wall converted to such use.

**Aged or Dependent Persons Dwelling** - shall have the same meaning ascribed to it in the Residential Planning Codes.

**Airfield** - means land and buildings used in connection with the operation of aeroplanes, including a passenger terminal, offices, parking and servicing of aircraft, and car parking, but not including occasional or seasonal use of temporary facilities for purposes associated with agriculture.

**Amenity Building** - means a building or part of a building that employees or persons engaged in an industry or business use for their personal comfort, convenience or enjoyment or leisure as distinct from the work of the industry or business.

**Attached House** - shall have the same meaning ascribed to it in the Residential Planning Codes.

**At the Time of the Development** - means during the period when construction and/or site preparation works are in progress terminating immediately prior to the occupation of the land, including any buildings, for its approved purpose.

**Bank** - means premises used for offices but wherein special provision is made for access by the public for services in the areas of finance and banking.

**Board** - means the Town Planning Board constituted under the Act.

**Building** - means any structure or appurtenance thereto whether fixed or movable, temporary or permanent, and includes a stall, fence, wall, barrier, hoarding and outbuildings.

**Building Line** - means the line between which and any public place or public reserve a building may not be erected by or under the authority of an Act.

**Camping Area** - means an area of land set aside for the purpose of camping involving the erection of tents and other forms of temporary shelter not involving trailers, caravans, chalets or mobile homes.

**Caravan Park** - means an area set aside for the parking of caravans in conformity with the Caravan and Camp Regulations, 1961, made pursuant to the provisions of the Health Act, 1911 (as amended) and the Local Government Mode By-law (Caravan Parks) No 2 made pursuant to the powers conferred by the Local Government Act 1960 (as amended) and any amendments to those Regulations or to that Model By-law.

**Caretaker's Flat or House** - means a building or part of a building used as a residence by the proprietor or manager of an industry carried on upon the same site or by a person having the care of the building or plant of the industry.

**Car Park** - means a site or building used primarily for parking private cars or taxis whether as a public or private car park but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings on or in which cars are displayed for sale.

**Car Parking** - means an area of land or building specifically set aside for parking of wheeled vehicles and treated and subsequently maintained in a manner satisfactory to Council for the purpose.

**Car Sales Premises** - means land and buildings used for the display and sale of cars, whether new or second-hand but does not include a workshop.

**Chalet Park** - means an area of land set aside for development by the erection of attached or detached self-contained holiday rental homes which are not designed for permanent residential accommodation.

**Civic Building** - means a building designed or intended to be used by Government departments, statutory bodies representing the Crown, or Councils as offices or for administrative or other like purposes.

**Communal Open Space** - shall have the same meaning ascribed to it in the Residential Planning Codes.

**Consulting Rooms** - means a building or part of a building (other than a hospital) used in practice of his profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments.

**Day Care Centre** - means a day care centre as defined by the Child Welfare (Care Centres) Regulations 1968, published in the *Government Gazette* of 15 July 1968, but does not include a family care centre or an occasional care centre as defined by those Regulations.

**Defined Site** - shall have the same meaning ascribed to it in the Residential Planning Codes.

**Development** - means the use (including a material change in the use) or development of any land and includes the erection, construction, alteration or carrying out as the case may be, of any building, structure, erection, excavation or other works on any land.

**Drive-In Liquor Store** - means land and buildings where in specific provision is made for sales of liquor (as defined under Liquor Act 1970 (as amended) to persons within motor vehicles.

**Drive-In Theatre** - means an open air cinema that makes provision for the audience or spectators to view the entertainment while seated in motor vehicles.

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

**Dry Cleaning Premises** - means a building or buildings used for the dry cleaning of clothing and other articles involving the use of chemicals which may not be used within shops and other premises in close proximity one with the other.

**Dwelling House** - shall have the same meaning ascribed to it in the Residential Planning Codes.

**Dwelling Unit or Dwelling** - shall have the same meaning ascribed to it in the Residential Planning Codes.

**Eating House** - means any house, building or structure or any part thereof in which meals are served to the public for gain or reward.

The term does not include:

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

**Educational Establishments** - means a school, college, university, technical institute, academy, or other educational centre, or a lecture hall but does not include a reformatory institution or institutional home.

**Effective Frontage** - means the width of the lot at the minimum distance from the street alignment at which buildings may be constructed.

**Existing Use** - means use of any land or buildings for the purpose for which it was lawfully used immediately prior to the gazettal date of the Scheme, in accordance with the conditions set out in Part 5 - Non-Conforming Use of Land.

**Extractive Industry** - includes the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals or similar substance from the land, also the manufacture of products from those materials when the manufacture is carried out on the land from which any of those materials is extracted or on land adjacent thereto.

**Factory Unit** - means each portion of a factory tenement building which is designed or adapted for occupation as a separate undertaking and factoryette shall have the same meaning.

**Flat** - means a separate and self contained dwelling within a building containing two or more such dwellings.

**Fish Shop** - means a shop where the goods kept, exposed or offered for sale include wet fish or fish fried on the premises for consumption off the premises.

**Floor Area** - shall have the same meaning as is given to it and for the purposes of the Uniform Building By-laws.

**Frontage** - means the boundary line between a site and the street which that site abuts, and when the site abuts on more than one street, then the boundary line between the site and the street to which the main building erected thereon, fronts. If no building has been erected, or if the building appears to front on to more than one street, then the frontage shall be the boundary line between the site and the street nominated by the Council.

**Fuel Depot** - means a depot for storage or bulk sale of solid or liquid gaseous fuel, but does not include a service station.

**Funeral Parlour** - means land and buildings occupied by undertakers where bodies are stored and prepared for burial or cremation.

**Gazettal Date** - means the date on which notice of the approval of the Minister to this Town Planning Scheme is published in the *Government Gazette*.

**General Industry** - means any industry other than a hazardous, light, noxious, rural, extractive or service industry.

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

**Grouped Dwelling** - shall have the same meaning ascribed to it in the Residential Planning Codes.

**Habitable Room** - shall have the same meaning ascribed to it in the Residential Planning Codes.

**Hazardous Industry** - 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.

**Health Centre** - means a maternal or x-ray centre, a district clinic, a masseur's establishment, or a medical clinic.

**Health Studio** - means a building designed and equipped for recreation and sporting activities and

includes outdoor recreation if especially approved by Council.

**Height** - shall have the same meaning as ascribed to it in the Residential Planning Codes.

**Holiday Cottages** - means two or more detached dwellings on one lot let for holiday purposes, none of which is occupied by the same tenant for continuous period of more than four months.

**Home Occupation** - means a business carried on with the permission of the responsible authority within a house or the curtilage of a house 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 noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products;
- (b) does not entail the employment of any person not a member of the occupier's family except in the case of a professional person;
- (c) does not occupy an area greater than 20m<sup>2</sup>;
- (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) is restricted in advertisement to a sign not exceeding 0.2m<sup>2</sup> in area.

**Hospital** - means any building or part of a building whether permanent or otherwise in which persons are received and lodged for medical treatment or care.

**Hotel** - means land and a building or buildings in respect of which a hotel licence has been granted under the provisions of the Liquor Act, 1970 (as amended).

**Industry** - means the carrying out of any process for and incidental to:

- (a) the making altering, repairing or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or breaking up or demolition of an article or part of any article;
- (b) the winning, processing or treatment of minerals;
- (c) the generation of electricity or the production of gas, and
- (d) the manufacture of edible goods for human or animal consumption, being a process carried on in the course of trade or business for gain, other than operations connected with:
  - (i) the carrying out of agriculture;
  - (ii) site work on buildings, works on land; and
  - (iii) in the case of the manufacture of goods referred to in sub-paragraph (d) above, the preparation on the premises of a shop, or food for sale; 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, the sale of goods resulting from the process and the use of land for the amenity of persons engaged in the process.

**Infant Welfare Clinic** - means premises used for the purpose of accommodating children in need of special care or medical attention.

**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 the by Department of Agriculture.

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

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

**Land** - includes air stratum titles, messuages, tenements and hereditaments and any estate in the land, and houses, buildings, works and structures, in or upon the land.

**Landscape, Landscaping or Landscaped** - shall have the same respective meanings as ascribed to them in the Residential Planning Codes.

**Laundrobar** - means a building or buildings wherein machines are installed providing for the washing and drying of house-holding clothing and other fabric for reward or profit and which may involve the use of coin-operated machines. **Laundrette** shall have the same meaning.

**Licensed Restaurant** - shall have the same meaning ascribed to it under the Liquor Act 1970 (as amended).

**Light Industry** - 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 prejudicially affect the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise 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 service.

**Liquor Store** - means premises in respect of which a liquor store licence has been granted under the Liquor Act 1970 (as amended).

**Lodging House** - means a building or structure permanent or otherwise in which provision is made for boarding or lodging more than four persons, exclusive of family members of the keeper thereof, for hire or reward but the terms do not include:

- (a) a Motel
- (b) premises used as a boarding school approved under the Education Act 1928 or,
- (c) a building containing flats.

**Lot** - has the meaning given to it and for the purposes of the Act, and allotment has the same meaning.

**Major Opening** - shall have the same meaning ascribed to it in the Residential Planning Codes.

**Marina** - means land and/or water areas used for the mooring of boats and water craft and which may include boat launching ramps, jetties, mooring pens, slipways, boat servicing and repair facilities, car parks, trailer and jinker storage areas, club house and administrative office facilities.

**Marine Filling Station** - means land and buildings used for the storage and supply of liquid fuels and lubricants for marine craft but in which no industry is carried on; but does not include a service station.

**Marine Dealer** - means land and buildings occupied for the purpose of storing, sorting, packing and sale of second-hand or waste materials, including metals, paper, rags, bottles and glass, whether for waste disposal or recycling elsewhere, but does not include premises used for motor vehicle wrecking or a refuse disposal yard.

**Market Garden** - means a rural or small rural holding including buildings used for intensive horticulture in the growing of vegetables or flowers.

**Medical Clinic** - means premises in which facilities are provided for the practice of more than one medical practitioner, or dental practitioner, physiotherapist, chiropractor or masseur.

**Milk Depot** - means a depot to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.

**Minister** - means the Minister for Planning or such other member of Executive Council as is for the time being charged by the Governor with the administration of the Act.

**Motel** - means a building, group of buildings or place used or intended to be used to accommodate patrons in a manner similar to an hotel or boarding house but in which special provision is made for the accommodation of patrons with motel vehicles.

**Motor Repair Station** - means land and buildings used for or in connection with mechanical repairs and overhauls including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

**Motor Vehicle Wrecking** - means the dismantling of motor vehicles and machinery of all kinds and the storage of vehicles awaiting dismantlement and also vehicle parts and accessories. The expression also includes Scrap Metal Yards.

**Multiple Dwelling** - shall have the same meaning ascribed to it in the Residential Planning Codes.

**Museum** - means a place preserving and exhibiting works of nature, art, curiosities, etc., also any collection of such objects.

**Non-Conforming Use** - means the use of land which, though lawful immediately prior to the coming into operation of this Scheme is not in conformity with the Scheme.

**Noxious Industry** - means an industry in which the process involved constitutes an offensive trade within the meaning of the Health Act 1911 (as amended) but does not include fish shops or dry cleaning establishments.

**Office** - means the conduct of administration, the practice of a profession carrying on of agencies, banks, typist and secretarial services and services of a similar nature or, where not conducted on the site thereof, the administration of or the accounting in connection with an industry.

**Open Space** - shall have the same meaning ascribed to it in the Residential Planning Codes.

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

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

- (a) is entitled to the land for any estate 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 lessee or licensee from the Crown; or
- (d) is entitled to receive or is in receipt of, or if the lands were let to a tenant, would be entitled to receive the rents and profit thereof whether as a beneficial owner, trustee, mortgagee in possession or otherwise.

**Pensioner/Aged Persons Dwellings** - means dwelling units in attached, multiple, grouped or clustered form provided by an organisation or institution or other body approved by the Council for the accommodation of pensioners or aged persons and designed and used exclusively for that purpose.

**Petrol Filling Station** - means land and buildings used for the supply of petroleum products and automotive accessories.

**Piggery** - means a rural holding or part thereof including buildings set aside for the intensive keeping, breeding or rearing of pigs.

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

**Plot Ratio** - has the same meaning as is given to it in and for the purpose of the Uniform Building By-laws.

**Poultry Farm** - means land and buildings where domestic fowl such as chicken, ducks, geese, turkeys and the like are kept for either egg or meat purposes in conditions other than free-range and in numbers exceeding the personal requirements of the land owners or occupiers.

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

**Professional Office** - means any building used for the purpose of his profession by an accountant, architect, artist, author, barrister, chiropodist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), or town planner and "professional person" has a corresponding interpretation.

**Public Amusements** - means the use of land as a theatre, a cinema, a dance hall, a skating rink, swimming pool or gymnasium, or for games.

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

**Public Authority** - means a Minister for the Crown acting in his official capacity, a State Government Department, State trading concern, State instrumentality, State public utility, and any other person or body, whether corporate or not, who or which, under the authority of any Act, administers or carries on for the benefit of the State, a social service or public utility.

**Public Recreation** - means the use of land for a public park, public gardens, foreshore reserve, playground or grounds for recreation which are normally open to the public without charge.

**Public Utility** - means any works or undertaking constructed or maintained by a public authority or municipality as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

**Public Worship - Place of** - includes buildings used primarily for the religious activities of a church, but does not include an institution for primary, secondary or higher education, or a residential training institution.

**Radio/Television Installation** - means land, structures and buildings used for the relay or transmission of radio, telephone and television signals and includes provision for the generation of, or conversion of power supplies for these purposes.

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

**Reformatory Institution** - includes a penal institution.

**Residential Building** - means a building or a 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 motel, an hotel or a residential school.

**Restaurant** - shall have the same interpretation as Eating House except that the expression "Licensed Restaurant" shall have the same meaning ascribed to it as in the Liquor Act 1970 (as amended).

**Rural Industry** - 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.

**Rural Pursuit** - means and includes agriculture, horticulture, forestry pasture and poultry farming.

**Sawmill** - means a mill or premises where logs or large pieces of timber are sawn but does not include joinery works unless logs or large pieces of timber are sawn therein.

**Service Industry** - means a light industry operating on land and within buildings having a retail shop front and in which goods may be manufactured only for sale on the premises or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.

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

**Setback** - shall have the same meaning ascribed to it as in the Residential Planning Codes.

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

**Shire** - means the Shire of Shark Bay.

**Shop** - means any building wherein goods are kept exposed or offered for sale by retail and includes a cafe and a restaurant and receiving depot, but does not include a bank, fuel depot, a market, service station, petrol filling station, milk depot, marine store, timber yard, or land and buildings used for the sale of motor cars and vehicles, or for any purpose falling within the definition of industry.

**Showrooms** - means rooms used in connection with warehousing or offices, and intended for display of goods of a bulky character.

**Single House** - shall have the same meaning ascribed to it as in the Residential Planning Codes.

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

**Small Holding** - means a small rural allotment as provided for pursuant to this Scheme used or intended to be used essentially for residential purposes with associated rural activities and includes a hobby farm, a farmlet, a rural retreat and a bushland retreat.

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

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

**Storey** - shall have the same meaning ascribed to it in the Residential Planning Codes, and for the purposes of this Scheme, a storey height shall not exceed 3.25 metres.

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

**Take Away Food Outlet** - means land and buildings which are used for the preparation and sale of food and refreshments to the public at large for consumption otherwise than on the premises concerned.

**Tavern** - means land and a building or buildings in respect of which a Tavern Licence has been granted under the provisions of the Liquor Act 1970 (as amended).

**Terrace Housing** - means a building of one or two storeys comprising a group of five or more self-contained dwellings, each joined to another by a party wall or walls, the building being so designed that no dwelling is constructed over another.

**Trade Display** - means the controlled and moderate display of goods for advertisement as approved by Council.

**Transport Depot** - means land used for the garaging of road motor vehicles used or intended to be used for carrying goods for hire or reward or for any consideration or for the transfer of goods from one such motor vehicle to another of such motor vehicles and includes maintenance and repair of vehicles.

**Tourist Accommodation** - means facilities provided for the accommodation and recreational activities of tourists, and may include an hotel, motel, chalet park, caravan park, camping ground or other facilities meeting the accommodation requirements of tourists.

**Veterinary Clinic** - means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients. Patients remaining on the premises overnight shall be kept within a buildings and in such a manner as to ensure that no detriment to the amenity of adjoining or nearby premises results.

**Veterinary Establishment** - means land and building used for, or in connection with, the treatment of sick animals and pets and includes the accommodation of sick animals and pets.

**Vehicle** - includes a tractor.

**Wall with a Major Opening** - shall have the same meaning ascribed to it in the Residential Planning Codes.

**Wall Without a Major Opening** - shall have the same meaning ascribed to it in the Residential Planning Codes.

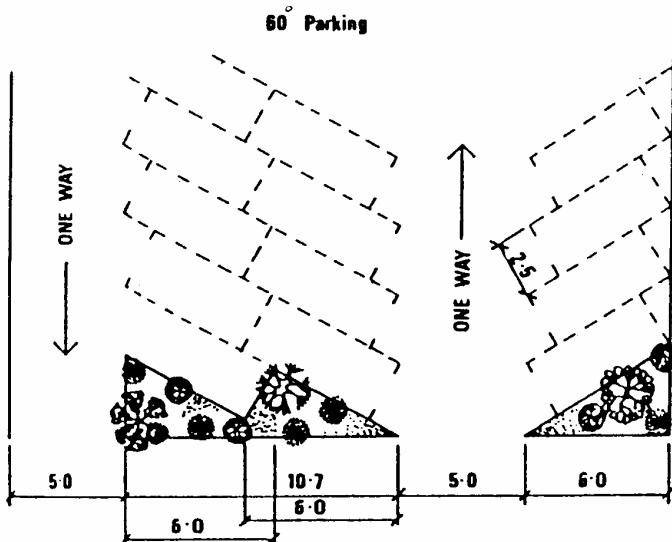
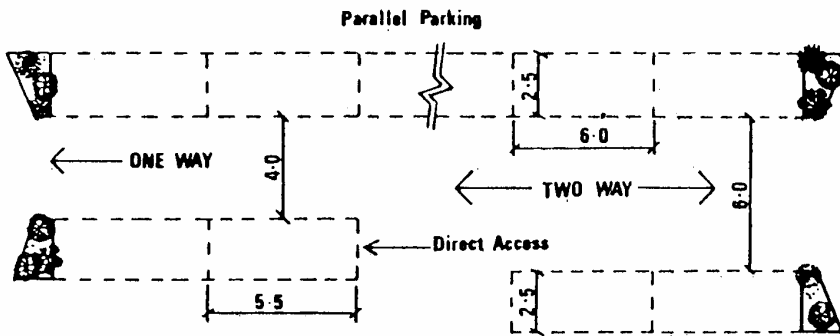
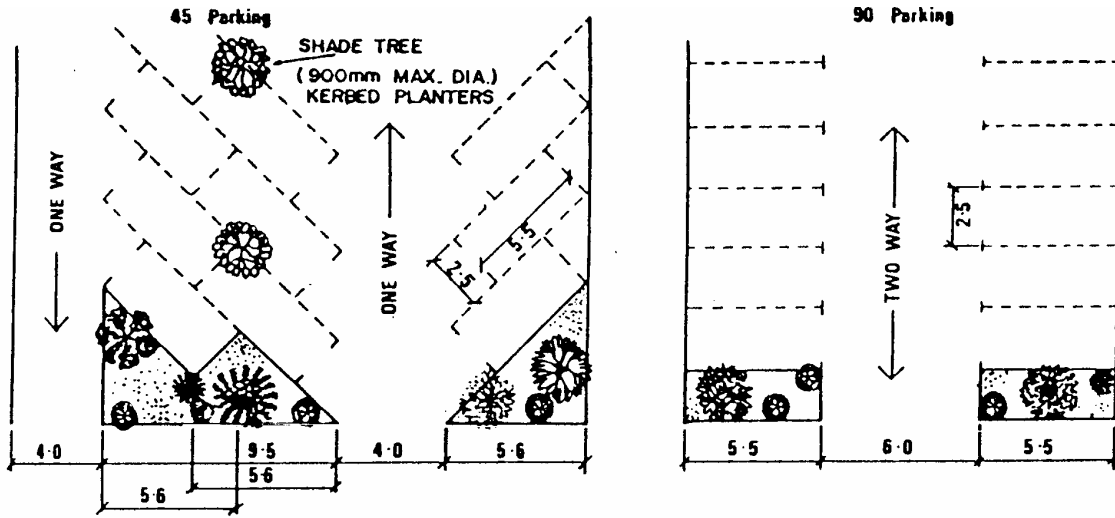
**Warehouse** - means any building or enclosed land, or part of a building or enclosed land, used for storage of goods and the carrying out of commercial transactions involving the sale of such goods by wholesale.

**Wineshop** - means land and a building or buildings in respect of which a wine house licence has been granted under the provisions of the Liquor Act 1970 (as amended).

**Zone** - means a portion of the Scheme area shown on the map by distinctive colouring, hatching, or edging for the purpose of indicating the restrictions imposed by the Planning Scheme on the erection and use of buildings or the use of land, but does not include land reserved.

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

# APPENDIX NO 4 - CAR PARKING LAYOUTS



**NOTES:**

BAY SIZES - 2.5 m X 5.5 m

PARALLEL PARKING  
BAY SIZES - 2.5 m X 6.0 m

AISLE WIDTH - 4m ONE WAY  
6m TWO WAY

(COUNCIL MAY REQUIRE GREATER AISLE WIDTHS WHERE FREQUENCY OF USE DETERMINES)

LANDSCAPING & SHADE TREE PLANTING DIAGRAMMATIC ONLY. DETAILS TO BE APPROVED BY COUNCIL IN EACH CASE.

ALL DIMENSIONS IN METRES

## APPENDIX NO 5 - SCHEDULE OF SPECIAL USE ZONES

NO	LOCATION	LAND PARTICULARS	PERMITTED USES
1	Dampier Road, Denham	Lot 253	Drive-in Theatre
2	Nanga	Lot 2 of Edel Location 17	Tavern, Caravan Park, Chalet Park, Petrol Filling Station, Shop and Residences
3	Nanga	Lot 1 of Edel Location 17	Tourist Development including caravan park, chalet development, holiday cottages, museum and residences
5	Useless Loop	Carrarang Station	Gypsum Mining, Salt Extraction with all necessary associated engineering works and support facilities including townsite comprised <i>inter alia</i> of residential, commercial, industrial, recreational and educational facilities.
8	Durlacher Street, Denham	Part North Location 58	Motel and Tavern
9	Extension of Knight Terrace	Un-numbered Crown Lot (approximately 6ha)	Tourist Accommodation, Chalets, Camping Ground, Restaurant and ancillary uses as approved by Council.
10	Monkey Mia Road/ Denham-Hamelin Road	Portion North Location 59	Roadhouse, Restaurant Bulk Fuel Depot  <b>Conditions of Use</b>  1. The boundary of the site abutting the Cemetery Reserve No 8886 shall be landscaped to the satisfaction of Council.  2. The storage of liquid fuel on site shall be subject to the requirements of the Flammable Liquid Regulations, enabled under the Mining Act 1978-1981.  3. Development shall be set back from the modified Denham-Hamelin Road and Monkey Mia Road intersection to the satisfaction of Council.
11	Knight Terrace	Lots 20 and 21	Motel with ancillary uses.
12	Hughes Street/ Brockman Street	Lots 68 and 69	Car Parking
13	Denham-Hamelin Road, Denham Townsite	Part North Location 59	Tourist Accommodation and ancillary uses as approved by Council.  <b>Conditions of Use</b>  1. Development should be set back and buffered from adjoining residential uses to the satisfaction of Council.  2. Development should be serviced by an effluent disposal system that meets on-site health requirements as well as minimises off-site environmental implications associated with water logging or nutrient enrichment of soil and water. The system designed and utilised will be such that effluent is treated;  (i) on-site by the use of aerated treatment units or amended soil conditions; or (ii) by a localised self-contained treatment plant; or (iii) by a system acceptable to both the Council and the Health Department, that achieves the objectives presented above.  Landscaping with planting programmes utilising species capable of removing moisture and nutrients from the affected area should be an integral part of any development.  On-site effluent disposal systems should be designed so as to allow connection to reticulated sewerage when this becomes available.

## APPENDIX NO 5 - SCHEDULE OF SPECIAL USE ZONES (Continued)

NO	LOCATION	LAND PARTICULARS	PERMITTED USES
14	Hamelin Telegraph Station	Murchison Loc. 161	<p>Permitted uses include the development of tourist accommodation in the form of a caravan park and camping sites (no more than 20 sites), manager's and staff dwellings and a shop.</p> <p>Special provisions:</p> <ul style="list-style-type: none"> <li>(a) The primary purpose of the site is the preservation of heritage value, through conservation of the historic buildings. Tourist accommodation shall only be permitted where it is complementary to and of secondary importance to the primary objective.</li> <li>(b) The owner shall make an arrangement with Council for the appointment of an honorary ranger to undertake duties as arranged with the Council.</li> <li>(c) Development shall be in accordance with a detailed Site Development Plan which shall show development of a scale and character sympathetic to the primary purpose of the site.</li> </ul> <p>Completion of the Site Development Plan shall be a requirement of any approval to tourist accommodation facilities and shall be adopted by the Council.</p> <ul style="list-style-type: none"> <li>(d) Registration of the site for tourist accommodation purposes by the Council in accordance with the Local Government By-Laws shall be subject to annual renewal and such renewal shall be dependent upon compliance with the adopted Site Development Plan.</li> <li>(e) CALM, as managers of the adjacent Hamelin Pool Marine Nature Reserve, shall be consulted and its support provided in order for Council to adopt a Site Development Plan pursuant to Special Provision (c) and in order for Council to provide a licence renewal.</li> <li>(f) Where development, including expansion or intensification of use, that is not in accordance with the adopted site Development Plan occurs, such action shall be sufficient to the Council to cancel the approval.</li> <li>(g) An effluent and waste water disposal system shall be provided to the satisfaction of the Local Authority, Department of Conservation and Land Management and Health Department of W.A.</li> </ul> <p>Where nutrient enrichment of water within Hamelin Pool can be attributed to tourist accommodation facilities at the site, such a finding shall constitute grounds for refusing to renew a licence issue or registration of the facilities.</p>

## APPENDIX NO 5 - SCHEDULE OF SPECIAL USE ZONES (Continued)

NO	LOCATION	LAND PARTICULARS	PERMITTED USES
15	Denham-Hamelin Road, Denham	Southern Portion of Part North Location 59	<p>Tourist accommodation and Townsite, ancillary uses, tavern, restaurant and recreation facilities.</p> <p><b>Conditions of Use</b></p> <ol style="list-style-type: none"> <li>1. Development should be set back from the dune ridge on the southern boundary of the site in accordance with the Denham Strategy Plan and this ridge should be landscaped and protected at the developer's cost to the satisfaction of Council.</li> <li>2. Development should be set back and buffered from adjoining residential uses to the satisfaction of Council.</li> <li>3. Development should be serviced by an effluent disposal system that meets on-site health requirements as well as minimises off-site environmental implications associated with water logging or nutrient enrichment of soil and water. The system designed and utilised will be such that effluent is treated;               <ol style="list-style-type: none"> <li>(i) on-site by the use of aerated treatment units or amended soil conditions; or</li> <li>(ii) by a localised self-contained treatment plant; or</li> <li>(iii) by a system acceptable to both the Council and the Health Department, that achieves the objectives presented above.</li> </ol> </li> </ol> <p>Landscaping with planting programmes utilising species capable of removing moisture and nutrients from the affected area should be an integral part of any development.</p> <p>On-site effluent disposal systems should be designed so as to allow connection to reticulated sewerage when this becomes available.</p>

## APPENDIX NO 5 - SCHEDULE OF SPECIAL USE ZONES (Continued)

NO	LOCATION	LAND PARTICULARS	PERMITTED USES
16	Monkey Mia Road	Edel Location 91	Airfield and ancillary uses as approved by Council.
	Reserve 40727 Reserve 1686	Edel Location 67 Edel Location 80	<p>Motel Units Family Holiday Houses Park Homes Caravan Park Camping Area Backpackers Hostel Office/Reception Shop Restaurant Parking Manager's Dwelling Staff Accommodation Power Generation Plant Desalination Plant</p> <p>Conditions of Development</p> <ol style="list-style-type: none"> <li>1. The intent of this zone is to provide for the needs of tourists in a manner that enhances the management and welfare of the shark Bay marine Park, and particularly the welfare of the dolphins.</li> <li>2. Development shall be generally in accordance with the "Monkey Mia Outline Development Plan" (O'Brien, April 1995), and shall only occur following, and generally in accordance with, the preparation of a Concept Development Plan and its approval by Council and the Commission. Such a plan should incorporate and have regard for the relevant management provisions required in the current lease agreement in respect of the land.</li> <li>3. If Council or the Commission;             <ol style="list-style-type: none"> <li>(i) fail to make a determination in respect of the concept Development Plan within 5 months of lodgement of such a plan with the Council, or within such other time frame agreed by the proponent; or</li> <li>(ii) makes a determination or imposes a requirement in respect of the Concept Development Plan and the proponent is dissatisfied with such a determination;</li> </ol> <p>the proponent may appeal to the Minister in accordance with Part V of the Act.</p> </li> <li>4. Any minor variation to the Concept Development Plan, including uses considered incidental to the primary activity of Tourist Development, may be approved by Council.</li> <li>5. No structure shall exceed 7.75 metres in height above finished ground level unless it forms part of the essential services (water or fuel tanks, power lines or communication aerials). The location, intensity and design of two storey development shall comply with an endorsed CDP.</li> </ol>

**APPENDIX NO 6**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

**SHIRE OF SHARK BAY**

**TOWN PLANNING SCHEME NO 2**

**NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL**

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

**LAND DESCRIPTION**

LOT NO: ..... STREET: .....

PROPOSAL; .....

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

Details of the proposal are available for inspection at the Council Office.

Comments on the proposal may be submitted to the Council in writing on or before the .....  
..... day of ..... 19 .....

.....  
SHIRE CLERK

.....  
DATE

**J SELLENGER**, President

**R N SCANTLEBURY**, Shire Clerk

## ADOPTION

Adopted by Resolution of the Council of the Shire of Shark Bay at the meeting of the Council held on the 22nd day of February 1984.

**J L SELLENGER**  
President

**1 AUGUST 1984**  
Date

**S K GOODE**  
Shire Clerk

**1 AUGUST 1984**  
Date

### FINAL APPROVAL

1. Adopted by Resolution of the Council of the Shire of Shark Bay at the Ordinary Meeting of the Council held on the 29th day of June, 1984 and the seal of the Municipality was pursuant to that Resolution hereunto affixed in the presence of:

**J L SELLENGER**  
President

**S K GOODE**  
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 Honourable Minister for Town Planning on the date shown below.

2. Recommended/submitted for final approval by the Town Planning Board:

**M A FEILMAN**  
Chairman

**2 OCTOBER 1984**  
Date

3. Final approval granted:

**P DOWDING**  
Minister for Town Planning

**22 NOVEMBER 1984**  
Date