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# Gazette

4977



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G. L. DUFFIELD, Director.

**AGRICULTURE**

AG401

**POTATO GROWING INDUSTRY TRUST FUND ACT 1947**

Regulation 7 (7) of the Potato Growing Industry Trust Fund Act (Election of Elective Members) Regulations

Certificate of Election of Candidate where Number of Candidates Nominated does not exceed the Number to be Elected

To: The Potato Growing Industry Trust Fund Advisory Committee, Department of Agriculture, South Perth.

I, Nigel Bushby, being the Returning Officer duly appointed under and for the purposes of the regulations made under the Potato Growing Industry Trust Fund Act 1947 (as amended) do hereby certify—

1. That in connection with the nomination of candidates for election as an Elective Member of the Potato Growing Industry Trust Fund Advisory Committee received up to 12 noon on 14 August 1991 being the last day for the nomination of candidates for such election to be held on the 18th day of September 1991 under section 7 (1) of the Act, the following candidate was nominated—

Domenic Peter Della-Vedova  
Diamond Tree Nelson LUC 5036  
Pemberton WA 6260  
Potato Grower

2. That the nomination form of the candidate was in order as required by the Regulations; that the candidate was eligible for nomination and election, and that the persons who signed the nomination form as proposer and seconder were competent to sign it.
3. That the candidate nominated did not exceed the number of candidates to be elected as Members of the said Potato Growing Industry Trust Fund Advisory Committee; and
4. That Domenic Peter Della-Vedova is the person not elected as elective Member as required by the said Act for Appointment by the Governor as a Member of the Committee under section 6 of the Act.

Dated the 14th day of August 1991.

N. J. BUSHBY, Returning Officer.

**BUSH FIRES BOARD**

BU401

**BUSH FIRES ACT 1954**

Suspension of Section 25

Bush Fires Board,  
Perth.

Corrs. No. 50.

It is hereby notified that the Hon Minister administering the Bush Fires Act 1954, has approved pursuant to the powers contained in section 25 of the said Act, the suspension of the operation of section 25B that relates to a fire to be lit, or which is lit, for the purpose of destroying garden refuse or rubbish or any like purpose during the declared Prohibited and Restricted Burning Times on land set aside for the purpose in the Municipal District of the Shire of Albany. This notice shall have effect until revoked and is issued subject to the following conditions—

**SPECIFIED CONDITIONS**

Bakers Junction Rubbish Disposal Site Reserve Number 31472.

1. All burning of rubbish to be confined to the areas that Council have provided for the purpose and that a sign be maintained at the site to inform the public that dumping in any other area is prohibited. These areas to be small manageable sizes.
2. A sign warning of the Prohibition of unauthorised lighting of fires to be erected and maintained in good condition at the site.
3. That all grass and bush of an inflammable nature save standing live trees on the site be removed before the first fire is lit.
4. Fires to be lit only by such persons authorised to do so by the Shire Clerk.
5. Fires to be lit only between the hours of 1600 hrs to 2000 hrs between Mondays and Thursdays only.
6. All fire to be extinguished prior to personnel leaving the site.
7. No fire is to be lit on land subject to the suspension on a day for which the fire danger forecast as issued by the Bureau of Meteorology in Perth in respect to the locality is "Very High" or "Extreme".

GRAHAM EDWARDS, Minister for Emergency Services.

BU402

**BUSH FIRES ACT 1954**  
Suspension of Section 25Bush Fires Board,  
Perth.

Corrs. No. 50.

It is hereby notified that the Hon Minister administering the Bush Fires Act 1954, has approved pursuant to the powers contained in section 25 of the said Act, the suspension of the operation of section 25B that relates to a fire to be lit, or which is lit, for the purpose of destroying garden refuse or rubbish or any like purpose during the declared Prohibited and Restricted Burning Times on land set aside for the purpose in the Municipal District of the Shire of Albany. This notice shall have effect until revoked and is issued subject to the following conditions—

**SPECIFIED CONDITIONS**

Redmond Rubbish Disposal Site Reserve Number 22938.

1. All burning of rubbish to be confined to the pit that Council have provided for the purpose and that a sign be maintained at the site to inform the public that dumping in any other area is prohibited.
2. A sign warning of the prohibition of unauthorised lighting of fires to be erected and maintained in good condition at the site.
3. That all grass and bush of an inflammable nature save standing live trees on the site be removed before the first fire is lit.
4. Fires to be lit by such persons authorised to do so by the Shire Clerk.
5. Fires to be lit only between the hours of 1600 hrs to 2000 hrs between Mondays and Thursdays only.
6. All fire to be extinguished prior to personnel leaving the site.
7. No fire to be lit on land subject to the suspension on a day for which the fire danger forecast as issued by the Bureau of Meteorology in Perth in respect to the locality is "Very High" or "Extreme".

GRAHAM EDWARDS, Minister for Emergency Services.

BU403

**BUSH FIRES ACT 1954**  
Suspension of Section 25Bush Fires Board,  
Perth.

Corrs. No. 50.

It is hereby notified that the Hon Minister administering the Bush Fires Act 1954, has approved pursuant to the powers contained in section 25 of the said Act, the suspension of the operation of section 25B that relates to a fire to be lit, or which is lit, for the purpose of destroying garden refuse or rubbish or any like purpose during the declared Prohibited and Restricted Burning Times on land set aside for the purpose in the Municipal District of the Shire of Albany. This notice shall have effect until revoked and is issued subject to the following conditions—

**SPECIFIED CONDITIONS**

Kronkup Rubbish Disposal Site Reserve Number 38504.

1. A new trench to be excavated on the site prior to any burning taking place.
2. All burning of rubbish to be confined to the trench that Council have provided for the purpose and that a sign be maintained at the site to inform the public that dumping in any other area is prohibited.
3. A sign warning of the Prohibition of unauthorised lighting of fires to be erected and maintained in good condition at the site.
4. That all grass and bush of an inflammable nature save standing live trees on the site be removed prior to the first fire being lit.
5. Fires to be lit only by such persons authorised to do so by the Shire Clerk.
6. Fires to be lit only between the hours of 1600 hrs to 2000 hrs between Mondays and Thursdays only.
7. All fire to be extinguished prior to personnel leaving the site.
8. No fire to be lit on land subject to the suspension on a day for which the fire danger forecast as issued by the Bureau of Meteorology in Perth in respect to the locality is "Very High" or "Extreme".

GRAHAM EDWARDS, Minister for Emergency Services.

BU404

**BUSH FIRES ACT 1954**

## Suspension of Section 25

Bush Fires Board,  
Perth.

Corrs. No. 210.

It is hereby notified that I, Graham Edwards administering the Bush Fires Act 1954, hereby revoke all previous orders under section 25B of the said Act with relation to the Northampton Rubbish Disposal Site situated on location No. 10522 (Reserve 25328) and pursuant to the powers contained in section 25B of the said Act, approve the suspension of the operations of section 25 that relate to a fire to be lit, or which is lit, for the purpose of destroying garden refuse or rubbish or any like purpose of destroying garden refuse or rubbish or any like purpose during the declared Prohibited and Restricted Burning Times on land set aside for the purpose in the Municipal District of the Shire of Northampton. This notice shall have effect until revoked and is issued subject to the following specified conditions—

**SPECIFIED CONDITIONS**

Northampton Rubbish Site situated on Location No. 10522 (Reserve 25328).

1. The Firebreaks existing around the site to be upgraded so as to be cleared of all flammable material prior to the commencement of each restricted burning period.
2. All bush save standing live trees to be burnt or removed from the entire site prior to the commencement of the restricted burning period each year.
3. All rubbish to be pushed against the existing rubbish mound prior to each fire being lit.
4. A sign warning of the Prohibition of unauthorised lighting of fires to be erected at the entrance to the site and to be kept in good condition during each suspension period.
5. A sign advising the public where to deposit rubbish to be erected at the site and to be maintained in good condition during each suspension period.
6. Fires to be lit only by the Shire Councils rubbish collecting contractors or such persons as specifically authorised to do so by the Shire Clerk.
7. A fire fighting unit equipped with tank, engine and pump to be on standby during the burning operations.
8. No fire to be lit on land subject to the suspension on a day for which the fire danger forecast as issued by the Bureau of Meteorology in Perth in respect of the locality is "Very High" or "Extreme".

GRAHAM EDWARDS, Minister for Emergency Services.

**CONSUMER AFFAIRS**

CN301

**RETAIL TRADING HOURS ACT 1987****RETAIL TRADING HOURS (TOWN OF ALBANY) AMENDMENT  
ORDER (No. 3) 1991**

Made by the Minister for Consumer Affairs under section 13.

**Citation**

1. This Order may be cited as the *Retail Trading Hours (Town of Albany) Amendment Order (No. 3) 1991*.

**Amendment**

2. The *Retail Trading Hours (Town of Albany) Order 1988* (published in the *Gazette* of 2nd September, 1988 at pp. 3461) is amended by deleting—

"other than Saturday, 11th May, 1991"

and inserting in its place the following—

- " other than the Saturdays 28th September, 1991; 14th, 21st and 28th December, 1991; 25th January, 1992 and 18th April, 1992 "

YVONNE HENDERSON, Minister for Consumer Affairs.

CN302

**RETAIL TRADING HOURS ACT 1987****RETAIL TRADING HOURS EXEMPTION ORDER (No. 49) 1991**

Made by the Minister for Consumer Affairs under section 5.

**Citation**

1. This Order may be cited as the *Retail Trading Hours Exemption Order (No. 49) 1991*.

**Extended trading hours**

2. Section 12 of the *Retail Trading Hours Act 1987*, does not apply to the general retail shops specified in Column 1 of the schedule on the days or during the hours specified opposite and corresponding to those general retail shops in Column 2 of the schedule.

**Schedule**

Column 1 General Retail Shops	Column 2 Days and Hours of Exemption
All general retail shops in the town of Moora.	Monday, 30th September, 1991 between the hours of 9.00 am and 11.00 am.

YVONNE HENDERSON, Minister for Consumer Affairs.

**CROWN LAW**

CW303

**JUSTICES ACT 1902**

**JUSTICES ACT (COURTS OF PETTY SESSIONS FEES)  
AMENDMENT REGULATIONS (NO. 2) 1991**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Justices Act (Courts of Petty Sessions Fees) Amendment Regulations (No. 2) 1991*.

**Commencement**

2. These regulations shall come into operation on 1 October 1991.

**First Schedule repealed and  
a Schedule substituted**

2. The First Schedule to the *Justices Act (Courts of Petty Sessions Fees) Regulations\** is repealed and the following Schedule is substituted —

“

**FIRST SCHEDULE****FEES TO BE TAKEN IN COURTS OF PETTY SESSIONS**

	\$
1. For every complaint .....	28.00
2. For every summons to defendant .....	4.30
3. For every order or conviction drawn up .....	7.50
4. For every copy of an order or conviction .....	6.40

		\$
5.	For every search in the records . . . . .	6.40
6.	For every summons to witness . . . . .	3.80
7.	For service of a summons or order of Court . . . . .	8.50
8.	For a warrant of any kind —	
	(a) issue thereof . . . . .	5.00
	(b) execution thereof . . . . .	20.00
9.	Travelling fee on service of a summons or order of Court, or on execution of a warrant — for each kilometre (one way only) . . . . .	0.70
**10.	(1) For copies of documents —	
	(a) depositions or a Magistrate's notes of evidence — for each page . . . . .	3.80
	(b) second and subsequent copies of documents referred to in paragraph (a) — for each page . . . . .	0.70
	(c) other documents — for each page . . . . .	1.00
	but in any case a minimum fee of \$7.50 is payable.	
	(2) For certifying that a document is a true copy — in addition to the fee under subparagraph (1) . . . . .	4.30
11.	(1) For an application for the production of records or documents to any court or tribunal (including an umpire or arbitrator) . . . . .	6.40
	(2) Where an officer is required to attend at any court or place out of the court building to produce such records or documents his reasonable expenses and, in addition, for each hour or part of an hour when he is necessarily absent from his office . . . . .	11.20

\*\*Not payable in cases of indictable offences.

[\* *Reprinted in the Gazette of 28 September 1982 at pp.3881-3884.  
For subsequent amendments see 1990 Index to Legislation of  
Western Australia, pp.291-2 and the Gazette of 15 February 1991.*]

By His Excellency's Command,  
L. M. AULD, Clerk of the Council.

CW301

## JUSTICES ACT 1902

## JUSTICES (INREP) AMENDMENT REGULATIONS (NO. 3) 1991

Made by His Excellency the Governor in Executive Council.

## Citation

1. These regulations may be cited as the *Justices (INREP) Amendment Regulations (No. 3) 1991*.

## Commencement

2. These regulations shall come into operation on 1 October 1991.

## Schedule 2 repealed and a Schedule substituted

3. Schedule 2 to the *Justices (INREP) Regulations 1989\** is repealed and the following Schedule is substituted —

“

## SCHEDULE 2

(Reg. 7)

## FEES AND COSTS

		\$
1.	Costs of courtesy letter and service (section 171BD) (3) (a)) . . . . .	8.00
2.	Costs (other than lodging fee) in connection with preparation and lodging of enforcement certificate (section 171BE (5) (b)) . . . . .	8.00
3.	Lodging fee for enforcement certificate (section 171BE (1)) . . . . .	28.00
4.	Execution fee (section 171BI (2)) . . . . .	25.00

”.

[\* *Published in the Gazette of 15 December 1989 at pp.4521-24.*  
For amendments to 27 August 1991 see 1990 Index to Legislation  
of Western Australia, p.292 and Gazettes of 1 March and 19 July  
1991.]

By His Excellency's Command,

L. M. AULD, Clerk of the Council.



CW302

## LOCAL COURTS ACT 1904

## LOCAL COURT AMENDMENT RULES (NO. 2) 1991

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These rules may be cited as the *Local Court Amendment Rules (No. 2) 1991*.

**Commencement**

2. These rules shall take effect on the day that is one month after the day that these rules are published in the *Gazette*.

**Appendix amended**

3. The Appendix to the *Local Court Rules 1961\** is amended in Part II by deleting the Table headed "Table of Court Fees" and substituting the following Table —

“

Table of Court Fees

Item	Service	Fee		Notes
		Claim not exceeding \$4 000	Claim exceeding \$4 000	
1.	For entering any plaint: excluding service fee, but including —			
	(a) any re-issue of summons;			
	(b) postage of any process issued for service by bailiff of foreign court;			
	(c) any summons for recovery of possession;			
	(d) any originating summons not otherwise specified;			

Table of Court Fees

Item	Service	Fee		Notes
		Claim not exceeding \$4 000	Claim exceeding \$4 000	
	(e) any application ancillary to entry of plaint (but prior to entry of defence) including for substituted service, extension of time, addition of parties or appointment of guardian;			
	(f) entry of judgment by default, or under s.47A;			
	(g) issue of certificate of judgment,			
	in the Small Disputes Division —			
	financially disadvantaged persons .....	\$29.00	—	
	other persons .....	\$37.50	—	
	in other than the Small Disputes Division .....	\$46.00	\$64.00	
2.	Defence, set-off or counter-claim on filing notice of defence: including —	\$23.00	\$37.00	1. Subject to Order 10 rule 1A.
	(a) filing all necessary applications and affidavits including applications in Chambers, interrogatories or discovery (including replies thereto);			2. Only one fee payable irrespective of number of defendants.
	(b) all necessary witness summonses;			
	(c) appointment to tax costs (but not including taxing fee payable on amount of Bill filed for taxation),			

## Table of Court Fees

Item	Service	Fee		Notes
		Claim not exceeding \$4 000	Claim exceeding \$4 000	
	and where set-off or counterclaim involved, the hearing fee, and entry of judgment on set-off or counterclaim.			
3.	Trial - Hearing fee: (Payable, where the action is not an action for a small debt, upon application to list for trial or other application consequential upon filing of defence) including —	\$51.00	\$79.00	
	(a) filing all necessary applications and affidavits including applications in Chambers, interrogatories or discovery (including replies thereto) and proceedings under s.47A;			
	(b) pretrial conference, trial of defended action, or assessment of damages;			
	(c) hearing of recovery of possession applications;			
	(d) application for new trial;			
	(e) appointment to tax costs (but not including taxing fee payable on amount of Bill filed).			
4.	Enforcement proceeding of any kind: including —	\$22.50	\$37.00	
	(a) filing certificates of judgments in any Local Court;			

## Table of Court Fees

Item	Service	Fee		Notes
		Claim not exceeding \$4 000	Claim exceeding \$4 000	
	(b) issue of any judgment summons, any warrant of execution or possession, order of commitment, garnishee proceedings, or other enforcement action and including any necessary re-issue of such process (one fee only is payable for issue of any one or more of above processes).			
5.	Interpleader Proceedings (fees to prepaid by claimant) for issue of summons and hearing fee .....	\$22.50	\$37.00	
6.	Search .....	\$5.50	\$5.50	But where search made by recognized reporting service approved by the Attorney General \$0.80.
7.	Service of summons authorized by post, inclusive of cost of postage .....	\$13.00	\$13.00	
8.	For issuing any duplicate warrant, summons, order or other document under Order 38 Rule 21 or 22 .....	\$11.00	\$11.00	
9.	Examination of witnesses <i>de bene esse</i> before Clerk —			
	for the first hour or part thereof .....	\$13.00	\$26.00	
	and for every subsequent hour or part thereof .....	\$11.00	\$20.00	

## Table of Court Fees

Item	Service	Fee		Notes
		Claim not exceeding \$4 000	Claim exceeding \$4 000	
10.	Copies of transcript of proceedings or notes of evidence supplied to a party to the proceedings —			
	per page .....	\$3.70	\$3.70	
	second and subsequent copies per page .....	65¢	65¢	When supplied to the same applicant
	minimum charge .....	\$8.00	\$15.00	
	Photocopies of other documents — per page .....	90¢	90¢	Minimum charge \$4.50
	For certifying that a document is a true copy — an additional fee of \$4.50 is payable.			
11.	Taxing costs, \$0.05 in each amount of \$1.00 on amount of filed bill, any less amount than \$1.00 to be disregarded — provided that where the bill exceeds \$500 the fee is reduced to \$0.025 in the \$1.00 for the excess — minimum charge \$6.00.			
12.	(1) For an application for the production of records or documents that are required to be produced to any court or tribunal (including an umpire or arbitrator) .....	\$7.50	\$15.00	
	(2) If an officer is required to attend at any court or place out of the court building —			
	(a) for each hour or part of an hour during which he is necessarily absent from his office; .....	\$13.00	\$22.50	
	and			
	(b) in addition, his reasonable expenses.			

Table of Court Fees

Item	Service	Fee		Notes
		Claim not exceeding \$4 000	Claim exceeding \$4 000	
13.	Fees payable in proceedings under the <i>Metropolitan Water Supply, Sewerage, and Drainage Act 1909</i> , Part VIII (6) (iii), in respect of —			Includes filing of certificate of rates unpaid, advertisement in <i>Government Gazette</i> , issue of notices and services by registered post.
	(a) each lot or parcel of land .....	\$37.50	\$37.50	
	(b) warrant of execution ..	\$22.50	\$22.50	
14.	Fees payable in connection with an appeal, motion, application or proceeding under any statute now or hereafter in force, where the matter is not otherwise specifically provided for in the Act or these Rules —			
	(a) on lodging notice of appeal, notice of motion, application or other document initiating proceedings .....	\$43.00	\$43.00	Includes hearing fee, summons to witness, and issue of order.
	(b) stating case for Supreme Court .....	\$75.00	\$75.00	

[\* Reprinted in the Gazette of 17 November 1976 at pp.4329-560.  
For subsequent amendments see 1990 Index to Legislation of Western  
Australia, p.299 Gazettes of 21 June 1991.]

By His Excellency's Command,

L. M. AULD, Clerk of the Council.

CW401

#### JUSTICES ACT 1902

It is hereby notified for public information that His Excellency the Governor in Executive Council has—

Approved of the following appointments to the Commission of the Peace for the State of Western Australia—

Harvey William Robert Arnold of RMB 62, Kojaneerup;

Laurence James Michael Bellottie of Lot 140 Talbot Street, Shark Bay;

Donald Leslie Hart of Lot 94 Winery Drive, Karnup and 23 Simpson Avenue, Rockingham;

William McLennan Mitchell of Muggon Station via Mullewa;

Stanley James Hathway of "Overpark" East Dalwallinu Road, Kalannie and 9 Roche Street, Kalannie.

Approved the following appointments to the Commission of the Peace for the Pilbara Magisterial District—

Garry Shaun Martin of House 120 Telfer and Telfer Gold Mine, Telfer;

Ronald Charles Roberts-Cheetham of House 55 Telfer and Telfer Gold Mine, Telfer.

Accepted the resignation of Terence Leon Blakely of Barrington-Knight Road, Yarloop, from the office of the Justice of the Peace for the State of Western Australia.

D. G. DOIG, Under Secretary for Law.

CW402

*EX OFFICIO JUSTICE OF THE PEACE*

It is hereby notified for public information that Jeremy Francis O'Driscoll of 8 McLarty Street, Derby has been appointed under section 9 of the Justices Act 1902 to be a Justice of the Peace for the Magisterial District of West Kimberley during his term of office as President of the Shire of Derby.

D. G. DOIG, Under Secretary for Law.

## EDUCATION

ED401

**EDITH COWAN UNIVERSITY ACT 1984**

Office of the Minister for Education,  
Perth 1991.

It is hereby notified that His Excellency the Governor in Executive Council, acting under the provision of section 27 of the Edith Cowan University Act 1984, has approved Amendment No. 1 of 1991 (Student Council Regulations) and Statute No. 23 (Official Regalia).

KAY HALLAHAN, Minister for Education.

ED402

**EDITH COWAN UNIVERSITY**

Statute No. 23

**ACADEMIC REGALIA**

1. The official regalia of this University shall be as follows—

- (a) The Chancellor's gown shall be a black silk gown trimmed with five centimetres gold braid down each front and around the full hemline and with a square collar at the back trimmed with the gold braid and with open sleeves fully lined with silk, edged with gold braid. The Chancellor's cap shall be black velvet trencher cap with gold tassel and button and trimmed with three centimetres gold braid.
- (b) The Pro-Chancellor's gown shall be as the gown for the Chancellor, except that the gown shall be trimmed with three centimetres of gold braid. The Pro-Chancellor's cap shall be a black velvet trencher cap with gold tassel and button and trimmed with one and one half centimetres of gold braid.
- (c) The Vice-Chancellor's gown shall be as the gown for the Chancellor except that the gown shall be trimmed with three centimetres of silver braid. The Vice-Chancellor's cap shall be a black velvet trencher cap with silver tassel and button and trimmed with three centimetres silver braid.
- (d) The regalia for members of the Council shall be the habit of their degrees or a black stuff gown edged with black braid and with plain unlined sleeves and a black cloth trencher cap.

2. The academic dress for graduates of this University shall be—

(a) Gowns

Undergraduates, Graduates of Graduate Diplomas, Graduate Certificates, Post Graduate Diplomas: Black cotton or silk gown similar in shape to that worn by Bachelors of Arts of the University of Cambridge.

Masters: Black cotton or silk gown similar in shape to that worn by Masters of Arts of the University of Cambridge.

Doctors of Philosophy: Black silk gown as prescribed for Masters but with facings of scarlet silk ten centimetres wide the full length of the front.

(b) Sashes

To be worn by graduates of Diploma, Associate Diploma and Certificate awards. Sashes to have a single diagonal stripe, bearing the University logo and of a colour as follows—

School of Arts & Applied Sciences	Pink
School of Business	Brown
School of Community & Language Studies	Yellow
School of Education	Blue
School of Nursing	Maroon
Academy of Performing Arts	Tangerine

(c) Hoods

All hoods shall be of the simple plain cut shape similar to the hood worn by Bachelors of Arts of the University of Oxford and shall be lined with silk of the colour proper to the degree as prescribed hereinafter.

Bachelors, Graduate Diplomas, Graduate Certificates, Post Graduate Diplomas: Black silk hood lined with silk of the prescribed colour and edged with white silk three centimetres wide.

Masters: Black silk hood lined with silk of the prescribed colour.

Doctors of Philosophy: Black silk hood lined with gold cloth.

(d) Caps

Doctors of Philosophy: Black velvet trencher cap.

All other graduates: Black cloth trencher cap.

3. (a) The colours of the silk linings and facings of the dress for degrees shall be as determined by the University Council from time to time and shall be defined by reference to the British Colour Council Dictionary of Colour Standards (2nd Edition 1951).

(b) Until otherwise prescribed the colours shall be determined by the nature of the award as follows—

Applied Science	Emerald Green	BCC 213
Arts	Royal Blue	BCC 197
Business	Tuscan Yellow	BCC 233
Education	Sky Blue	BCC 162
Health Sciences	Ruby	BCC 38
Performing Arts	Peacock Blue	BCC 120
Social Sciences	Spectrum Orange	BCC 57

(c) Hoods shall be worn with the colours displayed over the right shoulder except that graduates of bachelors awards at the pass level shall wear hoods with the colour displayed over the left shoulder.

The Common Seal of the Edith Cowan University was hereto affixed by authority of a resolution of the Council of the University in the presence of—

J. QUINN, Pro/Chancellor.  
D. A. JECKS, Vice-Chancellor.

ED403

EDITH COWAN UNIVERSITY ACT 1984  
EDITH COWAN UNIVERSITY  
Amending Statute No. 1 of 1991

Section 14 (j) of Statute 11 is amended by—

(a) substituting for the word "later" in the phrase "or such later date" in the section the word "other",

(b) substituting for the words "in the regulation" in the section the words "by the Council".

The Common Seal of the Edith Cowan University was hereto affixed by authority of a resolution of the Council of the University in the presence of—

J. QUINN, Pro/Chancellor.  
D. A. JECKS, Vice-Chancellor.



**FISHERIES****FI401****FISHERIES ACT 1905**

## Part IIIB—Processing Licences

FD 500/91.

The public is hereby notified that I have issued a permit to Coral Sea Fisheries, of Geraldton, to establish a processing establishment to process fish in pursuance of the provisions of section 35C of the Fisheries Act 1905 onboard licensed fishing boat *Lora Lea II* registered number LFB G117, subject to the following conditions.

That the processing establishment—

1. Shall comply with the requirements of the Fisheries Act 1905 and all Regulations, Orders in Council and Notices and Ministerial Directions issued thereunder.
2. Shall not be used for the processing of rock lobsters, prawns, tuna, abalone, scallops or salmon.
3. Shall comply with the requirements of the Health Act 1911 (amended).
4. Shall comply with the requirements of any town planning scheme or interim development order gazetted under the provisions of the Town Planning and Development Act 1928 (amended), or the Metropolitan Region Town Planning Scheme Act 1959 (amended).
5. Shall be registered as an export establishment pursuant to the provisions of the Parliament of the Commonwealth Export Control Act 1982, and Orders made thereunder, more specifically the Prescribed Goods (General) Orders and the Fish Orders, should it be used to process fish for export.
6. Shall not be used for processing of marron (*Cherax tenuimanus*) unless a licence is held under section 39C of the Fisheries Act 1905.

In accordance with the provisions of section 35K, any person aggrieved by this decision, may within fourteen days after publication of this Notice, appeal against the decision or order by serving on the Minister for Fisheries a Statement in writing on the grounds of their appeal.

B. K. BOWEN, Executive Director of Fisheries.

**FI402****FISHERIES ACT 1905**

## Part IIIB—Processing Licences

FD 442/91.

The public is hereby notified that I have issued a permit to Michael John Greenup of Pinjarra, to establish a processing establishment to process fish in pursuance of the provisions of section 35C of the Fisheries Act 1905 onboard licensed fishing boat *Marc Anna* registered number LFB F264, subject to the following conditions.

That the processing establishment—

1. Shall comply with the requirements of the Fisheries Act 1905 and all Regulations, Orders in Council and Notices and Ministerial Directions issued thereunder.
2. Shall not be used for the processing of rock lobsters, prawns, tuna, abalone, scallops or salmon.
3. Shall comply with the requirements of the Health Act 1911 (amended).
4. Shall comply with the requirements of any town planning scheme or interim development order gazetted under the provisions of the Town Planning and Development Act 1928 (amended), or the Metropolitan Region Town Planning Scheme Act 1959 (amended).
5. Shall be registered as an export establishment pursuant to the provisions of the Parliament of the Commonwealth Export Control Act 1982, and Orders made thereunder, more specifically the Prescribed Goods (General) Orders and the Fish Orders, should it be used to process fish for export.
6. Shall not be used for processing of marron (*Cherax tenuimanus*) unless a licence is held under section 39C of the Fisheries Act 1905.

In accordance with the provisions of section 35K, any person aggrieved by this decision, may within fourteen days after publication of this Notice, appeal against the decision or order by serving on the Minister for Fisheries a Statement in writing on the grounds of their appeal.

B. K. BOWEN, Executive Director of Fisheries.

**HEALTH****HE401****HOSPITALS ACT 1927**Health Department of WA,  
Perth, 17 September 1991.

HV 1.9 Exco No. 4648.

His Excellency the Governor in Executive Council has appointed under the provisions of the Hospitals Act 1927, Ms S. L. Godber as a member of the Harvey District Hospital Board for the period ending 30 September 1992, *vice* Mrs S. Boyle resigned.

PETER J. BRENNAN, Commissioner of Health.

**HE402****HOSPITALS ACT 1927**Health Department of WA,  
Perth, 17 September 1991.

BK 1.9 Exco No. 4647.

His Excellency the Governor in Executive Council has appointed under the provisions of the Hospitals Act 1927, Mr B. P. Butler as a member of the Bruce Rock Memorial Hospital Board for the period ending 30 September 1992, *vice* Mr M. S. Veitch deceased.

PETER J. BRENNAN, Commissioner of Health.

**HE403****HOSPITALS ACT 1927**Health Department of WA,  
Perth, 17 September 1991.

WH 1.9 Exco No. 4654.

His Excellency the Governor in Executive Council has appointed under the provisions of the Hospitals Act 1927, Mrs C. A. Whitfield as a member of the Wongan Hills District Hospital Board for the period ending 30 September 1992, *vice* Mr I. A. C. Smith resigned.

PETER J. BRENNAN, Commissioner of Health.

**HE404****HOSPITALS ACT 1927**Health Department of WA,  
Perth, 17 September 1991.

NS 1.9 Exco No. 4652.

His Excellency the Governor in Executive Council has appointed under the provisions of the Hospitals Act 1927, Ms E. M. Reid a member of the Norseman District Hospital Board for the period ending 30 September 1992, *vice* Mr R. A. C. Burnell resigned.

PETER J. BRENNAN, Commissioner of Health.

**HE405****HOSPITALS ACT 1927**Health Department of WA,  
Perth, 17 September 1991.

MT 1.9 Exco No. 4653.

His Excellency the Governor in Executive Council has appointed under the provisions of the Hospitals Act 1927, Mr N. B. Bell as a member of the Plantagenet District Hospital Board for the period ending 30 September 1992, *vice* Mr J. Mansfield resigned.

PETER J. BRENNAN, Commissioner of Health.

HE406

## HOSPITALS ACT 1927

Health Department of WA,  
Perth, 17 September 1991.

MO 1.9 Exco No. 4650.

His Excellency the Governor in Executive Council has appointed under the provisions of the Hospitals Act 1927, Miss S. De Longville as a member of the Moora District Hospital Board for the period ending 30 September 1992, *vice* Mr C. E. Kennedy resigned.

PETER J. BRENNAN, Commissioner of Health.

HE407

## HOSPITALS ACT 1927

Health Department of WA,  
Perth, 17 September 1991.

MW 1.9 Exco No. 4651.

His Excellency the Governor in Executive Council has appointed under the provisions of the Hospitals Act 1927, Mr H. J. Richardson as a member of the Morawa District Hospital Board for the period ending 30 September 1992, *vice* Mr N. Sanders resigned.

PETER J. BRENNAN, Commissioner of Health.

**LAND ADMINISTRATION**

LA101

*ERRATUM*

## LOCAL GOVERNMENT ACT 1960

## Change of Name of Streets

Shire of Kojonup.

DOLA File 2464/984.

Whereas an error occurred in the notice published under the above heading on page 4877 of *Government Gazette* No. 119 dated 20 September 1991, it is corrected as follows.

In the following entry

"Portion of Muradup North West Road to Rivervale Road as coloured blue on pages 35-36."

Delete "Rivervale Road" and insert " Riverdale Road ".

LA401

## HOUSING ACT 1980

## CANCELLATION OF DEDICATIONS

Department of Land Administration,  
Perth.

Corres. 847/44V4

It is hereby notified that His Excellency the Governor in Executive Council has been pleased to cancel under the provisions of the "Housing Act 1980", the dedication of Swan Location 6586 Correspondence No. 1848/991.

It is hereby notified that His Excellency the Governor in Executive Council has been pleased to cancel under the provisions of the "Housing Act 1980", the dedication of Katanning Lot 825 Correspondence No. 1756/991.

It is hereby notified that His Excellency the Governor in Executive Council has been pleased to cancel under the provisions of the "Housing Act 1980", the dedication of Swan Location 5739 Correspondence No. 1352/991.

A. A. SKINNER, Executive Director.

## LA402

## LOCAL GOVERNMENT ACT 1960

## CHANGE OF NAME OF STREETS

It is hereby notified for general information that the Minister for Lands has been pleased to approve under section 295 (3) (c) (ii) of the Local Government Act 1960, of the change of the name of streets as set out in the hereunder schedule—

*Shire of Albany*

Boundary Road to Old Boundary Road as coloured orange on page 118 of DOLA file 5101/953.  
(Public Plan: 2629-III)

*Shire of Bridgetown/Greenbushes*

DOLA File 991/983

Shivis Court to Chevis Court as coloured pink on page 119. Thomson Road to Wet-Kopje Road as coloured blue on page 135. Portion of Southampton Road to Kandalee Road as coloured orange on page 135.

Thompsons Road to Thomson Road as coloured pink on page 135. Portion of Rose Street to Farmers Lane as coloured blue on page 137.

(Public Plans: BG29 (2) 31.03 & 32.03 (Bridgetown) & 2130-III SW.)

*Shire of Broomehill*

DOLA File 3172/983

Portion of Norrish Road to Tie Line Road as coloured orange on page 32.

Portion of Curnow Road to Norrish Road as coloured pink on page 33.

(Public Plans: BJ29 (2) 38.15 & 38.16, (10) Pts 8.3 & 8.4 (Broomehill), 2430-II NW & 2430-III NE.)

*City of Canning*

DOLA File 3094/971

Portion of Stonehouse Crescent to Donnelly Street as coloured blue on page 185.

Donnelly Street to Stonehouse Crescent as coloured pink on page 185.

Chaco Court to Timo Court as coloured green on page 188.

(Public Plans: BG34 (2) 16.18 & 17.16.)

*City of Geraldton*

DOLA File 1474/971

Callistemon Court to Bonamia Road as coloured yellow on page 106. Fathers Road to Fathers Court as coloured red on page 112. Ashton Avenue to Ashton Close as coloured blue on page 112.

(Public Plans: BE43 (2) 15.13 & 16.14 (Geraldton).)

*Shire of Gingin*

DOLA File: 3303/981

Wowra Road to Wowra Drive as coloured orange on page 135. Portion of Todman Road to Hoy Road as coloured pink on page 139.

(Public Plans: BG36 (10) Pts 3.2, 3.3, 4.2 & 4.3 & 2035-II NW & NE).

*Shire of Plantagenet*

Mason Road to Gorton Road as coloured red on page 66 of DOLA file 1432/983.

(Public Plans: 2428-IV NW & 2429-III SW).

*Shire of Waroona*

Camari Road to Camarri Road as coloured pink on page 49 of DOLA file 2047/983.

(Public Plan: 2032-II NE).

A. A. SKINNER, Executive Director.

## LB401

## LOCAL GOVERNMENT ACT 1960

## DECLARATION OF PUBLIC STREETS

Orders of the Minister for Lands made under section 288

At the request of the local governments nominated, the lands specified in the Schedule are now declared to be absolutely dedicated as public streets.

## Schedule

1. City of Bayswater (DOLA File 1837/991).

Road No. 18324 (Dunstone Road). The whole of the land as delineated and bordered green on Office of Titles Plan 17728.

Public Plan: BG 34 (2) 17.27, 17.28 (Perth).

## 2. Shire of Kalamunda (DOLA File 2646/990)

- (a) Road No. 18303 (Cabarita Road). A strip of land as delineated and coloured pink on Office of Titles Plans 4645 and 10796, and extending as delineated and coloured brown and marked right-of-way on Office of Titles Diagram 54080.

Public Plan: BG 34 (2) 24.21 (Perth).

- (b) Road No. 18304 (Tambulan Road). A strip of land as delineated and coloured pink on Office of Titles Diagram 44729 and Plan 17519, and the extensions thereto as delineated and coloured brown and marked right-of-way on Office of Titles Plan 10915 and Diagram 35936.

Public Plan: BG 34 (2) 23.24 (Perth).

A. A. SKINNER, Executive Director,  
Department of Land Administration.

## LB402

## LOCAL GOVERNMENT ACT 1960

## DECLARATION OF CLOSURE OF STREETS

Made by the Minister for Lands Under Section 288A

At the request of the local government nominated, the streets described in the Schedule are now declared to be closed.

## Schedule

1. Shire of Cue (DOLA File 2033/986; Closure No. C1234).

All that portion of Road No. 5366 within Kyarra Location 86.

Public Plan: Day Dawn 1:2 000 14.02.

2. Shire of Murray (DOLA File 1189/972; Closure No. M1319).

All that portion of Baker Street now comprised in the land the subject of DOLA Survey Plan 17703.

Public Plan: BG 32 (2) 13.31 (Pinjarra).

A. A. SKINNER, Executive Director,  
Department of Land Administration.

## LB602

## LAND ACT 1933

## Notice of Intention to Grant a Lease

It is hereby notified that it is intended to grant a Special Lease over King Location 725 to Aboriginal Lands Trust under section 116 of the Land Act for a term of 50 years.

A. A. SKINNER, Executive Director.

## LOCAL GOVERNMENT

## LG101

## CORRIGENDUM

## LOCAL GOVERNMENT ACT 1960

*Shire of Murray*

Whereas an error occurred in the notice published under the above heading on page 4799 of *Government Gazette* No. 116 dated 13 September 1991 it is corrected as follows.

In the second line of the opening paragraph delete "1990/91 financial year," and insert " 1991/92 financial year, ".

## LG301

## LOCAL GOVERNMENT ACT 1960

*Shire of Esperance*

## BUILDING AMENDMENT REGULATIONS (No. 4) 1991

It is hereby notified for public information that at a meeting of the Council of the Shire of Esperance held on 27 August 1991, it was resolved that the fees specified hereunder shall be levied from 28 August 1991.

## Schedule of Fees

## Building Licence Fees (of estimated cost of construction—

Classes 1 to 10 inclusive—0.15%

Minimum any class—\$25.00

Examination and report on preliminary plans—25% of the fee for issue of a building licence that would be applicable on proposed construction.

Materials on street \$1 per month or part thereof for each m<sup>2</sup> of area enclosed by hoarding or fence.

Demolition Licence—\$50 for each storey.

R. T. SCOBLE, Shire Clerk.

## LG302

## LOCAL GOVERNMENT ACT 1960

*Shire of Nannup*

## BUILDING AMENDMENT REGULATIONS (No. 4) 1991

It is hereby notified for public information that at a meeting of the Nannup Shire Council held on 12 September 1991, it was resolved that the fees specified hereunder shall be levied from 12 September 1991.

## Schedule of Fees

Class 1 and Class 10 0.25%

Class 2 to 9 inclusive 0.2%

Minimum fee—any class \$25.00

Free standing garden sheds, patios and pergolas do not require submission of a building application.

D. F. BOULTER, Shire Clerk.

## LG303

## KOORDA SHIRE COUNCIL

## By-law Relating to Dogs

Pursuant to section 190 of the Local Government Act 1960, notice is hereby given that the Council of the Shire of Koorda intends to submit By-laws Relating to Dogs for the approval of the Governor.

The full text of the By-laws is available for inspection by the public free of charge at the office of the Council, Allenby Street, Koorda for the period of 21 days from the publication of this notice.

Objections to the representations in respect of the proposed By-laws will be received at the Office of the Council during the period of 21 days from publication of this notice.

R. E. TURNER, Shire Clerk.

## LG304

## LOCAL GOVERNMENT ACT 1960

*Municipality of the Shire of Carnarvon*

## BUILDING AMENDMENT REGULATIONS (No. 4) 1991

## Scale of Fees

Council at its Ordinary Meeting of 28 August 1991, resolved that in respect to the scale of fees chargeable for the issue of a building licence for a new building or alterations or additions to an existing building the fees be set as follows:

## 1. a. Class 1 Buildings (Dwellings)

(i) As from the 1st August 1991, fee charged shall be 0.1% construction but not less than \$25.00.

(ii) As from 1st January 1992, fee charged shall be 0.2% of the estimated cost of construction but not less than \$25.00.

## b. Class 10 Buildings (Outbuildings)

(i) As from 1st August 1991, fee charged shall be 0.4% of the estimated cost of construction but not less than \$25.00.

## c. Class 8 Buildings (Rural Sheds)

(i) As from 1st August 1991, fee charged shall be 0.2% of the estimated cost of construction but not less than \$25.00.

- d. Class 5 or 6 Buildings (Commercial/Industrial)
  - (i) As from 1st August 1991, fee charged shall be 0.1% of the estimated cost of construction but not less than \$25.00.
- e. Class 9 Buildings (Public Buildings)
  - (i) As from 1st August 1991, fee charged shall be 0.05% of the estimated cost of construction, but not less than \$25.00.
  - (ii) As from 1st January 1992, fee charged shall be 0.1% of the estimated cost of construction, but not less than \$25.00.
- f. Other Classes of Buildings (Classes 2, 3, 4 and 7)
  - (i) As from 1st August 1991, fee charged shall be 0.1% of the estimated cost of construction, but not less than \$25.00.
  - (ii) As from 1st January 1992, fee charged shall be 0.2% of the estimated cost of construction, but not less than \$25.00.
- g. Further that where the Building Surveyor deems it appropriate, individual applications may be submitted for assessment of the fees chargeable and that all such fees shall be subject to reassessment by council at any time after the 1st January 1992.
2. Preliminary Plans. For the examination of, and a report on, preliminary plans.
  - (i) 25% of the fee for the issue of a building licence to carry out the proposed construction described in the plans.
3. Materials on street. For the issue of a licence for the deposit of building materials on a street.
  - (i) \$1 per month or part of a month for each m<sup>2</sup> of the area of the street enclosed by any hoarding or fence.
4. Demolition. For the issue of a licence to demolish a building.
  - (i) \$50 for each storey.

P. J. BLACK, Shire Clerk.

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LG305

LOCAL GOVERNMENT ACT 1960

*Shire of Morawa*

BUILDING AMENDMENT REGULATIONS (No. 4) 1991

It is hereby notified for Public Information that the Shire of Morawa at its ordinary meeting held on 20th August, 1991, resolved that the fees specified hereunder shall be levied from 1st August, 1991.

D. J. DAWSON, Acting Shire Clerk.

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Schedule of Fees

Building Licence Fees (of declared value)

Class 1 and 10—0.1%

Class 2 to 9 inclusive—0.1%

Minimum any Class—\$25.00

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LG306

CITY OF PERTH PARKING FACILITIES ACT 1956

City of Perth Parking Facilities By-law Amendment

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the Municipality of the City of Perth hereby records having resolved on 15 July 1991 to make and submit for approval by the Minister and subsequent confirmation by the Governor that the City of Perth Parking Facilities By-law be amended as follows.

1. The By-law is amended by adding the following new Clause immediately after Clause 17—

“Construction Site Vehicle Parking”

17A. (1) In this Clause, unless the context otherwise requires—

“builder” has the same meaning as that expression is given in the Building Regulations 1989;

“construction site” means any land subject to development;

"construction site vehicle" means a commercial vehicle or a heavy goods vehicle;

"daily fee" means the daily fee referred to in Part II of the Ninth Schedule;

"development" means the demolition, erection, construction, alteration of or addition to any building or structure on land or the carrying out on the land of any excavation or other works;

"eligible person" means an owner or occupier of a construction site or any builder carrying out work on a construction site;

"establishment fee" means the fee determined by the Council in accordance with Part I of the Ninth Schedule;

"heavy goods vehicle" means a vehicle which comes within the interpretation of either a tractor (prime mover type) or a tractor (other than prime mover type) in the First Schedule to the Road Traffic Act 1974 and includes any other vehicle constructed primarily for the conveyance of goods which is attached to a heavy goods vehicle; and

"work zone" means any road or part of a road, whether or not marked as a metered space, parking stall or ticket machine zone, set aside by the Council by the use of a sign, for a period specified on the sign, for the standing or parking of construction site vehicles.

(2) An eligible person seeking to establish a work zone adjacent to a construction site may make written application to the Council which may approve or refuse the application.

(3) Where the Council approves an application made under Clause 17A (2), it shall give the applicant written notice specifying—

- (a) the number and location of work zones which the Council determines may be set aside;
- (b) the period which the Council determines during which the parking or standing of construction site vehicles in a work zone is permitted; and
- (c) the amount of the establishment fee calculated in accordance with the table of fees set out in Part 1 of the Schedule.

(4) Where the establishment fee specified in a notice referred to in Clause 17A (3) is paid to the Council within fourteen days from the date of issue of the notice, the Council shall set aside a work zone in accordance with the notice.

(5) An eligible person shall, in addition to the establishment fee, pay to the Council a daily fee for each day that a work zone is set aside.

(6) The daily fee shall be payable in arrears on the first day of each month.

(7) If the daily fee is at any time in arrears for seven days after it shall have become due (whether or not any formal or legal demand is made) then the Council may remove any signs used to set aside the work zone.

(8) A person shall not stand or park a vehicle in a work zone unless—

- (a) the vehicle is a construction site vehicle;
- (b) the vehicle is standing or parked during a period in which the standing or parking of a construction site vehicle on that zone is permitted by a sign; and
- (c) a person is continuously engaged in loading or unloading goods—
  - (i) to or from the construction site vehicle; and
  - (ii) to or from the construction site.

2. The Sixth Schedule of the By-law is amended in Item 1 by inserting " 17A (8), " immediately after "17 (4)",

3. The By-law is amended by adding the following Schedule immediately after the Eighth Schedule—

"

#### Ninth Schedule

##### Work Zones—Table of Fees

Part I Column 1		Column 2
Establishment Fees		
Item 1	Set Fee .....	\$113.00
Item 2	For each sign erected or removed .....	\$42.00
Item 3	For the removal of each set of markings defining a parking stall set aside for use by—	
	(a) a motor vehicle .....	\$5.00
	(b) a public bus .....	\$30.00



Item 4	For the removal of any markings other than those specified in Item 3 .....	\$6.00
Item 5	(a) For the first meter removed .....	\$77.00
	(b) For the second and each subsequent meter removed .....	\$42.00
Part II	Daily Fee	
	For each work zone—	
	(a) a daily fee equal to the maximum fee prescribed by this By-law which would have been payable if a work zone—	
	(i) had not been set aside; and	
	(ii) had been occupied continuously for a period of eight hours; or	
	(b) if no fee is prescribed by this By-law, then \$8.00 per day irrespective of the period during each day that the work zone is set aside. ”.	

Dated this 30th day of July, 1991.

The Common Seal of the City of Perth was hereunto affixed in the presence of—

R. G. WITHERS, Lord Mayor.

R. F. DAWSON, Chief Executive/Town Clerk.

Recommended—

PAM BEGGS, Minister for Transport.

Approved by His Excellency the Governor in Executive Council this 17th day of September, 1991.

L. M. AULD, Clerk of the Council.

#### LG307

#### CITY OF PERTH PARKING FACILITIES ACT 1956

#### CITY OF PERTH PARKING FACILITIES BY-LAW

#### Amendment

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the Municipality of the City of Perth hereby records having resolved on 15 July 1991 to make and submit for approval by the Minister and subsequent confirmation by the Governor that the City of Perth Parking Facilities By-law be amended as follows—

the By-law is amended by the addition of the following new Clause immediately after Clause 72—

“ Inspectors

72A. No offence under this By-law is committed by an Inspector whilst carrying out his or her duties. ”.

Dated this 30th day of July 1991.

The Common Seal of the City of Perth was hereunto affixed in the presence of—

R. G. WITHERS, Lord Mayor.

R. F. DAWSON, Chief Executive/Town Clerk.

Recommended—

PAM BEGGS, Minister for Transport.

Approved by His Excellency the Governor in Executive Council this 17th day of September, 1991.

L. M. AULD, Clerk of the Council.

LG401

**LOCAL GOVERNMENT ACT 1960***Shire of Esperance***Private Swimming Pools—Inspection Fee**

It is hereby notified for public information that the Council of the Shire of Esperance pursuant to section 245A of the Local Government Act resolved at its meeting held on 25 June 1991, that an annual inspection fee of \$40 be imposed on the owner or occupier of land on which a swimming pool is situated within the townsites of the Shire.

R. T. SCOBLE, Shire Clerk.

LG402

**LOCAL GOVERNMENT ACT 1960***Shire of Esperance***Private Swimming Pool Inspections**

It is hereby notified for public information that pursuant to section 245A of the Local Government Act the Council of the Shire of Esperance resolved to appoint the following persons as authorised officers (Private Swimming Pool Inspectors).

Alec Vivian Wright

David Alexander Pope

R. T. SCOBLE, Shire Clerk.

LG403

**SHIRE OF BROOKTON****Private Swimming Pools Inspection Fee**

Council by resolution at its meeting of 15 August 1991, pursuant to Building Regulations 38A of the Building Amendment Regulations 1991 and the Local Government Act section 245A subsection (8) has resolved to impose an inspection fee of \$10.00

The fee as set, will be charged to the owner/occupier in accordance with one of the following—

## 1. New Applications—

Payment on issue of the necessary building licence, with a fee of \$10.00 being additional to any fees as set in Part 6 of the Building Regulations 1989.

## 2. Existing Private Swimming Pools—

Payment is to be made within 14 days of written notification of the inspection.

G. R. THORN, Shire Clerk.

LG404

**CEMETERIES ACT 1986***Municipality of the City of Rockingham***Scale of Fees and Charges—Rockingham Public Cemetery**

In pursuance of the powers conferred upon it by the abovementioned Act, and of all other powers enabling it, the Council of the abovementioned Municipality resolved at a meeting held on 27 August 1991 that the following charges will apply as from 1 October 1991 in respect of the Rockingham Public Cemetery.

**Scale of Fees and Charges Payable to Trustees**

On application for an Order for Burial, the following fees are payable in advance—

	\$
Grave digging or re-opening grave for both adults and children (an additional charge for penalty rates will apply for funerals held on Saturday mornings, Public Holidays or after 3.00 pm on weekdays) .....	240.00
Interment of ashes .....	80.00
Ordinary land for grave 2.4 m x 1.2 m where directed .....	140.00
Ordinary land for grave 2.4 m x 2.4 m where directed .....	240.00
For interment without due notice .....	60.00
For sinking grave beyond 1.8 m, for each additional metre .....	40.00
For permission to erect any monument, etc. ....	50.00
For permission to construct a brick grave .....	60.00
For permission to construct a vault .....	60.00
Funeral Director's Licence—annual fee .....	140.00
Funeral Director's Licence—single interment .....	40.00
For copy of "Grant of Right of Burial" .....	40.00
For cast iron numbers .....	30.00

G. G. HOLLAND, Town Clerk.

LG405

**SHIRE OF SERPENTINE-JARRAHDAL****Swimming Pool Inspector**

It is hereby notified for public information that Mr David Gossage has been appointed Swimming Pool Inspector for the Shire of Serpentine-Jarrahdale effective from 13 September 1991, pursuant to section 245 (A) of the Local Government Act 1960 (as amended).

By order of the Council.

NED FIMMANO, Shire Clerk.

LG406

**LOCAL GOVERNMENT ACT 1960***City of Mandurah***Private Swimming Pool Inspection Fee**

It is hereby notified for public information that the City of Mandurah at its Ordinary Meeting held on the 10 September 1991, resolved pursuant to section 245A (8) of the Local Government Act 1960, that the annual charge to be imposed on each owner or occupier of land within the Municipality on which there is a swimming pool, to meet the cost of carrying out inspections shall be thirty five dollars (\$35.00).

E. W. HATTON, Acting City Manager/Town Clerk.

LG407

**LOCAL GOVERNMENT ACT 1960***Municipality of the Shire of Carnarvon***Private Swimming Pool Inspections**

Council resolved at its Ordinary Meeting held on the 22nd May 1991 that:

1. Appointed as "Authorised Officers" to exercise and carry out the powers and duties confirmed by section 245A of the Local Government Act 1960 are:

Peter John Brooks  
Alan William Hobbs

2. Appointed as "Authorised Officers" to issue Infringement Notices under section 669F of the Local Government Act 1960 are:

Peter John Brooks  
Alan William Hobbs

3. Appointed as "Prescribed Persons" for the purposes of section 669F of the Local Government Act 1960 are:

Peter John Brooks  
Alan William Hobbs  
Christopher Arthur Thompson

4. It sets as the Inspectorial Service Charge rate for 1991/1992 Financial Year a levy of \$29.00 per premises wherein a private pool is installed/constructed.
5. It approves the Officers of Council to effect the implementation of the Inspectorial and associated administration service for Private Swimming Pools within the Shire.

P. J. BLACK, Shire Clerk.

LG408

**HEALTH ACT 1911***Shire of Denmark***Sections 135 and 137**

To: The Owners

James Stewart Toner—Lights Road, Denmark

John Martin Toner—Lights Road, Denmark

Alleged Owners

Malcolm Moyes—RMB 1335 Styx River Road, Denmark

D. Harris—RMB 1336 Styx River Road, Denmark

Peter Swain—address unknown, Denmark

Peter Jervis—C/- Lot 683 Peace Street, Denmark

and Others

You are hereby notified that the building on Hay Location 1518 Styx River Road to which this notice is attached is by motion of the Council of Denmark at its meeting held on the 26 March, 1991 declared unfit for human habitation as provided for under section 135 of the Health Act, and is not to be inhabited or occupied following thirty days from the date of this notice.

Furthermore, as the owner of the building, you are directed to take down and remove the building and clean the land to the satisfaction of Council within a period of sixty days from the date of this notice, as provided for under section 137 of the Health Act.

If you fail to comply with this notice you commit an offence and Council may remove the building and recover all expenses from you.

If you are aggrieved by this decision you may within twenty one days after notice of this decision, appeal against this decision to a magistrate sitting as a court of petty sessions within the district.

Dated this 19th day of September 1991.

P. DURTANOVICH, Shire Clerk.

#### LG409

##### SHIRE OF CAPEL

Notice is hereby given of the appointment of Owen Jarosau Zelinka as an authorised officer under the following Acts and Regulations—

1. Litter Act 1979;
2. Dog Act 1976;
3. Control of vehicles (Off-road Areas) Act 1978;
4. Dog By-laws;
5. By-laws Relating to Reserves and Foreshores;
6. By-laws Relating to the Safety, Decency, Convenience and Comfort in Respect of Bathing;
7. Ranger/Poundkeeper under the provision of Part XX of the Local Government Act 1960; and
8. Authorised Officer under sections 669C, 669D and 669F of the Local Government Act 1960.

The appointment of John James Matthews is hereby revoked.

R. G. BONE, Shire Clerk.

#### LG501

##### BUSH FIRES ACT 1954

###### *Shire of Waroona*

Important Information Relating to your Responsibility as a Landholder in the Shire of Waroona  
With reference to section 33 of the Bush Fires Act 1954, you are required to carry out fire prevention work on land owned or occupied by you in accordance with the provisions of this order.

This work must be carried out on or before 30th November 1991, and kept maintained throughout the summer months until the close of Restricted Burning Period 1992.

An inspection of firebreaks and hazard removal will be carried out in all areas of the Shire by authorised Officers on or after 30th November 1991. Persons who fail to comply with the requirements of this order may be issued with an infringement notice (Penalty \$40) or prosecuted with an increased penalty, and additionally, Council may carry out required work at cost to the owner or occupier.

If it is considered for any reason to be impractical to clear firebreaks as required by this notice or natural features render firebreaks unnecessary you may apply to the Council or its duly authorised Officer not later than the 1st day of November 1991 for permission to provide firebreaks in alternative positions (strategic breaks) or to take alternative action to abate fire hazards on the land. If permission is not granted by the Council or its duly authorised Officer, you shall comply with the requirements of this notice. If the requirements of this notice are carried out by burning, such burning must be in accordance with the relevant provisions of the Bush Fires Act. Burning is permitted on Sundays and Public Holidays, at discretion of relevant Fire Control Officer.

###### A. Rural Land

Firebreaks not less than two (2) metres wide must be provided in the following positions—

- (a) within 60 metres inside and along the boundaries of all land including that which is uncleared, so as to form a continuous break around the holding.

(NOTE: Firebreaks constructed on road verges do not constitute a legal firebreak.)

- (b) not more than 100 metres and not less than 20 metres from the perimeter of all groups of buildings, haystacks and fuel installations provided on that land.

NOTE 1: 10 round bales constitute a haystack; 5 large oblong bales constitute a haystack; 200 small oblong bales constitute a haystack.

NOTE 2: Irrigation Area-owners or occupiers may be exempted from all or part of the requirements of the above if, in the opinion of the Fire Control Officer responsible for the area in which the land is located, there is no need to construct breaks on the irrigated land or non-irrigated land, not exceeding 20 hectares in area if surrounded by irrigated land.

**B. Special Rural Land**

The owners of all existing small rural holdings zoned "Special Rural" under Town Planning Schemes, must maintain clear of all flammable materials, a firebreak not less than two (2) metres wide immediately inside all external boundaries of the land.

**C. Urban Land (Residential, Commercial, Industrial and Rural land within Waroona/Hamel townsites).**

In respect of land owned or occupied by you within the above townsites or any area subdivided for other purposes, you shall—

- (a) where the area of land is 2 024 sq m (approx  $\frac{1}{2}$  acre) or less, remove all flammable material on the land except living standing trees, from the whole of the land; and
- (b) where the area of land exceeds 2 024 sq m (approx  $\frac{1}{2}$  acre) provide firebreaks of at least two (2) metres wide immediately inside all external boundaries of the land and also immediately surrounding all buildings situated on the land. Where several adjoining lots are held or used by the owner/occupier, the firebreaks may be provided inside, along the external boundaries of the group of lots.

**D. Preston Beach Townsite**

Owners and Occupiers of lots within Preston Beach Townsite are required to reduce fire hazards by means of slashing vegetation. Contract slashing is available by contacting the following contractor—

Mr R. A. Slee. R.M.B. 718, Waroona 6215. Telephone (097) 391 052.

Burning off of lots is not recommended.

**E. Lake Clifton Area**

Owners and Occupiers of Lots within the Lake Clifton Area may contact the following Contractor for firebreaks—

Mr N. Wilkinson. R.M.B. 677, Waroona 6215. Telephone (097) 391 113.

**F. Fuel and/or Gas Depot**

In respect of land owned or occupied by you on which is situated any container normally used to contain liquid or gas fuel, including the land on which any ramp or supports are constructed, you shall maintain the land clear of all flammable materials.

**G. Fire Protection of Private-Hardwood/Softwood Plantations Definitions and Specifications**

Plantation: Any area of planted Pines or Eucalyptus species exceeding 3 Ha.

Windbreaks: Will be defined as planted areas not exceeding 15 metres in depth with an unrestricted length.

Firebreaks—15 metres Boundary Break

The first row of trees must be at least 15 metres from the outside edge of the break.

The outer 10 metres of the firebreak must be cleared of all flammable material on the ground, and will have a 10 metre vertical clearance i.e. with no overhanging branches.

The remaining 5 metres must be maintained in a low fuel condition i.e. short grass may be considered a low fuel.

Minimum Firebreak Standards: The following firebreak standards will apply for plantations—

\*Firebreaks constructed 15 metres wide (as per definition) on the boundaries of plantations or on such other location as may be agreed between the Waroona Shire Council and the plantation owner.

\*Firebreaks clear of all flammable material 6 metres wide should surround compartments of approximately 30 hectares.

\*All firebreaks must be maintained in trafficable condition and trees on both sides of breaks progressively pruned to a minimum height of 4 metres to allow unrestricted access of maintenance and fire fighting equipment and so as to maintain an effective width of firebreak.

\*Where power lines pass through plantation areas firebreaks as per S.E.C. specifications must be provided.

Prohibited Burning Times: The prohibited burning times for the Waroona District are—

Zone 4—Irrigation Area—December 22 to February 14 (inc)

Zone 6—

(a) Coastal Area—December 15 to February 28 (inc)

(b) Central Area—December 15 to February 28 (inc)

Zone 8—

(a) Dry Sand Area—December 15 to March 14 (inc)

(b) Hills Area—December 15 to March 14 (inc)

Fire Permits must be obtained from your relevant fire control officer for burning off during the following periods—

Zone 4—

November 9—December 21  
February 15—March 29

Zone 6—

November 2—December 14  
March 1—April 12

Zone 8—

November 2—December 14  
March 15—April 26

PRIOR TO COMMENCEMENT OF BURN YOU ARE REQUIRED TO NOTIFY THE COUNCIL OFFICE OF TIMES, DATES AND LOCATION NUMBERS.

Bush Fire Control Officers: The various Bush Fire Control Officers for the different areas are listed together with their telephone numbers:

Chief Fire Control Officer: J. Twaddle 33 1593

Deputy Chief Fire Control Officer: R. Hull 33 1301

Secretary: R. Lane 33 1474

Brigade	Zone			
1	6	North West No. 1:	I. V. Williamson	(095) 30 3303
			(Capt) D. Hodgson	33 1360
2	4	North West No. 2:	R. Caratti	33 1349
			(Capt) L. G. Snell	33 1219
3	8	North East No. 1:	P. Ward	33 1262
			(Capt) J. Look	33 1261
4	8	North East No. 2:	R. G. Hull	33 1301
			(Capt) J. Higgins	33 1105
			(F.C.O.) T. Birmingham	(095) 38 1172
5	8	Central East:	G. Brown	33 1386
			(Capt) V. Pitter	33 1465
6	6	Central West	P. Fregon	39 1020
			(Capt) G. Lewis	39 1013
7	6	South West:	(Capt) W. Blake	33 5015
8	4 & 8	Wagerup:	K. Power	33 1567
			(Capt) T. Iseppi	33 1308
9	4	Town:	J. Twaddle	33 1593
			(Capt) A. Alexander	33 1496
10	8	Lake Clifton:	G. Sudholz	39 1046
			(Capt) D. Renshaw	39 1075
			(Lieut) P. Collins	39 1042
10	6	Preston:	(Capt) A. James	39 1193

P. N. RAWLINGS, Acting Shire Clerk.

LG502

#### BUSH FIRES ACT 1954

Pursuant to the powers contained in section 33 of the above Act, you are hereby required to have firebreaks cleared of all inflammable material for the periods specified herein, in such positions and to such dimensions as required by this notice.

1. Rural Land (Land other than that within the Dongara and Port Denison Town sites). On or before 1 October 1991 and thereafter up until and including 15 April 1992 you shall—

1.1 Have firebreaks not less than two (2) metres in width inside and along all boundaries of land that has been cleared for agricultural purposes, including land which is under pasture, stubble or crop.

Together with firebreaks of not less than two (2) metres in width within 20 metres of the perimeter of any standing crop on such land, which firebreak must completely encircle the said standing crop.

1.2 Have firebreaks not less than two (2) metres in width and within one hundred (100) metres of the perimeter of any building or haystack or groups of buildings or haystacks situated on the land. Such firebreaks must completely encircle the said buildings and/or haystacks.

1.3 Have firebreaks not less than two (2) metres in width immediately abutting any building or haystack or groups of buildings or haystacks situated on the land.

1.4 Have firebreaks not less than ten (10) metres around all uncleared land, including land upon which the regeneration of native species of bush has occurred.

2. Townsite Land (Land situated within the townsites of Dongara and Port Denison): On or before 31 October 1991 and thereafter up until and including 15 April 1992 you shall—

2.1 Have the land clear of all inflammable material where the area of land is 1 012 square metres or less.

2.2 Have firebreaks not less than two (2) metres in width immediately inside and along all boundaries of land exceeding 1 012 square metres in area.

2.3 Have firebreaks not less than two (2) metres in width immediately abutting all buildings situated on land exceeding 1 012 square metres in area.

3. If for any reason it is considered to be impracticable to clear firebreaks or to remove the inflammable material from the land as required by this notice, you may apply in writing to the Council or its duly authorised officer on or before 16 September 1991 for permission to provide firebreaks in an alternative position or take alternative action to abate a fire hazard. If permission is not granted by the Council, or its duly authorised officer, you shall comply with the requirements of this notice.

NOTE: If the requirements of this notice are carried out by burning, such burning must be in accordance with relevant provisions of the Bush Fires Act 1954.

By Order of Council.

J. PICKERING, Shire Clerk.

LG601

# LOCAL GOVERNMENT ACT 1960

## HEALTH ACT 1911

### *Shire of Northampton*

#### Memorandum of Imposing Rates

At a Special Meeting of the Shire of Northampton held on 30th August 1991 it was resolved that the following rates and charges specified hereunder shall be imposed on all rateable property within the Shire of Northampton for the year ending 30th June 1992 in accordance with the provisions of the Local Government Act 1960 and the Health Act, 1911.

Dated this 18th day of September 1991.

R. W. ALLEN, President.  
C. J. PERRY, Shire Clerk.

Land Zone	Rate in Dollar
Kalbarri—Scheme 4	
Zone Group 1—	
Residential, Miscellaneous and Specified Area (Roadworks)	.061207 GRV
Residential	
Public Assembly	
Special Site	
Special Rural	
Commercial	
Holiday Accommodation	
Tourist Accommodation	
Service Industry	
General Industry	
Composite Light Industry	
Zone Group 2—	
Residential and Specified Area (Roadworks)	.057794 GRV
Residential Development	
Zone Group 3—	
Industry and Specified Area (Industrial Roadworks)—	.128390 GRV
as specified in:	
Shire of Northampton (Specified Area)	
Order No. 1 1990	
Service Industry	
Light Industry	
General Industry	
Composite Light Industry	
Northampton Scheme 1	
Zone Group 4—	
Other Townsites	.053823 GRV
Northampton	
Port Gregory	
Horrocks	

Zone Group 5—	
Other Townsites	.014723 UV
Isseka	
Binnu	
Ajana	
Zone Group 6—	
Rural	.014723 UV
Rural	
Zone Group 7	
Urban Farmland	.007362 UV
Isseka	
Zone Group 8—	
Mining Tenements	.014723 UV
Mining	
Minimum Rates—	
A minimum rate for each separate location, lot or other piece of rateable land with the exception of land rated as Urban Farmland, will apply as follows:	
GRV \$150.20	
UV \$146.10	
Discount—	
Six per cent on all current rates paid in full at the Council Office within 35 days of the date of issue of the notice of valuation and rate.	
Penalty—	
Ten per cent on all rates outstanding at 31 January 1992 except as otherwise provided for in the Local Government Act.	
Sanitation Charge—	
Domestic	Northampton, Port Gregory, Horrocks—\$77 per annum for one weekly service.
	Kalbarri—\$95 per annum for one weekly service.
Commercial	\$250 per annum for twice weekly service.
Holiday Accommodation	\$127 per annum for each 5 units or part thereof.
Caravan Park	\$474 per annum for twice weekly service.
Industrial	\$143 per annum for twice weekly service.

## LG602

**LOCAL GOVERNMENT ACT 1960; HEALTH ACT 1911;  
COUNTRY TOWNS SEWERAGE ACT 1948**

*Shire of Morawa*

**SCHEDULE OF RATES AND CHARGES LEVIED**

**General Rates**

Rural: 0.0420 cents in the dollar on Unimproved Values.

Townsite: 0.10 cents in the dollar on Gross Rental Values.

Minimum Rates: \$96.00 on any location or other piece of land within the Municipality excluding the townsites of Canna, Gutha and Koolanooka where the minimum will be \$7 per location, lot or other piece of land.

**Other Charges**

Rubbish Charges: Domestic \$55.00 per annum; Commercial \$115.00 per annum; Pensioner \$26.00 per annum.

Discount: 7.5% discount allowed on all current rates paid by 31st October 1991 (Minimums and Sewerage Rates Excluded).

Penalty: A penalty of 10% will be charged on all rates remaining unpaid at 31st January 1992 (Deferred Rates Excluded).

**Sewerage Scheme Rates and Charges**

Residential and Commercial: 11.76 cents in the dollar.

**Minimum Sewerage Rates**

Residential: \$115 per annum

Commercial: \$250 per annum

Vacant Land: \$75 per annum.

All other unrated properties are as per the Country Towns Sewerage Act 1948 By-Laws as amended.

N. M. CARSLAKE, President.

B. G. WALKER, Shire Clerk.



LG603

## LOCAL GOVERNMENT ACT 1960

## HEALTH ACT 1911

*Town of Albany*

## Memorandum of Imposing Rates and Charges 1991/92

To whom it may concern,

At a meeting of the Council held on 4 July 1991, it was resolved that the rates and charges specified in the Schedule should be imposed on all rateable property within the Town in accordance with the provisions of the Local Government and Health Acts.

A. G. KNIGHT, Mayor.

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Schedule of Rates and Charges

## Differentiating General Rates—

Zone Group 1—comprising Tourist Residential, Central Area, Other Commercial, Service Station, Local Shopping and Licensed Premises zones: 11.94 cents in the dollar on Gross Rental Valuations.

Zone Group 2—comprising all other zones: 11.60 cents in the dollar on Gross Rental Valuations.

Minimum Assessment: \$216 to be charged on any location lot or other piece of land.

Penalty on Outstanding Rates: A penalty of 10 per cent will be applied to outstanding rates as at 31 January 1992 except for amounts owed by eligible pensioners.

## Refuse Service Charge—

Commercial properties \$87.00 per annum for one weekly removal service (each additional service \$1.70)

Residential Properties \$67.00 per annum for one weekly removal service (each additional service \$1.30)

LG604

## LOCAL GOVERNMENT ACT 1960

## HEALTH ACT 1911

*Shire of Murray*

## Memorandum of Imposing Rates

To whom it may concern.

At a meeting of the Murray Shire Council held on the 23rd August, 1991, it was resolved that the rates and charges specified hereunder should be imposed on all rateable property within the Shire for the year ending 30th June, 1992, in accordance with the Local Government Act 1960.

Dated this 26th day of September, 1991.

M. J. GREENUP, President.

D. A. McCLEMENTS, Shire Clerk.

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Schedule of Rates Levied

## General Rates—

Residential Zone—1.0000c in dollar on UVs

5.8030c in dollar on GRVs

Residential Development Zone—0.6156c in dollar on UVs

5.4646c in dollar on GRVs

Canal Development Zone—0.7300c in dollar on UVs

6.4500c in dollar on GRVs

Town Centre Zone (Vacant Lots)—0.6156c in dollar on UVs

5.4646c in dollar on GRVs

Town Centre Zone (Developed)—0.6156c in dollar on UVs

6.3000c in dollar on GRVs

Commercial Zone—0.6156c in dollar on UVs

5.4646c in dollar on GRVs

Industrial Zone—\*2.5000c in dollar on UVs

10.4088c in dollar on GRVs

Hotel/Motel Zone—0.6156c in dollar on UVs

5.4646c in dollar on GRVs

Private Club Zone—0.6156c in dollar on UVs

7.9302c in dollar on GRVs

Private Recreation Zone—0.6156c in dollar on UVs  
5.4646c in dollar on GRVs

Rural Zone—0.6256c in dollar on UVs  
5.7000c in dollar on GRVs

Special Rural Zone—0.6742c in dollar on UVs  
5.8950c in dollar on GRVs

Special Use Zone—0.6742c in dollar on UVs  
5.8950c in dollar on GRVs

Caravan/Chalet Zone—0.6156c in dollar on UVs  
5.4646c in dollar on GRVs

Public Purpose Zone—0.6156c in dollar on UVs  
5.7000c in dollar on GRVs

\*Note—The rate of 2.5000c in the dollar on Unimproved Values in the Industrial Zone adopted by Council was subsequently amended to 1.0000c in the dollar by the Hon. Minister for Local Government.

**Minimum Rate—**

Town Centre Zone—\$506.00  
Industrial Zone—\$506.00  
Private Club Zone—\$340.00  
All other Zones—\$270.00

Specified Area Rate—0.004303c in dollar applied in accordance with Shire of Murray (Specified Area) Order No. 1 1991 (published in *Government Gazette* on 22nd February, 1991) to land in the Yunderup Canals Estate.

Discount—5% discount shall be allowed on current general rates paid in full within 21 days of the date of issue of the rate notice.

Penalty on Overdue Rates—A penalty of 10% will be applied to all rates owing as at the 31st January, 1992, except for those owed by eligible pensioners.

Rubbish Removal Charges—For all premises—\$98.16 per 240 litre bin serviced once per week.

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**LG901**

**LOCAL GOVERNMENT ACT 1960**

*Shire of Sandstone*

Notice of Intention to Borrow

Proposed Loan (No. 20) of \$150 000

Pursuant to section 610 of the Local Government Act 1960 as amended, the Shire of Sandstone hereby gives notice of its intention to borrow money by the sale of a debenture on the following terms for the purpose of—

Loan 20 of \$150 000 for a period of five years with interest at ruling Treasury rates repayable at the Office of the Council, by ten half yearly instalments of Principal and Interest.

Purpose—Purchase of Plant.

Specifications and estimates as required by section 609 are open for inspection at the Office of the Council, Hack Street, Sandstone, during normal office hours for a period of 35 days after the publication of this notice.

Dated this 19th day of September 1991.

V. M. ATKINSON, President.  
R. M. GRAHAM, Shire Clerk.

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**LG903**

**LOCAL GOVERNMENT ACT 1960**

*Shire of Mukinbudin*

**NOTICE OF INTENTION TO BORROW**

Proposed Loan No. 91 \$20 000

Pursuant to section 610 of the Local Government Act 1960, the Shire of Mukinbudin hereby gives notice that it proposes to borrow funds by the sale of Debentures on the following terms and for the following purposes.

\$20 000 for a period of 10 years repayable by 20 half-yearly repayments of principal and interest at the office of the Council at Mukinbudin.

Purpose: Tennis Court Construction

Plans and specifications and estimates of costs as required by Section 609 of the Act are open for inspection at the office of the Council, Shadbolt Street, Mukinbudin during office hours for 35 days, after the publication of this notice.

Dated 19 September 1991.

S. J. WATSON, President.  
W. M. FENSOME, Shire Clerk.

LG904

**LOCAL GOVERNMENT ACT 1960**  
*Shire of Ravensthorpe*  
**NOTICE OF INTENTION TO BORROW**  
Proposed Loan (No. 120) of \$20 000

Pursuant to section 610 of the Local Government Act 1960 the Council of the Shire of Ravensthorpe gives notice that it proposes to borrow money by the sale of debentures on the following terms and conditions and for the following purpose—

Loan No. 120 of \$20 000 for a period of five (5) years interest free repayable to the Grain Pool of WA by half yearly instalments of principal for the purpose of part cost of the restoration/renovation of the Ravensthorpe Community Centre situated at Lot 13 Morgans Street Ravensthorpe.

Plans, specifications and estimates of cost thereof and the statement required by section 609 are open for inspection at the office of the Council during normal office hours for a period of 35 days from the publication of this notice.

NOTE: This proposed Loan will be self supporting with the Ravensthorpe Community Centre Inc. being responsible for the repayments and there will not be a charge against rates.

Dated this 24th day of September 1991.

A. E. SULLIVAN, President.  
B. R. HULLAND, Acting Shire Clerk.

LG905

**LOCAL GOVERNMENT ACT 1960**  
*Shire of Narembeen*  
**NOTICE OF INTENTION TO BORROW**  
Proposed Loan (No. 107) of \$40 000

Pursuant to section 610 of the Local Government Act 1960, the Shire of Narembeen hereby gives notice that it proposes to borrow \$40 000 by the sale of debentures on the following terms for the following purpose.

\$40 000 for a period of eight (8) years repayable in sixteen (16) equal half yearly instalments of principle and interest at the Office of the Council, 1 Longhurst Street, Narembeen.

Purpose: Purchase of Land and Buildings.

The schedule required by section 609 of the Local Government Act 1960 for the above loan is available for inspection at the Office of the Council during normal business hours for a period of thirty five (35) days after publication of this notice.

Note: This loan is fully self supporting and is to be repaid by the Narembeen Community Trust.

R. B. PARSONS, President.  
G. HADLOW, Shire Clerk.

LG906

**LOCAL GOVERNMENT ACT 1960**  
*Shire of Broome*  
**NOTICE OF INTENTION TO BORROW**  
Proposed Loan No. 149 of \$50 000

Pursuant to section 610 of the Local Government Act 1960, the Shire of Broome hereby gives notice that it proposes to borrow money by the sale of debentures on the following terms and for the following purpose.

\$50 000 for a period of ten (10) years repayable at the office of Council by twenty (20) half yearly instalments of principal and interest. The loan is to be renegotiated at the expiration of the initial five (5) year period at the interest rate then applicable.

Purpose: Building construction—Surf Life Saving Clubhouse

Plans, specifications and estimates of costs as required by section 609 of the Act are available for inspection at the Office of the Council for thirty five (35) days following publication of this notice.

NB: Loan Repayments are to be met in full by the Broome Surf Life Saving Club Inc and as such will not be a charge on ratepayers.

Dated 25 September 1991.

R. J. JOHNSTON, President.  
D. L. HAYNES, Shire Clerk.

## MAIN ROADS

MA401

### PUBLIC WORKS ACT 1902

#### Sale of Land

MRD 41-248-243

Notice is hereby given that His Excellency the Governor has authorised under section 29B (1) (a) (i) of the Public Works Act, 1902 (as amended) the sale by public auction or private contract of the land hereinafter described, which was compulsorily taken or resumed under that Act for a public work, namely gravel extraction and has been used for that public work for a period of ten years or more and being no longer required for that work.

#### Land

Portion of Canning Location 31 the subject of Diagram 10688 and being part of the land comprised in Certificate of Title Volume 1059 Folio 951 as is more particularly delineated and coloured green on Plan MRD 91-63 (Albany Highway, Armadale).

Dated this 25th day of September 1991.

D. R. WARNER, Director Administration & Finance.  
Main Roads Department.

MA501

MRD 42-43-D

### MAIN ROADS ACT 1930; PUBLIC WORKS ACT 1902

#### NOTICE OF INTENTION TO TAKE OR RESUME LAND

The Minister for Works hereby gives notice, in accordance with the provisions of section 17 (2) of the Public Works Act 1902, that it is intended to take or resume under section 17 (1) of that Act the pieces or parcels of land described in the Schedule hereto and being all in the Denmark District, for the purpose of the following public works namely, widening of South Western Highway (270.11-273.10 SLK Section) and that the said pieces or parcels of land are marked on LTO Plan 17967 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

#### Schedule

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area
1.	Annsborough Pty Ltd & Meedo Pty Ltd	Commissioner of Main Roads	Portion of Hay Location 1592 now comprised in Plan 17967 and being part of the land comprised in Certificate of Title Volume 1789 Folio 093.	12 030 m <sup>2</sup>
2.	Annsborough Pty Ltd	Commissioner of Main Roads	Portion of Hay Location 1587 now comprised in Plan 17967 and being part of the land comprised in Certificate of Title Volume 1335 Folio 244.	13 979 m <sup>2</sup>
3.	James Kimberley Barrow & Jeanette Heather Barrow	Commissioner of Main Roads	Portion of Hay Location 689 now comprised in Plan 17967 and being part of the land comprised in Certificate of Title Volume 1642 Folio 989.	2 894 m <sup>2</sup>
4.	James Kimberley Barrow & Jeanette Heather Barrow	Commissioner of Main Roads	Portion of Hay Location 690 now comprised in Plan 17967 and being part of the land comprised in Certificate of Title Volume 1643 Folio 301.	14 833 m <sup>2</sup>

Dated this 25th day of September, 1991.

D. R. WARNER, Director, Administration and Finance,  
Main Roads Department.

MA502

MRD 42-41-E

**MAIN ROADS ACT 1930; PUBLIC WORKS ACT 1902**  
**NOTICE OF INTENTION TO TAKE OR RESUME LAND**

The Minister for Works hereby gives notice, in accordance with the provisions of section 17 (2) of the Public Works Act 1902, that it is intended to take or resume under section 17 (1) of that Act the pieces or parcels of land described in the Schedule hereto and being all in the Murray District, for the purpose of the following public works namely, widening of the Armadale-Bunbury Road (SLK Section 59.66-59.86) and that the said pieces or parcels of land are marked off on LTO Diagrams 79773 and 80074 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

Schedule

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area
1.	The Pinjarra Trotting Club Incorporated	Hon Minister for Works	Portion of Murray Location 3 and being Lot 3 the subject of Diagram 23815 now comprised in Diagram 79773 and being part of the land contained in Certificate of Title Volume 1225 Folio 844.	116 m <sup>2</sup>
2.	North Blythewood Holdings Pty Ltd	Hon Minister for Works	Portion of Murray Location 3 and being part of Lot 8 on Plan 6730 now comprised in Diagram 80074 and being part of the land contained in Certificate of Title Volume 10 Folio 339A.	850 m <sup>2</sup>

Dated this 25th day of September 1991.

D. R. WARNER, Director, Administration and Finance,  
Main Roads Department.

**MINES**

MN101

**CORRIGENDUM**

State of Western Australia

**PETROLEUM (SUBMERGED LANDS) ACT 1982**

Section 118—Release of Information

Whereas an error occurred in the notice published under the above heading on page 4823 of the *Government Gazette* No. 116 dated 13 September 1991 it is corrected as follows—

In the first paragraph delete “in accordance with the Petroleum (Submerged Lands) Act 1967” and insert “in accordance with the Petroleum (Submerged Lands) Act 1982”.

IAN FRASER, Director Petroleum Division.

MN401

**MINING ACT 1978**

Notice of Application for an Order for Forfeiture

Department of Mines.

In accordance with Regulation 49 (2) (c) of the Mining Act 1978, notice is hereby given that the licences are liable to forfeiture under the provisions of section 96 (1) (a) for breach of covenant, *viz.* non-payment of rent.

Warden.

To be heard in the Warden's Court, Perth, on 11 October 1991.

**SOUTH WEST MINERAL FIELD**

Prospecting Licences

70/797—Earnshaw, Donald Ross.

70/799—Earnshaw, Donald Ross.

MN402

**MINING ACT 1978**

## Notice of Application for an Order for Forfeiture

Department of Mines,  
Mt Magnet, 11th September 1991.

In accordance with Regulation 49 (2) (c) of the Mining Act 1978, notice is hereby given that the licences are liable to forfeiture under the provisions of section 96 (1) (a) for breach of covenant, *viz.* non-payment of rent.

S. A. HEATH, Warden.

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To be heard in the Warden's Court, Mt Magnet, on the 26th November, 1991.

**MURCHISON MINERAL FIELD***Day Dawn District*

P21/438—Crews, Gene Raymond.

*Mt Magnet District*

P58/711—Sweet, Terry.

MN403

**MINING ACT 1978**

## Notice of Application for an Order for Forfeiture

Department of Mines,  
Meekatharra.

In accordance with Regulation 49 (2) (c) of the Mining Act 1978, notice is hereby given that the licences are liable to forfeiture under the provision of section 96 (1) (a) for breach of covenant, *viz.* non-payment of rent.

S. A. HEATH, Warden.

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To be heard in the Warden's Court, Meekatharra, on the 12th November 1991.

**MURCHISON MINERAL FIELD***Murchison District*

P51/1478—Metana Minerals NL.

**EAST MURCHISON MINERAL FIELD**

P53/561—Barrack Mines Ltd.; John Nelson Holloway; Kelvin Thomas Moore; Barton Paul Trengove.

MN404

**MINES REGULATION ACT 1946**

## Appointments

It is hereby notified for general information that the undernamed persons have been appointed under section 23H (2) and Schedule 2 (4) as members and deputy members to the Mines Radiation Safety Board.

## Members

## Date of Appointment

Mr Leonard Gandini	6 July 1990
Mr Robert L. Meecham	6 July 1990
Mr Trevor M. Peters	15 March 1991
Mr Ian S. Schache	(gazettal date)
Mr James M. Torlach	20 January 1989
Dr Bruce M. Hartley	20 January 1989
Dr K. C. Wan	20 January 1989
Associate Professor Phillip Jennings	20 January 1989

## Deputy Members

Mr Geoffrey J. Dodge	20 January 1989
Mr James Davidson	20 January 1989
Ms Denise R. Peggs	(gazettal date)
Mr Ian D. Watson	15 March 1991
Dr David J. Farrand	(gazettal date)
Mr Lincoln F. Toussaint	20 January 1989

D. R. KELLY, Director General of Mines.

MN405

## COAL MINES REGULATION ACT 1946

## Appointment

His Excellency the Lieutenant Governor and Deputy of the Governor in Executive Council has appointed—

Krzysztof Maria Biegaj and Vincent Rose as Departmental Inspectors of Coal Mines pursuant to section 6 of the Act.

D. R. KELLY, Director General of Mines.

MN406

## COAL MINES REGULATION ACT 1946

Department of Mines,  
Perth.

The Minister for Mines, acting pursuant to the powers conferred by section 6 of the Act, has directed Krzysztof Maria Biegaj and Vincent Rose, Departmental Inspectors of Mines, appointed under the Act, to act in the Collie Mineral Field and in all mines situated therein.

D. R. KELLY, Director General of Mines.

**OCCUPATIONAL HEALTH SAFETY AND WELFARE**

OA401

## OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT 1984

## OCCUPATIONAL HEALTH, SAFETY AND WELFARE REGULATIONS 1988

## Exemption Certificate Under Regulation 213

(No. 13 of 1991)

I, Neil Bartholomaeus Commissioner for Occupational Health, Safety and Welfare, hereby grant an exemption to BP Refinery (Kwinana) Pty Ltd from the requirements of Regulation 554 of the Occupational Health, Safety and Welfare Regulations 1988 in relation to the use of flat synthetic webbing slings for the lifting of heat exchanger bundles at the Kwinana site, subject to the following conditions—

- (i) the slings shall be used only for the lifting of heat exchanger bundles;
- (ii) a sign is to be affixed to the cranes stating that the slings are only to be used for lifting heat exchanger bundles; and
- (iii) all riggers and crane operators involved in the use of the slings are to be instructed on their safe use.

Dated this eighteenth day of September 1991.

NEIL BARTHOLOMAEUS, Commissioner for Occupational  
Health, Safety and Welfare.

OA402

## OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT 1984

## OCCUPATIONAL HEALTH, SAFETY AND WELFARE REGULATIONS 1988

## Exemption Certificate Under Regulation 213

(No. 14 of 1991)

I, Neil Bartholomaeus Commissioner for Occupational Health, Safety and Welfare, hereby grant an exemption to Tiwest Joint Venture from the requirements of Regulation 505 of the Occupational Health, Safety and Welfare Regulations 1988 in relation to operation of a waste gas incinerator (boiler number 37335) in the limited attendance mode provided periodic testing and maintenance is carried out in accordance with Part 9 of AS2593.

Dated this Nineteenth day of September 1991.

NEIL BARTHOLOMAEUS, Commissioner for Occupational Health,  
Safety and Welfare.

**PLANNING AND URBAN DEVELOPMENT****PD401****TOWN PLANNING AND DEVELOPMENT ACT 1928  
SCHEME AMENDMENT AVAILABLE FOR INSPECTION***City of Bayswater*

Town Planning Scheme No. 21—Amendment No. 21

Ref: 853/2/14/25 Pt 21.

Notice is hereby given that the City of Bayswater has prepared the abovementioned scheme amendment for the purpose of rezoning Part Lot 503 Raleigh Road, Bayswater from "Residential R17.5" to "Medium Density Residential R40".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 61 Broun Avenue, Morley and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including November 8, 1991.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before November 8, 1991.

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

K. B. LANG, Town Clerk.

**PD402****TOWN PLANNING AND DEVELOPMENT ACT 1928  
SCHEME AMENDMENT AVAILABLE FOR INSPECTION***City of Belmont*

Town Planning Scheme No. 11—Amendment No. 35

Ref: 853/2/15/10 Pt 35

Notice is hereby given that the City of Belmont has prepared the abovementioned scheme amendment for the purpose of including provisions which prohibit fencing forward of the building line for lots zoned Commercial, Business Enterprise and Industrial, unless there are special circumstances which in the opinion of Council justify a relaxation of this requirement such as for corner and vacant lots.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 215 Wright Street, Cloverdale and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including November 8, 1991.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before November 8, 1991.

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

B. R. GENONI, Town Clerk.

**PD403****TOWN PLANNING AND DEVELOPMENT ACT 1928  
SCHEME AMENDMENTS AVAILABLE FOR INSPECTION***City of Canning*

Town Planning Scheme No. 16—Amendment Nos 607 and 609

Ref: 853/2/16/18 Pts 607 and 609

Notice is hereby given that the City of Canning has prepared the abovementioned scheme amendments for the purpose of—

**Amendment No. 607:**

rezoning 11-13 Harrolyn Avenue (Lots 48 and 49), Riverton, from "SR 2" to "GR 4 (Restricted)" to allow development of 6 Group Housing Units.

**Amendment No. 609:**

rezoning 82 Tribute Street (Part Lot 918), Shelley, from "Place of Public Assembly (Place of Public Worship)" to "GR4 (Restricted)" to allow development of 10 Group Housing Units.



Plans and documents setting out and explaining the scheme amendments have been deposited at Council Offices, 1317 Albany Highway, Cannington and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including November 8, 1991.

Submissions on the scheme amendments should be made in writing on Form No. 4 and lodged with the undersigned on or before November 8, 1991.

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

I. F. KINNER, Town Clerk.

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PD404

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

*City of Canning*

Town Planning Scheme No. 16—Amendment Nos 606 and 608

Ref: 853/2/16/18 Pts 606 and 608

Notice is hereby given that the City of Canning has prepared the abovementioned scheme amendments for the purpose of—

Amendment No. 606:

rezoning 17-19 Ashburton Street (Lots 119 and 301), Bentley, from "S.R.2" to "G.R.4 (Restricted)" to allow development of 4 Group Housing Units.

Amendment No. 608:

rezoning 167 Watts Road (Lot 13), Wilson, from "SR 2" to "GR 4 (Restricted)" to allow development of 9 Group Housing Units.

Plans and documents setting out and explaining the scheme amendments have been deposited at Council Offices, 1317 Albany Highway, Cannington and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including November 8, 1991.

Submissions on the scheme amendments should be made in writing on Form No. 4 and lodged with the undersigned on or before November 8, 1991.

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

I. F. KINNER, Town Clerk.

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PD405

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

*City of Gosnells*

Town Planning Scheme No. 1—Amendment No. 370

Ref: 853/2/25/1, Pt. 370.

Notice is hereby given that the City of Gosnells has prepared the abovementioned scheme amendment for the purpose of rezoning Lots 3, 4, 16, 114 and 115 Fremantle Road, Gosnells from Residential A to Residential B at the R.30 density code to accommodate retired and aged persons accommodation.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 2120 Albany Highway, Gosnells and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including November 8, 1991.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before November 8, 1991.

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

G. WHITELEY, Town Clerk.

## PD406

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

Town Planning Scheme No. 1A—Amendment No. 171

Ref: 853/6/13/9, Pt. 171.

Notice is hereby given that the City of Mandurah has prepared the abovementioned scheme amendment for the purpose of rezoning portion of Part Lot 5 Old Coast Road, Falcon from "Special Rural" to "Tourist" and "Reserve for Local Recreation".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Mandurah Terrace, Mandurah and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including November 8, 1991.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before November 8, 1991.

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

K. W. DONOHOE, Town Clerk.

## PD407

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

Town Planning Scheme No. 1A—Amendment No. 177

Ref: 853/6/13/9, Pt. 177.

Notice is hereby given that the City of Mandurah has prepared the abovementioned scheme amendment for the purpose of rezoning part of Lot 118 Teranca Road, Mandurah from 'Residential 1' (R12.5) to 'Residential 1' (R17.5).

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Mandurah Terrace, Mandurah and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including November 8, 1991.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before November 8, 1991.

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

K. W. DONOHOE, Town Clerk.

## PD408

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

Town Planning Scheme No. 5—Amendment No. 194

Ref: 853/6/6/6, Pt. 194.

Notice is hereby given that the Shire of Busselton has prepared the abovementioned scheme amendment for the purpose of—

1. Rezoning Lot 3 being portion of Sussex Location 550 Kaloorup Road, Jindong from 'General Farming' to 'Restricted Use'; and
2. Amending the Scheme Text by adding to 'Appendix V—Restricted Use Zones' landuse controls.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Southern Drive, Busselton and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including November 8, 1991.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before November 8, 1991.

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

I. W. STUBBS, Shire Clerk.

PD409

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

*Shire of Busselton*

Town Planning Scheme No. 5—Amendment No. 195

Ref: 853/6/6/6 Pt. 195.

Notice is hereby given that the Shire of Busselton has prepared the abovementioned scheme amendment for the purpose of:

1. Rezoning Lot 11 Sussex Location 678 corner Wyadup and Caves Roads, Yallingup, as depicted on the Scheme Amendment Map, from "General Farming Zone" to "Special Zone—Restricted Use"—Chalet and Campsite Accommodation with Kiosk and Office.
2. Amending the scheme text by adding to "Appendix V—Restricted Use Zone" Lot 11, Sussex Location 678, corner Wyadup and Caves Roads, Yallingup and imposing appropriate land use and development controls relative to the use of that particular site for Chalet and Campsite Accommodation with Kiosk and Office.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, South Drive, Busselton and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including November 8, 1991.

Submission on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before November 8, 1991.

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

I. W. STUBBS, Shire Clerk.

PD410

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

*Shire of Denmark*

Town Planning Scheme No. 2—Amendment No. 22

Ref: 853/5/7/2, Pt. 22.

Notice is hereby given that the Shire of Denmark has prepared the abovementioned scheme amendment for the purpose of amending the Subdivision Guide Plan for the Monkey Rock Special Rural Zone No. 3 to provide for further subdivision and inserting appropriate land management provisions in the Scheme Text.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Strickland Street, Denmark and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including November 8, 1991.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before November 8, 1991.

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

P. DURTANOVICH, Shire Clerk.

PD411

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

*Shire of Gnowangerup*

Town Planning Scheme No. 1—Amendment No. 1

Ref: 853/5/9/7, Pt. 1.

Notice is hereby given that the Shire of Gnowangerup has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 102 Cecil Street, Gnowangerup, from the Residential R15 Zone to the Industrial Zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 28 Yougenup Road, Gnowangerup and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including November 8, 1991.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before November 8, 1991.

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

P. A. ANNING, Shire Clerk.

PD412

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION**  
*Shire of Serpentine-Jarrahdale*

Town Planning Scheme No. 2—Amendment No. 5

Ref: 853/2/29/3, Pt. 5.

Notice is hereby given that the Shire of Serpentine-Jarrahdale has prepared the abovementioned scheme amendment for the purpose of—

1. Changing the zoning of Part Lot 13 which extends to the south of the Birriga Drain and including Locations 22 and 336, located at the south-eastern end of Wungong South Road, Byford, from Rural Zone to Special Rural Zone and Public Open Space reserve.
2. Providing a guide plan of subdivision.
3. Amending the Scheme Text to include special provisions pertaining to the subdivision included as part of this amendment.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 6 Paterson Street, Mundijong and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including November 8, 1991.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before November 8, 1991.

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

N. D. FIMMANO, Shire Clerk.

PD501

**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959**  
**METROPOLITAN REGION SCHEME—SECTION 33A AMENDMENT**

Approved Amendment

Land between Leach Highway and Absolon Street, O'Connor and Leach Highway and McCoy Street,  
Myaree, City of Melville

No. 842/33A

File No. 833-2-1-3 Vol 3

The Hon Minister for Planning has approved, without modification, the abovementioned amendment to the Metropolitan Region Scheme.

The amendment, as shown on Plan No. 4.1160, shall have effect as from the date of publication of this notice in the *Gazette*.

The Plan as approved can be viewed at—

1. Department of Planning and Urban Development, 469 Wellington Street, Perth, WA, 6000.
2. J. S. Battye Library, Alexander Library Building, Cultural Centre, Francis Street, Northbridge, WA, 6000.
3. Office of the Municipality of the City of Melville, Almondbury Road, Melville, WA, 6156.

GORDON G. SMITH, Secretary.

PD502

**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959**  
**METROPOLITAN REGION SCHEME—SECTION 33a AMENDMENT**

Proposed Amendment for Exhibition and Comment

Part Canning Location 485, South West Highway, Armadale

No. 861/33A

File: 833-2-22-49

PROPOSAL

The purpose of the amendment is to rezone to Urban, Part Canning Location 485, South West Highway, Armadale to facilitate its residential development.

**DESCRIPTION**

The effect of the proposed amendment on the Metropolitan Region Scheme is to exclude Part Canning Location 485 South West Highway, Armadale from the Rural Zone and include it in the Urban Zone as shown on Plan No. 4.1118/1.

**CERTIFICATE**

The Metropolitan Planning Council, on behalf of the State Planning Commission and acting under delegated powers, has certified that, in its opinion, the proposed amendment does not constitute a substantial alteration to the Metropolitan Region Scheme.

**EXHIBITION**

The proposed amendment will be exhibited for public comment during normal office hours at:

1. Office of the Department of Planning and Urban Development, 469-489 Wellington Street, Perth WA 6000.
2. J. S. Battye Library, Alexander Library Building, Cultural Centre, Francis Street, Northbridge WA 6000.
3. Office of the Municipality of the City of Armadale, 7 Orchard Avenue, Armadale WA 6112.

**SUBMISSIONS**

Submissions on the proposal are invited and may be made (in duplicate) on submission forms available at the offices listed above and lodged at:

The Town Planning Appeal Committee,  
Hyatt Centre,  
87 Adelaide Terrace,  
Perth WA 6000.

Submissions must be lodged by 4.00 p.m. Friday November 29, 1991.

GORDON G. SMITH, Secretary,  
State Planning Commission.

**PD601**

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

*City of Canning*

Town Planning Scheme No. 16—Amendment No. 590

Ref: 853/2/16/18, Pt. 590.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Canning Town Planning Scheme Amendment on September 19, 1991 for the purpose of making the following text alteration—

Clause 6 (Interpretations)—delete the existing interpretation of “Kennel”, and substitute the following new Interpretation—

“ “Kennel” means any land or building where the owner or occupier thereof keeps, breeds, buys, sells, cares for or boards more than two dogs over the age of 18 weeks. For the purpose of this Scheme, the term “Kennel” includes the term “Cattery”, and the term “Dogs” includes the term “Cats”. ”.

C. M. GREGORINI, Commissioner.

I. F. KINNER, Town Clerk.

**PD602**

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

*City of Perth*

Town Planning Scheme No. 13—Amendment No. 1

Ref: 853/2/10/18 Pt. 1.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon. Minister for Planning approved the City of Perth Town Planning Scheme Amendment on September 19, 1991 for the purpose of:

(i) Clause 1.3 be amended to read as follows:—

“ The Scheme shall apply to all those pieces of land of:—

- (a) lot 112 of Perth Town Lots G6 and G7 and being the whole of the land comprised in Certificate of Title Volume 1787 Folio 820;
- (b) lot 113 of Perth Town Lots G6 and G7 and being the whole of the land comprised in Certificate of Title Volume 1787 Folio 821. ”.

(ii) Part I is amended by deleting clause 1.6;

(iii) Part I is amended by adding the following new clauses:—

“ 1.6 This Scheme is complementary to and is not a substitute for the City of Perth City Planning Scheme (“the City Planning Scheme”);

1.7 To the extent of any inconsistency between provisions of this Scheme and the City Planning Scheme, the provisions of this Scheme shall prevail;

- 1.8 (1) A reference to clause 48 of the City Planning Scheme to "a standard or requirement prescribed by the Scheme" shall include a standard or requirement prescribed by this Scheme;
- (2) A reference in clause 160 (d) of the City Planning Scheme to "all standards laid down and all requirements prescribed by the Scheme" shall include all standards laid down and all requirements prescribed by this Scheme;
- 1.9 The general objects of this Scheme are—
- (a) the development of the Scheme Area as a whole in a co-ordinated manner;
  - (b) the adequate provision of landscaped areas accessible to the public within the Scheme Area;
  - (c) the provision of pedestrian accessways throughout the Scheme Area linking Hay Street and St George's Terrace and connecting with properties adjacent to the Scheme Area; and
  - (d) the preservation and enhancement of that area of public space on the north side of the Scheme Area adjacent to Hay Street as an area for public use and access in view of its particular planning value by virtue of its northerly aspect, its relationship to His Majesty's Theatre and its proximity to other buildings in the area listed in the Fifth Schedule of the City Planning Scheme;
- 1.10 The Scheme Map consists of a map showing the Scheme Area and public space areas. "
- (iv) Part II is deleted and the following new Part substituted therefore—
- " Part II—Development
- 2.1 For the purpose of—
- (a) determining plot ratio; and
  - (b) ascertaining car parking requirements,
- pursuant to the City Planning Scheme with respect to land within the Scheme Area, the Scheme Area shall be treated as one site;
- 2.2 (a) In this Clause—
- "public shopper car park areas" means areas provided for public car parking for periods of four (4) hours or less;
- "public spaces" means the areas shown as such on the Scheme Map;
- (b) The public spaces shall be kept open to the public generally during normal working hours on normal working days and at such other times as the public shopper car park areas are available to the public;
  - (c) Nothing in this Scheme shall constitute or be deemed to constitute a dedication or implied dedicat in to the public of a right of use of the colonnaded and enclosed public spaces and so that the owner of those areas may, in order to negate a dedication or implied dedication, the owner may, subject to paragraph (a) of this clause, from time to time close access to a portion of those areas as the owner thinks fit;
- 2.3 Landscaped areas shall be provided and maintained where required by the Council and in accordance with the town planning approval and the approved plan relating thereto;
- 2.4 (1) When considering an application for town planning approval, the Council may, in addition to any other matter or thing which it may consider, have regard to the general objects of this Scheme;
- (2) If the Council grants town planning approval then the Council may do so subject to conditions which the Council considers necessary or convenient for the implementation of the general objects of this Scheme;
- 2.5 (1) Notwithstanding the provisions of the City Planning Scheme an application for town planning approval shall be signed by every owner of land comprising the Scheme Area;
- (2) An agent authorised in writing for that purpose by an owner of land within the Scheme Area may sign an application for town planning approval on behalf of the owner;
- (3) In addition to plans and information required by the City Planning Scheme or by the Council pursuant to the City Planning Scheme, where a proposed development may affect parts of the Scheme Area other than the land the subject of the application, the Council may require an application for town planning approval to be accompanied by such plans and information with respect of those parts of the Scheme Area as will enable the Council to determine the application; "

(v) Part III is deleted;

R. G. WITHERS, Lord Mayor.  
L. O. DELAHAUNTY, Acting Town Clerk.

PD603

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

*Shire of Moora*

Town Planning Scheme No. 3—Amendment No. 13

Ref: 853/3/11/4, Pt. 13.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Moora Town Planning Scheme Amendment on September 10, 1991 for the purpose of rezoning Lots 5 and 6 Keane Street, Moora from "Recreation" to "Single Residential" and amending the Scheme maps accordingly.

F. J. LEWIS, President.  
 J. N. WARNE, Shire Clerk.

PD604

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

*Town of Albany*

Town Planning Scheme No. 1A—Amendment No. 59

Ref: 853/5/2/15, Pt. 59.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Town of Albany Town Planning Scheme Amendment on September 19, 1991 for the purpose of—

- (1) Rezoning lot proposed 126 Ulster Road, Spencer Park from 'Residential' to 'Special Site'.
- (2) Amending the Scheme Text by addition to Appendix II, Schedule of Special Sites, the following—

Code No.	Particulars of Land	Base Zone	Additional Use	Conditions
15	Portion of Lot 17 Ulster Road, more particularly described as proposed Lot 126 Ulster Road, Spencer Park being Plan-tagenet Loc 43	Residential	Service Store	<p>(a) Development provisions of a service store under this scheme shall apply with the exception of condition (b) hereunder.</p> <p>(b) the store may have access to a major road where an alternative secondary road access is approved but not gazetted.</p> <p>(c) Upon completion of the abutting residential subdivision parking facilities and access to the secondary street shall be constructed.</p> <p>(d) No direct vehicular access between Ulster Road and the secondary street shall be permitted via the subject lot.</p> <p>(e) Design of the building including the facade to the satisfaction of the Council.</p>

- (3) Amend Scheme Maps in accordance with the plans.

J. M. LUBICH, Acting Mayor.  
 M. A. JORGENSEN, Town Clerk.

## PD702a

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME***Shire of Esperance*

Town Planning Scheme No. 22—District Zoning Scheme

Ref: 853/11/6/21.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Esperance Town Planning Scheme No. 22 on 27 August 1991 the Scheme Text of which is published as a Schedule annexed hereto.

D. H. REICHSTEIN, President.  
R. T. SCOBLE, Shire Clerk.

## Schedule

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**SHIRE OF ESPERANCE**  
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### SHIRE OF ESPERANCE

### TOWN PLANNING SCHEME No. 22

#### District Zoning Scheme

#### Part 1.—Preliminary

1.0 The Council of the Shire of Esperance under and by virtue of the powers conferred upon it by the Town Planning and Development Act 1928 (as amended) hereby makes the following Town Planning Scheme.

##### 1.1 Citation

This Town Planning Scheme may be cited as the Shire of Esperance Town Planning Scheme No. 22, District Zoning Scheme, hereinafter referred to as the "Scheme" and shall come into operation immediately on publication of the Scheme in the *Government Gazette*.

##### 1.2 Responsible Authority

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

##### 1.3 Scheme Area

The Scheme applies to the whole area of the Municipality of the Shire of Esperance and contained within the inner edge of the broken black border.

##### 1.4 Contents of the Scheme

The Scheme comprises:—

(a) The Scheme Maps (sheets 1-14)

(b) Scheme Text

(c) Scheme Report

### 1.5 Arrangement of the Scheme Text

The Scheme Text is divided into the following parts:—

1. Preliminary
2. Development and Development Approval
3. Reserved Land
4. Zoning and Development
5. Development Requirements
6. Places of Heritage Value
7. Non-Conforming Uses
8. Control of Advertisements
9. Administration

### 1.6 The Objectives of the Scheme are:—

#### 1.6.1 The General Objectives:

- (a) To provide for the control over land uses and development within the Scheme Area.
- (b) To allocate reserves for all land used and/or required for a Public Purpose.
- (c) To prescribe performance standards for land use and development within the Scheme Area.
- (d) To divide the Scheme Area into Zones for the purpose described in the Scheme.
- (e) To provide for the orderly development of the Scheme Area.
- (f) To make provisions as to the nature and location of buildings and the size of lots.
- (g) To make provisions for other matters necessary or incidental to town planning, housing and preservation of amenity of the area.
- (h) To encourage flexibility of planning control. The law is constantly having to try to achieve a balance between certainty and adaptability to the changing conditions, circumstances and needs of the community. Town planning with its necessary interrelationship with those changing conditions, circumstances and needs, has at least as great a need for adaptability.

#### 1.6.2 The Particular Objectives:—

- (a) To provide for and control development in all townsites within the Shire of Esperance and all development unrelated to farming activities within the rural districts within the Scheme Area.
- (b) To provide for and control the development of low density residential and special rural areas.
- (c) To protect primary and rural industry.
- (d) To protect and encourage industry generally.
- (e) To protect the visual amenity of the road system within the district.
- (f) To control the ecology and amenity of the coastline and to encourage good coastal management.
- (g) To protect all wetlands within the District.

### 1.7 Revocation of Other Schemes

Upon Publication of final approval to this Scheme in the *Government Gazette*, the following Shire of Esperance Town Planning Schemes as may have been amended from time to time will be superseded and revoked:—

- (a) Town Planning Scheme No. 16
- (b) Interim Development Order No. 9

### 1.8 Interpretation

1.8.1 Except as provided in Clause 1.8.2 the words and expressions in the Scheme have their normal and common meanings.

1.8.2 In the Scheme unless the context otherwise requires or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in Appendix 10 and, if not specified, as set out in the Residential Planning Codes.

## Part 2—Development and Development Approval

### 2.1 Planning Consent Required

#### 2.1.1 Continuation or Change of Uses

A person shall not commence or continue development or change the use of any land zoned or reserved under the Scheme without first having applied for and obtained the Planning Consent of the Council under the Scheme.

#### 2.1.2 Planning Consent Not Required

Notwithstanding the provisions of Clause 2.1.1 the Planning Consent of the Council is not required for the following development of land:—

- (a) Works on, in, over or under a street or road by public Authority acting under the provisions of any Act.
- (b) Works for the maintenance, improvement or other alteration of any building which affect only the interior of the building or which do not materially affect the external appearance of the building.
- (c) Works necessary in the interest of public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

- (d) The erection of a boundary fence except as otherwise required by the Scheme.
- (e) In areas zoned "Rural" which are not specifically subject to the Building Code of Australia, the erection of farm buildings and any other structure in connection with the rural use of land.

## 2.2 Application for Planning Consent

Every application for Planning Consent shall be made in the form prescribed in Appendix 2 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

### 2.2.1 Application Requirements

Unless the Council varies any particular requirement, every application for Planning Consent shall be accompanied by:—

- (a) A plan or plans to a scale of not less than 1:500 showing:—
  - (i) street names, lot numbers, north point and the dimensions of the site;
  - (ii) the location and proposed use of any existing buildings which are to be retained and the location and use of any new buildings proposed to be erected on the site;
  - (iii) the existing and proposed means of access for pedestrians and vehicles;
  - (iv) the location, number, dimensions and layout of all carparking spaces to be provided;
  - (v) the location and dimensions of any area to be provided for the loading and unloading of vehicles and the means of access to and from those areas;
  - (vi) the location, dimensions and design of any landscaped, open storage or trade display areas and the method of their implementation.
- (b) Plans, elevations and sections of any building to be erected or altered and any building to be retained.
- (c) Any further information that the Council may reasonably require to enable the application to be determined.

## 2.3 Notices

### 2.3.1 Advertisement of Applications

Where the Council requires that an application for use of land or buildings shall be advertised, such advertisement shall be in the form of a notice which shall give full particulars and details of the proposed development and which shall:—

- (i) be served in writing on the owners and occupiers of land within an area determined by the Council as likely to be affected by the development, and
- (ii) be advertised at least twice in the local newspaper, and,
- (iii) be shown on a sign to be erected on the site in a conspicuous position so that it can be easily read from a public road, for the period during which representations can be made to the Council.

The notice shall specify the period during which representations can be made to the Council which shall not be less than 21 days from the date of the first appearance of the advertisement in the local newspaper.

### 2.3.2 Expiration of Notice:—

- (a) After the expiration of twenty one days from the serving of notice or the publication of notice or the erection of a sign or signs, notifying the proposed development, whichever is later, the Council shall consider and determine the application.
- (b) Notwithstanding that a minimum period of 21 days is specified for the lodgement of submissions, nothing shall prevent the Council from specifying a longer period if it is considered appropriate, up to a maximum of 42 days.

## 2.4 Determination of Application

### 2.4.1 Consultations

In determining an application for Planning Consent the Council may consult with any Authority which in the circumstances it thinks appropriate.

### 2.4.2 Power to Determine Applications

Where required by the Scheme to consider a matter, the Council, having regard to the use permitted on the land by the Scheme, the present use of the land, the prevailing use of land in the locality, orderly and proper planning and the preservation of the amenity of the area, may refuse to approve any application for planning consent or may grant approval without conditions or subject to such conditions as it thinks fit.

### 2.4.3 Issuing of Decisions

The Council shall issue its decision in respect of the application for Planning Consent in the form prescribed in Appendix 3 to the Scheme.

### 2.4.4 Limited Period for Consent

Where the Council approves an application for Planning Consent under this Scheme the Council may limit the time for which that consent remains valid but such period shall not exceed two years from the date of the decision of the Council.

If a time limit of less than two (2) years is imposed by Council and the subject use is within an SA category, re-advertising is not necessary for an application for the extension of the planning consent if the extension is requested within a period of two (2) years of the original consent.

#### 2.5 Deemed Refusal

2.5.1 Where the Council has not within 60 days of the receipt by it of an application for planning consent either conveyed its decision to the applicant or given notice of the application in accordance with Clause 2.3, the application may be deemed to have been refused.

2.5.2 Where the Council has given notice of an application for planning consent in accordance with Clause 2.3 and where the Council has not within 90 days of receipt by it of the application conveyed its decision to the applicant, the application may be deemed to have been refused.

2.5.3 Notwithstanding that an application for planning consent may be deemed to have been refused under the above two Clauses, the Council may issue a decision in respect of the application at any time after the expiry of the 60 days or 90 days period specified in those clauses, as the case may be.

### Part 3—Reserved Land

#### 3.1 Reserves

Certain land within the Scheme Area is reserved for the following purposes and as indicated on the Scheme Map.

1. Parks and Recreation
2. National Parks
3. Public Purposes
4. Railway and Port Installation
5. State Highways
6. Important Local Roads

#### 3.2 Development of Reserves

Except as otherwise provided in this Part, the development of any land reserved under this Scheme, whether existing or proposed and whether held privately or publicly, is not permitted without the prior written approval of the Council pursuant to the provisions of Part 2.

#### 3.3 Matters to be Considered by the Council:—

- (a) In making a decision the Council shall consider the ultimate purpose of the reserve and, where the land is reserved for the purposes of a public authority confer with that authority before making a decision.
- (b) Where it appears to Council that the purpose for which land is reserved under this Part cannot be carried into effect within a reasonable time after the gazetted day, the owner of the land may, with the consent of Council, erect a building or carry out or alter a work of a permanent character or make or alter a permanent excavation. Where the land is reserved for the purposes of a public authority, Council shall confer with and receive the concurrence of that Authority before making a decision.

#### 3.4 Continuing Uses

No provision in this Part shall prevent the continued use of the land for the use to which it was lawfully put immediately prior to the Scheme having the force of law or the repair and maintenance for which the prior consent of the Council has been obtained, of buildings or works lawfully existing on the land.

#### 3.5 Compensation

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

3.5.2 Claims for such compensation shall be lodged at the office of the Council not later than six months after the date of the decision by Council to refuse Planning Consent or to grant it subject to conditions unacceptable to the applicant.

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

### Part 4—Zoning and Development

#### 4.1 Classification into Zones

##### 4.1.1 Zones

Land other than land reserved under Part 3 of the Scheme is classified into Zones as follows:—

- Residential
- Special Residential
- Tourist Development
- Future Urban
- Central Area

Shops and Offices  
 Other Commercial  
 Industry—Light  
 Industry—General  
 Private Clubs and Institutions  
 Special Rural  
 Harbour  
 Additional Use

#### 4.2 Land Use

##### 4.2.1 Permitted Uses

The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the various zones and the development standards applicable to those various uses.

##### 4.2.2 Symbols

###### Special Residential 2

The symbols used in the Table to indicate the permitted use have the following meanings:

'P' means that the use is permitted provided it complies with the relevant standards and requirements laid down by the Scheme and such conditions imposed by the Council in granting Planning Consent.

'AA' means that the use is not permitted unless Special Approval is given to it by Council and it complies with:—

(a) the relevant development standards contained in the Scheme; and

(b) all conditions imposed by the Council in granting Planning Consent.

'SA' means that the use is not permitted unless Special Approval is given to it by Council after the proposal has been advertised in accordance with Clause 2.3 and it complies with:—

(a) the relevant development standards contained in the Scheme; and

(b) all conditions imposed by the Council in granting Planning Consent.

'IP' means a use that may be permitted by Council if it considers the use to be incidental to the predominant permissible use of the land.

'—' means a use that is not permitted under the Scheme.

##### 4.2.3 Zoning Table—Table No. 1.

Uses	Zones													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Residential	Special Residential	Tourist Development	Future Urban	Central Area	Shops & Offices	Other Commercial	Industry—Light	Industry—General	Private Clubs & Institutions	Rural	Special Rural	Harbour	Additional Use
Abattoir	—	—	—	—	—	—	—	—	—	—	SA	—	—	—
Airfield	—	—	—	—	—	—	—	—	—	—	AA	—	—	—
Amusement Facility	—	—	IP	—	P	P	P	—	—	P	—	—	—	IP
Amusement Parlour	—	—	—	—	SA	SA	AA	—	—	—	—	—	—	AA
Art & Craft Studio	—	—	AA	—	P	P	AA	—	—	P	AA	AA	AA	—
Bakery	—	—	—	—	—	AA	AA	P	—	—	—	—	—	—
Bank	—	—	—	—	P	P	P	P	—	—	—	—	—	—
Betting Agency	—	—	—	—	P	P	P	AA	AA	—	—	—	—	—
Boarding House	SA (a)	—	AA	—	—	—	—	—	—	—	—	—	—	—
Boat Building	—	—	—	—	—	—	—	AA	P	—	—	—	—	AA
Builder's Storage Yard	—	—	—	—	—	—	—	AA	P	—	—	—	—	—
Camping Area	—	—	AA	—	—	—	—	—	—	IP	AA	—	—	AA
Car Park	—	—	IP	—	P	P	P	P	P	P	IP	—	—	IP
Caravan Park	—	—	AA	—	—	—	—	—	—	—	AA	—	—	AA
Chalet Park	—	—	AA	—	—	—	—	—	—	—	SA	—	—	AA
Civic Building and/or Use	SA	SA	SA	—	P	P	P	AA	AA	P	AA	AA	AA	AA
Club Premises	—	—	SA	—	AA	SA	AA	AA	AA	P	—	—	—	AA

See Clause 5.4

See Appendix 5

Uses	Zones													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Residential	Special Residential	Tourist Development	Future Urban	Central Area	Shops & Offices	Other Commercial	Industry—Light	Industry—General	Private Clubs & Institutions	Rural	Special Rural	Harbour	Additional Use
Community Home	SA	—	—	—	—	—	—	—	—	P	AA	—	—	—
Consulting Rooms	SA	—	—	—	P	AA	AA	—	—	—	—	—	—	—
Consulting Rooms Attached to a Single House	AA	—	—	—	—	—	—	—	—	—	—	—	—	—
Consulting Rooms Group	—	—	—	—	AA	AA	P	—	—	P	—	—	—	—
Convenience Store	—	—	AA	—	—	AA	AA	AA	—	—	—	—	—	AA
Day Care Centre	SA	SA	SA	—	—	AA	AA	AA	—	AA	—	—	—	—
Display Home Centre	SA	—	—	—	—	—	—	—	—	—	—	—	—	—
Dwellings:—														
Single House	P	AA	AA	—	—	—	—	—	—	P	P	AA	—	—
Attached House	AA	—	AA	—	—	—	—	—	—	—	—	—	—	—
Group Dwelling	SA	—	AA	—	AA	—	—	—	—	—	—	—	—	AA
(b)	(b)													
Aged or Dependant Person's Caretaker's	AA	—	—	—	AA	—	—	—	—	AA	—	—	—	—
	—	—	IP	—	IP	IP	IP	IP	IP	IP	IP	—	IP	—
Drive In Theatre	—	—	—	—	—	—	—	—	AA	—	SA	—	—	—
Dry Cleaning Premises	—	—	—	—	AA	AA	AA	P	P	—	—	—	—	—
Earthmoving Equipment—Depot For	—	—	—	—	—	—	—	—	P	—	IP	—	—	—
Educational Establishment	SA	—	—	—	—	—	—	—	—	AA	SA	—	—	—
Factory Unit Building	—	—	—	—	—	—	—	P	AA	—	—	—	—	—
Family Care Centre	IP	IP	—	—	—	—	—	—	—	IP	IP	IP	IP	—
Fast Food Outlet	—	—	AA	—	AA	AA	AA	AA	—	—	—	—	—	—
Fish Shop	—	—	—	—	P	P	P	P	—	—	—	—	—	AA
Forestry	—	—	—	—	—	—	—	—	—	—	P	—	—	—
Fuel Depot	—	—	—	—	—	—	—	AA	AA	—	—	—	—	—
Funeral Parlour	—	—	—	—	—	—	SA	AA	AA	—	—	—	—	—
Garden Centre	—	—	—	—	—	AA	P	P	P	—	AA	AA	—	—
Hardware Store	—	—	—	—	AA	AA	P	AA	—	—	—	—	—	—
Health Farm	—	—	AA	—	—	—	—	—	—	AA	AA	AA	—	—
Health Studio	—	—	—	—	AA	AA	P	AA	—	AA	—	—	—	—
Holiday Accommodation	SA	—	AA	—	—	—	—	—	—	—	SA	—	AA	—
Holiday Cottages	—	—	AA	—	—	—	—	—	—	—	SA	—	AA	—
Home Occupation	AA	AA	AA	—	—	—	—	—	—	—	P	AA	—	—
Hospital	SA	—	—	—	—	—	—	—	—	AA	—	—	—	—
Hospital-Special Purpose	—	—	—	—	—	—	—	—	—	—	SA	—	—	—
Hostel	SA	—	AA	—	—	—	AA	—	—	AA	AA	AA	AA	—
	(c)													
Hot Bread Shop	—	—	—	—	P	AA	P	AA	—	—	—	—	—	—
Hotel	—	—	AA	—	AA	—	AA	AA	AA	—	—	—	—	AA
Industry:														
—Cottage	SA	SA	—	—	—	—	—	—	—	—	—	SA	—	—
—Extractive	—	—	—	—	—	—	—	—	AA	—	SA	—	—	—
—General	—	—	—	—	—	—	—	—	P	—	IP	—	AA	(d)
—Hazardous	—	—	—	—	—	—	—	—	—	—	SA	—	—	—
—Light	—	—	—	—	—	—	SA	P	P	—	IP	—	—	—
—Noxious	—	—	—	—	—	—	—	—	SA	—	SA	—	—	—
—Rural	—	—	—	—	—	—	—	—	AA	—	P	—	—	—
—Service	—	—	—	—	—	AA	P	AA	AA	—	—	—	—	—

See Appendix 5

Uses	Zones													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Residential	Special Residential	Tourist Development	Future Urban	Central Area	Shops & Offices	Other Commercial	Industry—Light	Industry—General	Private Clubs & Institutions	Rural	Special Rural	Harbour	Additional Use
Infant Welfare Centre	SA	—	—	—	—	—	—	—	—	AA	—	—	—	—
Intensive Stock Rearing	—	—	—	—	—	—	—	—	—	—	AA	—	—	—
Kennels & Cattery	—	—	—	—	—	—	—	—	AA	—	AA	SA	—	—
Kindergarten	SA	—	—	—	—	AA	AA	—	—	IP	—	—	—	—
Laundromat	—	—	AA	—	AA	AA	P	P	P	—	—	—	AA	—
Laundry	—	—	—	—	—	—	AA	P	AA	—	—	—	—	—
Liquor Store	—	—	AA	—	P	P	AA	AA	AA	—	—	—	AA	—
Lunch Bar	—	—	—	—	P	P	P	—	—	—	—	—	AA	—
Machinery Sales	—	—	—	—	—	—	—	AA	AA	—	—	—	—	—
Marina	—	—	AA	—	—	—	—	—	—	—	—	—	AA	—
Marine Filling Station	—	—	—	—	—	—	AA	AA	AA	—	—	—	AA	—
Marine Collector's Yard	—	—	—	—	—	—	—	—	AA	—	—	—	—	—
Market	—	—	AA	—	AA	—	AA	AA	AA	—	AA	—	AA	—
Market Garden	—	—	—	—	—	—	—	—	—	—	P	AA	—	—
Medical Centre	—	—	—	—	AA	AA	P	—	—	—	—	—	—	—
Milk Depot	—	—	—	—	—	—	AA	AA	AA	—	AA	—	—	—
Motel	—	—	AA	—	AA	—	AA	—	—	—	SA	SA	AA	—
Motor Vehicle Hire Station	—	—	AA	—	AA	AA	P	P	AA	—	—	—	—	—
Motor Vehicle Repair Station	—	—	—	—	—	—	AA	P	P	—	—	—	—	—
Motor Vehicle & Marine Sales Premises	—	—	—	—	—	—	P	P	AA	—	—	—	AA	—
Motor Vehicle Washing Station	—	—	—	—	—	IP	AA	P	P	—	—	—	—	—
Motor Vehicle Wrecking Premises	—	—	—	—	—	—	—	—	AA	—	—	—	—	—
Museum	—	—	AA	—	AA	AA	AA	—	—	P	AA	—	AA	—
Night Club	—	—	SA	—	SA	SA	AA	AA	—	—	—	—	AA	—
Nursing Home	SA	—	—	—	—	—	—	—	—	P	AA	—	—	—
Offensive Trade	—	—	—	—	—	—	—	—	AA	—	AA	—	AA	(e)
Office	—	—	IP	—	P	P	AA	IP	IP	—	—	—	IP	See Appendix 5
Open Air Display	—	—	—	—	—	AA	AA	P	P	—	—	—	—	—
Petrol Filling Station	—	—	SA	—	AA	AA	AA	AA	AA	—	—	—	—	—
Piggery	—	—	—	—	—	—	—	—	—	—	AA	—	—	—
Plant Nursery	—	—	—	—	—	—	AA	P	AA	—	IP	AA	—	—
Poultry Farm	—	—	—	—	—	—	—	—	—	—	AA	SA	—	—
Prison	—	—	—	—	—	—	—	—	—	—	SA	—	—	—
Private Recreation	SA	—	AA	—	—	—	AA	AA	AA	P	SA	—	AA	—
Produce Store	—	—	—	—	—	P	P	P	P	—	IP	—	—	—
Professional Office	—	—	—	—	P	P	P	—	—	—	—	—	AA	—
Public Amusement	—	—	SA	—	SA	SA	SA	AA	AA	AA	AA	AA	AA	—
Public Assembly—Place Of	—	—	—	—	—	AA	AA	—	—	IP	AA	—	—	—
Public Recreation	AA	—	P	—	—	P	—	—	AA	P	P	—	AA	—
Public Utility	AA	AA	AA	—	AA	AA	AA	AA	AA	AA	AA	AA	AA	—
Public Worship—Place of (Local)	SA	—	—	—	—	AA	AA	—	—	AA	—	—	AA	—
Public Worship—Place of (Regional)	—	—	—	—	—	—	—	—	—	—	SA	—	—	—
Radio & T.V. Installation	SA	SA	IP	—	AA	IP	IP	AA	AA	AA	AA	AA	AA	—
Reception Centre	—	—	—	—	AA	AA	P	—	—	AA	—	—	AA	—
Reformatory	—	—	—	—	—	—	—	—	—	—	SA	—	—	—
Residential Building	AA	AA	—	—	—	—	—	—	—	—	AA	AA	—	—
Restaurant	—	—	P	—	P	P	P	—	—	IP	—	—	AA	—
Restricted Premises	—	—	—	—	SA	SA	SA	—	—	—	—	—	SA	—
Rural Pursuit	—	—	—	—	—	—	—	—	—	—	AA	AA	—	—



Uses	Zones													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Residential	Special Residential	Tourist Development	Future Urban	Central Area	Shops & Offices	Other Commercial	Industry—Light	Industry—General	Private Clubs & Institutions	Rural	Special Rural	Harbour	Additional Use
Salvage Yard	—	—	—	—	—	—	—	AA	AA	—	—	—	—	—
Sawmill	—	—	—	—	—	—	—	—	AA	—	AA	—	—	—
Service Premises	—	—	—	—	P	P	P	AA	—	—	—	—	—	AA
Service Station	—	—	—	—	AA	AA	AA	AA	AA	—	SA	—	—	—
Shop	—	—	—	—	P	P	AA	—	—	—	—	—	—	—
Shop & Single House	SA	—	AA	—	—	—	—	—	—	—	—	—	—	—
Showroom—Retail Sales	—	—	—	—	AA	AA	AA	IP	—	—	—	—	—	—
Showroom—Wholesale Sales	—	—	—	—	—	—	AA	P	AA	—	—	—	—	—
Spare Parts Sale	—	—	—	—	—	—	P	P	P	—	—	—	—	—
Sports Ground	SA	—	—	—	—	—	—	—	AA	AA	AA	—	—	—
Stables—Commercial	—	—	—	—	—	—	—	—	—	AA	P	SA	—	—
Stables—Private	SA	AA	AA	—	—	—	—	—	—	AA	P	P	—	—
Stock—Holding & Sales Yard	—	—	—	—	—	—	—	—	—	—	AA	—	—	—
Supermarket	—	—	—	—	AA	AA	AA	—	—	—	—	—	—	—
Tavern	—	—	AA	—	AA	AA	AA	—	—	—	—	—	—	AA
Temporary Worker's Accommodation	—	—	—	—	—	—	—	—	—	—	AA	—	—	—
Trade Display	—	—	—	—	—	—	AA	P	P	—	—	—	—	—
Transport Depot	—	—	—	—	—	—	—	AA	P	—	—	—	—	—
Veterinary Consulting Rooms	—	SA	—	—	—	SA	AA	AA	—	—	AA	AA	—	—
Veterinary Hospital	—	—	—	—	—	—	SA	AA	AA	—	AA	AA	—	—
Warehouse	—	—	—	—	—	—	AA	AA	P	—	—	—	—	—
Wine House	—	—	AA	—	P	P	AA	—	—	—	—	—	—	AA
Woodyard	—	—	—	—	—	—	—	—	AA	—	IP	—	—	—
Zoological Gardens	—	—	—	—	—	—	—	—	—	—	AA	SA	—	—

(a) See clause 5.2.7.

(b) See clause 5.2.7.

(c) See clause 5.2.7.

(d) Provided it is related directly to the fishing industry.

(e) Provided it is related directly to the fishing industry.

#### 4.2.4 Unspecified Uses

If a particular use is not listed in the use classes and cannot reasonably be determined as falling within the interpretation of one of the use categories listed, the Council may:—

- Determine by absolute majority that the proposed use may be consistent with the objectives and purposes of the zone in considering an application for Planning Consent and determine the application in accordance with clause 2.4.
- Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

#### 4.2.5 Powers of the Council

- Nothing contained in the preceding Clauses of this Part or in the Development Table shall limit the powers of the Council to impose conditions, which may not necessarily be specified in the Development Table when granting Planning Consent pursuant to Clause 2.4.

- (b) Notwithstanding that uses may be acceptable pursuant to the provisions of Clause 4.2.2 and Table No.1—Zoning Table, nothing in this Part shall prevent the Council from refusing Planning Consent or granting Planning Consent 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.

#### 4.2.6 Application for the Special Approval of the Council

1. Any person wishing to use or develop land or buildings for a purpose which, under the provisions of the Scheme is only permitted with the special Approval of the Council shall make application in writing to the Council. Such application shall be in addition to the provisions of Part 2.

Such application shall include:—

- (a) The full name and address of the applicant.
  - (b) A description of the property sufficient for it to be clearly identified, including street name, lot number and property number.
  - (c) The nature of the applicant's interest in the land or building.
  - (d) A full and complete description of the purpose for which the applicant wants to use the property.
  - (e) The nature of any development alterations or improvement proposed for the property.
2. In the case of an 'AA' Use the Council may, after having regard to the appropriateness of the proposed use and its effect on the amenity of the locality:—
- (i) grant its approval with or without conditions;
  - (ii) refuse to grant its approval.

If approval is granted it shall remain valid for a period of not more than two years from the date of the decision although the Council may specify a lesser period.

3. In the case of an 'SA' Use, approval may not be granted until:—

- (a) Notice of the application has been advertised in accordance with Clause 2.3.
  - (b) A plan, drawing or sketch and a statement of the proposal has been deposited at the Council Offices for examination by any interested persons.
  - (c) The Council has considered any representations made regarding the proposal.
- The Council may, having considered any representations and after having regard to the appropriateness of the proposed use and its effect on the amenity of the locality:—
- (i) grant its approval with or without conditions;
  - (ii) refuse to grant its approval.

If approval is granted it shall remain valid for a period of not more than two years from the date of the decision although the Council may specify a lesser period.

### Part 5. Development Requirements

#### 5.1 General Provisions

5.1.1 Compliance with Zoning and Development Tables Subject to the provisions of Clause 5.1.2, development within the Scheme Area shall conform to the standards set out in:—

- (a) Zoning Table—Table No. 1
- (b) Development Table—Table No. 2
- (c) The Residential Planning Codes—Country Towns
- (d) This Part,

and where no standard is prescribed, it shall be in accordance with the requirements which Council may specify in each particular case.

Development Table—Table No. 2

Zones	Minimum Lot Area Sq. m	Minimum Effective Frontage m	Max Plot Ratio	Minimum Front m	Setback Rear Side m      m	
Residential	In accordance with the Residential Planning Codes and variations as listed under Clause 5.2.4.					
Special Residential	2000 (i) & (ii)	40 (iii)	—	10 (i)	10	10
	(i) notwithstanding the Residential Planning Code R nomination on Scheme Maps and the Special Provisions of Clause 5.3.5; (ii) where lots adjoin or are close to a watercourse, lake or wetland, the minimum lot area shall be 6000 square metres; (iii) at the head of a cul-de-sac and on the outside of a bend, the effective frontage may be reduced by up to 50%.					

Development Table—Table No. 2

Zones	Minimum Lot Area Sq. m	Minimum Effective Frontage m	Max Plot Ratio	Minimum Front m	Setback Rear Side m m
Tourist Development	1000 (i)	20	0.5	5	nil (ii) nil (ii)
(i) certain Holiday Accommodation requires minimum lot sizes in excess of 1000 square metres;					
(ii) where development adjoins a Residential Zone, the minimum distance shall be at the discretion of the Council.					
Future Urban	All standards in accordance with the use proposed at the discretion of Council				
Central Area	200	5	0.75-1.5 (see) (appendix) (9)	at discretion of Council.	
Shops and Offices	800	12	0.5	5	nil nil
Other Commercial and Industry-Light	1000	20	0.5	20 (i) & (ii)	nil (iii) nil (iii)
(i) at the discretion of the Council, may be reduced to a minimum of 12m where the front and side walls within 20m of the frontage are to be constructed of a hard, durable, fire resistant material approved by the Council;					
(ii) where the development adjoins a road not a Highway or an Important Local Road, the Council may reduce the front setback distance to a minimum of 12 metres;					
(iii) where the development adjoins a Residential Zone, the minimum distance shall be 7.5m.					
Industry- General	1500	25	0.5	20m (i),(ii) & (iii)	3 (iv) 3 (iv)
(i) at the discretion of the Council, may be reduced to a minimum of 12m where the front and side walls within 20m of the frontage are to be constructed of hard, durable, fire resistant material, approved by the Council;					
(ii) where the development adjoins a road, not a Highway or an Important Local Road, the Council may reduce the front setback distance to a minimum of 12 metres;					
(iii) in the Town of Esperance on each side of the Monjigup Road between Elysium Road and Harbour Road, a minimum setback of 40m shall apply to provide for future service roads and landscaping;					
(iv) where development adjoins a Residential Zone the minimum distance shall be 10m.					
Private Clubs and Institutions	1000	20	0.5	12	7.5 2 per storey
Rural	—	—	—	20	20 20
Special Rural	2ha (i)	30	—	20	10 10
(i) where lots adjoin or are close to a water course, lake or wetland, the minimum area shall be 4ha, also see Clause 5.7.2.					
Additional Use The development standards applicable to an Additional Use shall be those set out in Appendix 5 but notwithstanding the foregoing, no standard shall be less than that prevailing in the Zone on which the additional use is imposed and if the use shall include more than one Zone, the highest minimum standards shall prevail.					

### 5.1.2 Power to Relax Development Standards

- (a) If a development, other than a residential development, is the subject of an application for planning consent and does not comply with a standard or requirement prescribed by the Scheme, the Council may approve the application unconditionally or subject to such conditions as the Council thinks fit, always provided that the Council is satisfied that:—
- (i) approval of the proposed development would be consistent with the orderly and proper planning of the locality, the preservation of the amenity of the area and be consistent with the objectives of the Scheme;
  - (ii) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and
  - (iii) the spirit and purpose of the requirements or standard will not be unreasonably departed from thereby.
- (b) Notwithstanding the provisions of (a), the Council shall consider the following when contemplating discretion with regard to maximum plot ratios, other than for a residential development:—
- (i) the proportion of the site area to be covered by a building;
  - (ii) any area of public space in relation to the site area;
  - (iii) the amalgamation of the site area with adjacent allotments; and
  - (iv) conformity with any plan prepared by the Council or Public Authority for the overall development of the neighbourhood.

### 5.1.3 Lots with More Than One Street Frontage

In all zones other than Residential where a lot has a frontage to more than one street, the Council may determine which street frontage shall be regarded as the front for the purpose of the set-back specified in the Zoning and Development Tables. With the exception of State Highways, Limited Access Roads and Important Local Roads, the Council may at its discretion permit the set-back to the secondary street to be reduced to half of the specified front set-back.

### 5.1.4 Carparking

- (a) The carparking requirements for each Zone and Use are set out in the Tables 3a and 3b.
- (b) The area required for car parking under this Clause shall be provided on the site of the proposed development or, with permission of the Council, may be provided on another site within the near vicinity.
- (c) Parking spaces and access ways shall measure not less than the dimensions shown in Appendix 1 for the parking layout adopted.
- (d) All parking spaces and access ways shall be paved unless the Council agrees otherwise and all spaces shall be correctly marked by paint or other method accepted by the Council and such marking shall be maintained to a standard satisfactory to Council. Where parking is provided at the rear of the site its location is to be clearly signposted in accordance with the Australian Standard, and, separate pedestrian access from such parking area to the front of the premises or customer access to the premises from the rear shall be provided.
- (e) When the maximum width or length of the carparking area facing a street equals or exceeds twenty metres, one carpark space in every ten shall, if so required by the Council, be used for garden and/or tree planting, as shown in Appendix 1 to provide visual relief and shall be maintained in good order. Such garden and tree planting areas may be included in the calculation for carparking. This requirement may be varied or modified by the Council if, in its opinion, a similar affect can be achieved by an alternative design.
- In car sales premises, premises used for the display and/or sale of boats, or industrial or agricultural plant or machinery, any open display area shall not be included in calculations as carparking or landscaping.
- (f) In any zone, where it is proposed that either land or buildings will be used for any purpose requiring a higher carparking ratio than is existing, the higher ratio shall prevail even if the building is not in any way physically altered.

Parking and Landscaping in Zones—Table No. 3a

Zones	Minimum Landscaping	Minimum Car Spaces Space/sq. metre
Special Residential	—	2 per dwelling
Tourist Development (other than) (residential) (development)	50% of front setback area	1 per 25 gross floor area
Future Urban	At the discretion of the Council dependant on the proposed use.	

Parking and Landscaping in Zones—Table No. 3a

Zones	Minimum Landscaping	Minimum Car Spaces Space/sq. metre
Central Area	50% of front setback area if a front setback applies	Retail—1 per 25 gross floor area Office—1 per 40 gross floor area N.B. Where the office area is at ground floor level and capable of being converted to a higher use (i.e. a shop) then the parking requirement for the higher use shall prevail.
Shops and Offices	25% of minimum front setback area	1 per 20 of gross floor area. Where a development exceeds 5000 sq. metres in gross floor area, the parking requirement over the minimum requirement shall be subject to the discretion of the Council.
Other Commercial Industry	25% of area within 12 metres of the front boundary	1 per 100 gross floor area plus 1/20 gross office floor area Minimum 3 spaces
Private Clubs and Institutions	50% of minimum front setback area	1 per 40 gross floor area
Additional Use	All standards at the discretion of the Council but shall not be less than the requirements of the Zone on which the use is imposed.	

Parking and Landscaping by use—Table No. 3b

Uses	Minimum Landscaping	Minimum Car Spaces Spaces/sq. metre
Caravan Park	50% of all setback areas	Visitors 1/10 bays—long stay 1/20 bays—short stay
Community Home	50% of site	1/5 beds
Hotels-Generally	25% of site	1/3 Public Area plus 1/Accommodation Unit
Hotels-Central Area	75% of minimum front setback area	1/10 Bar & Lounge areas 1/4 Restaurant plus 1/Accommodation Unit (i)
Tavern-Generally	25% of site	1/3 Public Area (i)
Tavern-Central Area	75% of minimum front setback area	1/10 Bar & Lounge areas 1/4 Restaurant (i)
Laundromat	—	1/washing machine plus one
Restaurant, Fast Food Outlet	—	1/4 dining & waiting area
Night Club, Other Club Premises or Reception Centre	—	1/10 gross public floor area (i)

Parking and Landscaping by use—Table No. 3b

Uses	Minimum Landscaping	Minimum Car Spaces Spaces/sq. metre
Car Sales Yard, Garden Centre, and other Open Air Sales	10% of site	1/200 gross floor area
Showrooms	10% of site	1/100 gross floor area plus 1/40 office gross floor area
Service Premises and Spare Parts Sales	—	1/10 shop gross floor area plus 1/100 storage area (ii)
Clinic or other Medical or Veterinary Use	—	4/consultant
Public Worship or Assembly		25% of site 1/4 seats in the hall or auditorium (i)
Factory Units	25% of area within 12 metres of front boundary	1/40 gross floor area for each unit
Cinema Requirements in each case to be established by the Council.		
Kindergarten, Day Care Centre, etc.	50% of site	1/staff member—a minimum of 5 spaces shall be available for the collection and leaving of children without obstructing traffic.
Private Recreation	to be assessed by Council with regard to the facilities required	2/each facility

(i) Council may take into consideration any parking areas available after normal shop and office closing hours;

(ii) where the storage area is at ground floor level and capable of being converted to a higher use (i.e. a shop) then the parking requirement for the higher use shall prevail.

#### 5.1.5 Parking/Servicing Facilities Separated from Development

Where parking or loading and unloading is provided on a lot or lots separated from the lot upon which the development or redevelopment is to occur, Council will require to be satisfied that the land so allocated to parking or loading and unloading will be permanently retained for such purpose by either requiring an amalgamation of the lots set aside for parking and/or loading and unloading with the lots being developed or, by any other means giving a similar assurance.

#### 5.1.6 Cash in lieu of Parking Spaces

In the Central Area Zone, the Council may accept a cash payment in lieu of all or part of the carparking provisions subject to the following:—

- (i) the cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the Scheme, plus the value, as ascertained in accordance with Clause 9.6, of that area of his/her 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 either have purchased land and/or provided a public carpark nearby or have an adopted parking strategy to provide such a public carpark within a two year period of the time of agreeing to accept the cash payment. Each parking space shall consist of one standard bay of 2.5m x 5.5m plus half the width of the standard access aisle, i.e. a total of 2.5m x 8.5m in the case of 90 degree bays;
- (iii) payments made under this Clause shall be paid into a special fund to be used for the provision of public carparking facilities and/or the maintenance of existing carparking facilities and the Council may use this Fund to provide or maintain public parking facilities anywhere within the Central Area Zone;
- (iv) payments made under this Clause are to be lodged with Council prior to the issuing of a Building Permit;

- (v) if an owner or developer shall object to the amount of the costs and values determined by Council pursuant to sub-clause (i), the matter may be referred to arbitration in accordance with the provisions of Clause 9.7.

5.1.7 Access for Loading and Unloading Vehicles:—

- (a) No land or buildings shall be developed unless provision is made for an area clear of the street for the purpose of loading or unloading goods or materials.
- (b) The Council will seek to ensure that the majority of servicing vehicles will be able to leave and enter the street in a forward direction.
- (c) It is expected that any access way shall be not less than 4.5 metres wide but in exceptional circumstances the Council may permit an access way of lesser width but not less than 3.0 metres and then only when a one-way system can be established.

5.1.8 Provisions of Parking and Loading and Unloading

In all zones, parking, loading and unloading and access, complete with necessary drainage, signs and marking as required by the Council, shall be provided prior to any occupation of the development or at such time as may be agreed in writing between the Council and the developer. Such areas shall be maintained to the satisfaction of the Council.

5.1.9 Height of Buildings:—

- (a) Within the Scheme Area no building shall be constructed in excess of two storeys or 8 metres overall, whichever is the greater, above natural ground level.
- (b) For the purpose of this Clause, the height of a wall shall be defined as that contained in the Residential Planning Codes—Country Towns.
- (c) Notwithstanding the provisions of the above paragraph the Council may, after following the procedures set out for an S.A. use in Clause 4.2.6(3) grant approval for the construction of a building higher than the maximum specified.

5.1.10 Appearance of Buildings:—

- (a) Prior to granting its approval for the extension to or erection of a building, the Council shall satisfy itself that the proposed building:—
  - (i) will be in character with buildings within the immediate locality;
  - (ii) will not be detrimental to the amenity or character of the locality or to the Town or district in general;
  - (iii) will not affect the development potential of adjoining lots by affecting design aspect, views and privacy when applicable;
  - (iv) conforms with accepted streetscape principles or any such policy adopted by Council;
  - (v) is in compliance with the objectives of the Scheme.
- (b) Notwithstanding the provisions of the above Clauses 5.1.9 and 5.1.10(a) in Industrial and Rural Zones the Council may approve the construction of buildings in excess of the maximum height specified where it is satisfied that the amenity of any residential land will not be adversely affected.

5.1.11 Awnings—Covered Ways:—

- (a) In the Central Area Zone, the Council shall not consent to the erection of a building having a boundary as shown by red edging on the map attached as Appendix 9 unless that building incorporates an awning satisfactory to the Council along that boundary.
- (b) The Council may, if it thinks fit, consent to the erection of a building, if a covered way, satisfactory to the Council, is provided instead of the awning otherwise required by subclause (a).

5.1.12 Landscaping:—

- (a) The landscaping requirement shown in Table No.3a or referred to in the Scheme means an open area designed, developed and maintained as garden planting and areas for pedestrian use. At the discretion of the Council it may include natural bushland, swimming pools, areas under covered ways or a children's playground.
- (b) The Council may encourage the use of dry gardens or the planting of native trees and ground covers which require minimal maintenance.
- (c) Where the proposed development utilizes less than 50% of the permitted plot ratio, the Council may reduce the landscaping requirement always provided that the area to be landscaped shall be increased proportionally as development occurs until the full requirement is met.
- (d) Except without the written approval of the Council, no person shall occupy any building forming part of a development until the required landscaping has been implemented to Council's satisfaction.
- (e) The planting of trees within the street verge is permitted only with the written approval of the Council.
- (f) Except within the Rural, Special Rural and Special Residential Zones, because of its rapid growth and ultimate size, the planting of *Eucalyptus Gomphocephala* (Tuart) is not permitted within the setback area and may only be planted elsewhere with the written approval of the Council.

**5.1.13 Preservation of Trees:—**

- (a) Where it appears to Council that it is expedient for the purpose of securing amenity or of preserving existing amenity, it may, for that purpose and by resolution, make an order (hereinafter referred to as a "tree preservation order").
- (b) A tree preservation order may prohibit the ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees specified in the order except with the consent of the Council and any such consent may be given subject to such conditions as the Council thinks fit.
- (c) The making of such an order shall be in accordance with the procedure set out in Clause 9.8.

**5.1.14 Airfield and Authorised Landing Area**

In order to prevent the risk of obstacles in the airspace in the vicinity of Esperance Airport near Gibson or other authorised landing areas which may endanger aircraft, the Council and the Civil Aviation Authority must be consulted to establish available building heights prior to:—

- (a) The erection of any building or structure, including tree planting, within 5 kms of Esperance Airfield or 2kms of any authorised landing area within the Scheme area.
- (b) Erecting any wireless or television mast or other structure exceeding 15 metres in height within 15kms of Esperance Airfield or within 10kms of any authorised landing area within the Scheme area.

NB Any building, structure or trees in the areas referred to in subclause (a) that were established prior to the publishing of this Scheme in the Government Gazette which penetrates into the designated airspace may be required to be modified, adapted or removed at the owner's cost.

**5.1.15 Setbacks to Roads to be Widened**

The minimum front setback to any new development on a road proposed to be widened under this Scheme shall be the minimum setback as if the proposed widening had taken place.

**5.1.16 Traffic Access from Streets or Roads:—**

- (a) The Council may permit only one vehicle access to a lot, may require separate entrance and exit or may define the location of such access where it is considered necessary to avoid or reduce traffic hazards.
- (b) Where access is available from side or rear streets or rights of way, the Council may refuse to permit access to an Important Local Road or State Highway.
- (c) Where access can only be derived from an Important Local Road, or State Highway, parking and servicing areas shall be designed to enable vehicles to enter and leave the site unhindered and in forward gear.

**5.1.17 Requirements Not Readily Determined from Text**

Where a requirement or standard cannot be readily determined from the Scheme Text as applicable in a particular case, nor can a requirement or standard be determined from any other Bylaw, such requirement or standard shall be determined by the Council. In making such determination the Council shall have regard to any relevant study or policy available to it and shall also have regard to any effect on amenity and orderly and sound planning.

**5.1.18 Shop and Dwelling Combined**

A combined Shop and Dwelling shall be constructed so that the whole forms one building under one occupation. The dwelling shall be constructed behind the shop with a clear, uninterrupted frontage of not less than 4.5 metres or may be constructed on the first floor over the shop with an unobstructed frontage and a separate fire isolated staircase from the dwelling to give direct access to the street. Where such a development is permitted, the development requirements applicable to the Zone shall apply except in the Residential Zone where a front setback of 5 metres will be accepted.

**5.1.19 One Dwelling Per Lot**

In all Zones, unless otherwise permitted in the Zoning Table—Table No.1, only one dwelling shall be permitted on each lot or location excepting that in the Rural Zone, where the lot or location exceeds 8ha in area, the Council may, at its discretion, approve the erection of more than one dwelling provided it is satisfied that the additional dwelling(s) are required to provide accommodation for agricultural or horticultural worker(s).

**5.1.20 Outbuildings on Large Lots**

In Residential, Special Residential and Future Urban Zones:—

- (a) Where a lot is less than 2000 sq metres in area, no more than two outbuildings may be constructed having a total area of 45 sq metres but the Council may, at its discretion, permit a total area of up to 60 sq metres.
- (b) Where the area of a lot or location is 2000 sq. metres or more but less than 4000 sq metres, the Council may permit the area of the outbuildings to exceed 60 sq. metres by up to 25% provided that no one building is greater in area than 60 sq metres.
- (c) Where the area of the lot or location is equal to or greater than 4000 sq. metres, the Council may permit the area of the outbuildings to exceed 60 sq. metres by up to 50% but a building designed, constructed and used as a stable in accordance with the By-laws adopted by the Council under the Local Government Act 1911-1974 shall be excluded.
- (d) In all cases, the maximum wall height of any outbuilding shall be three metres.



- (e) Notwithstanding the above sub-clauses (a), (b) and (c), a fowl house, kennel, aviary or like structure may be constructed if it:—
  - (i) has a height not exceeding 2.1 metres and a total area of not more than 9 sq metres;
  - (ii) is located 18 metres or more from any street boundary; and
  - (iii) complies with the requirements of any Regulations or By-laws made under the Health Act 1911—1979 (as amended).

## 5.2 Provisions Relating to Residential Zones

5.2.1 This Clause applies to the development of all residential dwelling units and other uses which are or may be permitted by the Council in the Residential Zones.

### 5.2.2 Residential Development: Residential Planning Codes:—

- (a) For the purpose of the Scheme “Residential Planning Codes—Country Towns” means the Residential Planning Codes gazetted on 30th January, 1985 together with all amendments or additions thereto or any code, bylaws or regulations replacing them and applying or being applicable within the district.
- (b) A copy of the Residential Planning Codes shall be kept and made available for public inspection at the Offices of the Council.
- (c) In the event of there being any inconsistency between the Residential Planning Codes identified by Clauses 5.2.2 (a) and 5.2.2 (b) the provisions in the document identified in Clause 5.2.2 (a) shall prevail.
- (d) 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 these codes.

### 5.2.3 Residential Planning Codes—Application

Within the Scheme Area any residential development within the Residential Zone shall be in accordance with the following Codes:—

- (a) In Townsites other than Esperance
  - (i) R10.
- (b) In the Esperance Town Site, except on land shown by a specific R code within a black border on the Scheme Map, development shall be in accordance with:—
  - (i) R.12.5 where the approval of the Council is sought for development of a single residence;
  - (ii) R.17.5 where the approval of the Council is sought for development other than a single residence;
  - (iii) R40 shall apply for residential development within the Tourist Development Zone.

### 5.2.4 Residential Planning Codes—Variations and Exclusions

In order to maintain the standard of setback that has been established within the Scheme Area, the Residential Planning Codes shall be varied by:—

- (a) In Code R17.5, the minimum front setback shall be 7.5 metres.
- (b) In the R12.5 and R17.5 Codes, the minimum rear setback shall be 7.5 metres.
- (c) In the Townsite of Gibson, on the west side of the Esperance—Coolgardie Highway, (which is named Reynolds Street within this Townsite) between Gibson and Jenkins Streets, a minimum setback of 12.5 metres shall apply, to provide for the future extension of the service road.

### 5.2.5 Development Limited by Liquid Waste Disposal

The Council will not approve an application for development within the Esperance Townsite for attached houses or grouped dwellings consisting of more than two dwellings that cannot be connected to a reticulated sewerage disposal system except within the sub-district of Castletown where it can be established that satisfactory on-site effluent disposal systems can be installed and which will operate effectively.

### 5.2.6 Outbuildings

In consideration of the reduced size of residential building lots, the higher density of development and in order that the land available in back yards may be more fully utilised, the Council may permit a shadehouse, garden shed or pergola up to an area of nine square metres to be constructed without a parapet wall, adjoining a boundary except within the area between the street alignment and the front setback.

In granting permission the Council will ensure:—

- (a) The structure is free standing and not dependant on the boundary fence for support.
- (b) The stormwater run off is retained within the property on which the structure is erected.
- (c) The structure is no higher than 2.1 metres.
- (d) The structure complies with the Building Code of Australia.

### 5.2.7 Special Provisions Relating to Certain Residential Development

- (a) Boarding houses are not permitted within residential zones where the residential development potential is R17.5 or less.

- (b) Applications for planning consent to erect two (2) dwellings only where permissible on the one lot need not be advertised in accordance with the provisions of clause 2.3.
- (c) Group dwellings to be erected in the Central Area zone are to observe the requirements of an R40 coding.

### 5.3 Special Residential Zone

#### 5.3.1 Objectives

Within this Zone it is the objective to provide a low density residential area with some rural amenities.

#### 5.3.2 Permission Required to Develop

Development shall include:—

- (a) Native trees and shrubs shall be retained in so far as is reasonable and consistent with the economic development of the land.
- (b) The construction of dams and soaks shall not be permitted by the Council where it is considered that the appearance and amenity of the area would be adversely affected.

#### 5.3.3 Setback Distances

The minimum setback distance of 10 metres from any boundary shall be applicable to all buildings.

#### 5.3.4 Location of On-Site Effluent Disposal Systems

Where a development adjoins a water course, lake or wetland, any on site effluent disposal system shall not be situated closer than 50 metres to the highest recorded water level or such greater distance as the Council may specify bearing in mind the need to prevent pollution of such water courses, lakes and wetlands.

#### 5.3.5 Special Provisions

The provisions for controlling subdivision, land uses and development relating to specific Special Residential Areas are set out in a Schedule of Special Provisions in Appendix 6 in this Scheme.

### 5.4 Future Urban Provisions

#### 5.4.1 Comprehensive Planning Requirements

It is the intention of the Council to ensure that subdivision and development of land within the Future Urban Zone takes place only after comprehensive planning ensures the maximum practical benefits of urban design, servicing and local economic requirements.

#### 5.4.2 Permitted Uses

Any development as defined in Appendix 10 is permissible within a Future Urban Zone provided that:—

- (i) it is compatible with adjoining land uses;
- (ii) it is considered that an Outline Development Plan is not required for the proposed planning of the area considering the objectives of Clause 5.4.1;
- (iii) any development proposal is advertised in accordance with Clause 2.3;
- (iv) any approval is determined by an absolute majority of Council.

#### 5.4.3 Requirement for Outline Development Plan

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, hereafter referred to as the 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.

#### 5.4.4 The Outline Development Plan

The Outline Development Plan shall show:—

- (i) the topography of the area;
- (ii) the vegetation of the area;
- (iii) the existing major road systems;
- (iv) the location and widths of proposed major roads and cycleway systems;
- (v) the approximate location and quantity of shopping, civic and public facilities proposed;
- (vi) the approximate location of the recreation and open space areas proposed; open space where appropriate to be related to creek lines, native vegetation and other natural features;
- (vii) the population, residential densities and detailed subdivision standards proposed, including the location of appropriate 'Residential Planning Code' densities;
- (viii) the basic layout of the sewerage system;
- (ix) the layout and comprehensive drainage for both land and stormwater;
- (x) land holdings adjacent to and included in the area the subject of the application;
- (xi) the development proposed, the method of development and the projected times of completion of each stage of development;
- (xii) such other information as shall be reasonably required by the Council to assist it when considering the application.

#### 5.4.5 Land Owners to be Notified

When the Plan has been prepared to the satisfaction of the 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 the Council regarding any aspect of the Plan of interest to or affecting that owner.

#### 5.4.6 Receipt of Submissions

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 notification described in Clause 5.4.4.

#### 5.4.7 Consideration of Submissions

The Council shall consider any submissions made under Clauses 5.4.4 and 5.4.5 and may amend and adopt the Plan after consideration of such submissions.

#### 5.4.8 Submission of Outline Development Plan to the Commission

The Council shall subsequently forward the Plan to the State Planning Commission, 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 Commission to adopt the Plan submitted as the basis for the approval of subdivision applications within the area covered by the Plan.

#### 5.4.9 Departure from the Outline Development Plan

Any departure from or alterations to the Plan may, subject to the approval of the Commission, 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.

#### 5.4.10 Development without an Outline Development Plan.

An application for planning approval to develop land shall not be approved until a Plan has been adopted, unless the Council is satisfied that the proposed development will not prejudice the subsequent preparation and adoption of a Plan.

### 5.5 Central Area

#### 5.5.1 Objective

It is the intention of the Council to encourage the development of the land within this Zone to provide for shops, offices and entertainment.

#### 5.5.2 Guidelines for Development

Having regard to the purpose and intent of this Zone, the Council will apply the following guide lines to development applications:—

- (a) The widest possible range of commercial activities within the Zone will be encouraged subject to the provisions of the Scheme.
- (b) The development controls, more especially plot ratios and parking requirements will be applied by the Council to encourage more strategic use of the Zone.
- (c) In general, office accommodation will be encouraged to locate above ground level to promote pedestrian activity through continuous shopping and other customer oriented land use at ground level.
- (d) The Council will encourage the establishment of pedestrian areas and design to minimise vehicular/pedestrian conflict within the Zone.

### 5.6 Rural Zone

#### 5.6.1 Objectives

The Council will encourage the use and development of land for broadacre farming and will discourage the subdivision and resubdivision of established farm holdings.

#### 5.6.2 Rural Use

It is not the intention of the Scheme to restrict normal farming practice within the Rural Area but the land may only be used for farming and incidental activities. Written permission of the Council is required for any other use.

#### 5.6.3 Lots of 40 ha or Less in Area

Where a lot in the Rural Zone has an area of 40 ha or less, for the purpose of this Scheme it shall be subject to the Development Controls applicable to a Special Rural Zone unless the Council shall declare any or all of the Development Controls not to be applicable for any specific lot.

#### 5.6.4 Dwellings on Lots Without Road Frontage

The erection of dwellings on lots having no road frontage is not permitted under this Scheme unless the Council is satisfied that any such development is necessary for the owner or employees of a large farm holding comprising a number of small allotments and that permanent access is to be gained from within the holding.

#### 5.6.5 Setbacks

Within this Zone the minimum setback from any boundary shall be 20 metres.

#### 5.6.6 Number of Dwellings

Within this Zone the special approval of the Council is required for the erection of more than two dwellings on any lot of more than 40 hectares.

## 5.7 Special Rural Zone

### 5.7.1 Objectives

The objectives of this Zone are to provide areas where subdivision into smaller lots will be permitted to provide for hobby farms, horse agistment, rural/residential retreats and for such rural pursuits as market gardens, viticulture and nurseries whilst retaining so far as possible the rural landscape and amenity in a manner consistent with orderly and sound planning.

### 5.7.2 Special Provisions

As well as these general provisions additional provisions for controlling subdivision, land uses and development relating to specific Special Rural areas are laid down in a Schedule of Special Provisions in Appendix 7 to the Scheme.

### 5.7.3 Subdivision Application Requirements

Subdivision of land shall be in accordance with a plan of subdivision adopted by the Council and endorsed by the State Planning Commission. Applications to subdivide land within this Zone shall include:—

- (a) A plan showing contours at suitable intervals to depict adequately the land form of the area and showing also physical features such as existing features, rock outcrops, trees or groups of trees, lakes, rivers or water courses, swamps, etc., which are relevant to the subdivision layout design. In cases where contour information is not available and the topography is regular the Council may accept sketched contours or other means of indicating the topography.
- (b) Areas to be set aside for public open space, pedestrian access ways, horse trails, community facilities and such other needs as may be considered appropriate.
- (c) Such physical features as it is intended to conserve.
- (d) The proposed staging of the subdivision where relevant.
- (e) Evidence of the availability of bore water to each lot or the suitability of the soil for the construction of a dam.
- (f) Information regarding the method proposed for the provision of a potable water supply.

### 5.7.4 Additional Application Requirements

In addition to the plan of subdivision the application shall include a statement of the:—

- (a) Proposed amenities which the purchaser of the lots will be required to provide e.g. storage tanks for roof drainage for a potable domestic water supply, waste and sewerage disposal, S.E.C. reticulated power supply, crossovers, fencing etc.
- (b) Proposals for the control of land use and development which will ensure that the intent of the Zone and rural environment and amenities are not impaired.
- (c) Any special provisions that may be necessary to secure the objectives of the Zone.

### 5.7.5 Council Development Requirements

The undermentioned details of the proposed use and development shall be to the satisfaction and approval of the Council:—

- (a) The use, siting, design and external appearance of any buildings erected on the land.
- (b) The floor area of any new dwelling which in no case shall be less than 60 square metres (excluding a carport or garage) as ascertained by external measurements unless considered appropriate by Council.
- (c) The Council may permit the construction of sheds or outbuildings to the following maximum sizes providing always that the structure is in accordance with the said By-laws:—
  - (i) the maximum floor area of any one shed or outbuilding shall not be greater than 65 square metres and the total floor area of any sheds or outbuildings shall not exceed 130 square metres;
  - (ii) the maximum height to the eaves shall not be greater than 3 metres;
  - (iii) notwithstanding the provisions of sub-clause (i) and (ii) where the land is to be used for a purpose permitted under this Scheme where buildings of a greater area or height are customarily required, as may be required for greenhouses or other sheltered crops in a market garden, the Council may at its discretion permit sheds and outbuildings to a maximum area of 25% of the total area of the lot on which the buildings are to be constructed and to a maximum height to eaves of 6 metres;
  - (iv) the setbacks of development from all lot boundaries and street alignments and subject to the provisions of Clauses 5.1.2 minimum setbacks of 10 metres and 20 metres respectively shall apply.

### 5.7.6 Stock and Intensive Agriculture

With the intention of preventing overstocking or other practices detrimental to the amenity of the Zone, intensive agriculture pursuits and the breeding and keeping of animals for commercial gain shall not be permitted without the approval in writing of the Council.

### 5.7.7 Elimination of Adverse Effects

Notwithstanding anything else contained in the Scheme, Council may take appropriate action necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by stocking of animals or development on any lot.

#### 5.7.8 Waste Disposal

Waste disposal shall be the responsibility of the individual landowner and shall be effected by septic waste disposal system installed to the specification of the Council. Leach drains shall be located at least 10 metres from the boundary of the lot and where the boundary adjoins a water course, lake or wetlands, the distance shall be at least 50 metres. The Council may consider an alternative waste disposal system having the approval of the Public Health Department.

#### 5.7.9 Boundary Fences

Boundary fences shall be of a height and construction to ensure the containment of any stock or pets and shall be maintained in a good and stockproof condition and shall not be constructed of any material considered by the Council as likely to have an adverse effect on the amenity of the area.

#### 5.7.10 Steeply Sloping Land

Where lots contain steeply sloping land where in the opinion of the Council the natural vegetation requires preservation to prevent erosion, the Council may require such areas to be fenced or treated in such other fashion as to ensure that such land is not degraded by grazing, browsing or the movement of stock or by any other cause.

#### 5.7.11 Potable Water

Each dwelling in this Zone shall be provided with a supply of potable water from:—

- (a) A reticulated supply; or
- (b) A rainwater storage system of a minimum capacity of 50,000 litres or such capacity as approved by the Council; or
- (c) An approved underground supply.

#### 5.7.12 Water Flow

No action shall be taken that does or is likely to affect the natural flow of any creek or watercourse nor shall any stormwater, other water or other liquid from any source be caused to flow into any creek, watercourse, lake or wetland without the written approval of the Council.

#### 5.8 Additional Use Zone

Notwithstanding anything contained within the Zoning Table - Table No.1, the land specified in Appendix 5 may, subject to compliance with any condition specified in the Schedule with respect to the land, be used for the purpose set against that land. The use so specified is in addition to the other uses permitted in the Zone in which the land is situated unless any of those uses is excluded or modified by a condition specified in that schedule.

#### 5.9 Roads Uncoloured—Development Thereon

Where a public road is shown uncoloured on the Scheme Map or part of such road is lawfully closed, no development shall be carried out on the public road or closed road without the prior consent of Council.

#### 5.10 Harbour Zone—Overall Development Plan

5.10.1 Council shall not grant planning consent to development and recommend approval of a subdivision of any land within the Harbour Zone unless:—

- (i) an adequate environmental assessment has been prepared that satisfies Council that no adverse environmental, engineering, traffic or social problems will arise within the Zone or in related parts of the Scheme Area and satisfies Council that zoned development can proceed;
- (ii) an overall plan in respect of the Harbour Zone has been prepared and approved by Council.

5.10.2 An overall plan shall at least show the overall layout of land use, arterial sub-arterial and collector road systems, location of major public utilities, community facilities, open space and foreshore reserves.

Shall include a report that explains the basis for the locations and layout of the elements of the plan.

5.10.3 Where the Council is satisfied that a proposed development or subdivision is of minor nature only and is consistent with the provisions of the Scheme it may grant planning consent or recommend approval, as the case may be, before an overall plan has been approved.

### Part 6. Places of Heritage Value

#### 6.1 Identification

The places described in the Schedule in Appendix 8 are considered by the Council to be of historic, architectural, scientific, scenic or other value and should be retained in their present state or restored to their original state or to a state acceptable to the Council.

#### 6.2 Action that Requires Special Approval

A person shall not without the Special Approval of the Council at or on a place of heritage value:—

- (a) Erect, demolish or alter any building or structure (not including farm fencing, wells, bore or troughs and minor drainage works ancillary to the general rural pursuits in the locality).
- (b) Clear land or remove trees associated with a place of Heritage Value.
- (c) Erect advertising signs.

### 6.3 Special Approval for Non Compliance

The Council may give its special approval to the restoration of a Place of Heritage Value notwithstanding that the work involved does not comply with the Building Code of Australia, Residential Planning Codes or with the provisions of the Tables 3a and 3b for the Zone or area in which the place exists.

### 6.4 Determining Applications

- (a) The Council, prior to making a determination on applications for special approval referred to in this Clause may consult with the Esperance Bay Historical Society or such other Bodies or Persons as the Council thinks fit.
- (b) Prior to making any decision, the Council shall have regard to any submissions made in respect of the preservation of the building, structure, object or place that is the subject of the application.

## Part 7. Non-Conforming Uses

### 7.1 Non-Conforming Use Rights

No provision of the Scheme shall prevent:—

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

### 7.2 Extension of Non-Conforming Use

#### 7.2.1 Permission of the Council Required

A person shall not alter or extend a Non-conforming use nor erect, alter or extend a building used in conjunction with a Non-conforming Use without first having applied for and obtained the Planning Consent of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

#### 7.2.2 Limit to Extensions

Where a building or buildings form part of a Non-conforming Use, such building or buildings may not be extended by more than 20% of the floor area or volume whichever is the lesser existing at the time the Scheme is published in the Government Gazette or by such greater proportion as the Council considers will not prejudice the objectives of the Scheme.

#### 7.2.3 Exists on One or More Lots

Any extensions to the building forming part of the Non-conforming Use shall be confined to the lot or lots over which the Non-conforming Use exists.

### 7.3 Change of Non-Conforming Use

Notwithstanding anything contained in the Zoning Table the Council may grant its consent to the change of use of land from one Non-conforming Use to another Non-conforming Use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the existing use and is in the opinion of the Council, closer to the intended uses of the Zone or Reserve.

### 7.4 Compliance with Use and Development Standards

In considering any application for approval pursuant to Clauses 7.2 and 7.3 the Council may require compliance with the provisions of Part 5 of the Scheme Text relevant to the existing or proposed use and nothing in this Scheme shall prevent the Council from refusing permission where such compliance cannot be achieved.

### 7.5 Discontinuance of Non-conforming Use

7.5.1 If, after the gazetted 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 under Clause 6.3 use or permit to be used any land or any building or structure thereon for any purposes except in conformity with this Scheme.

7.5.2 Notwithstanding the provisions of the foregoing Sub Clause 7.5.1, 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.

7.5.3 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.

### 7.6 Demolition of Buildings

If any building, at the gazetted date, being used for a Non-conforming Use, is demolished to an extent of 75% or more of its value, the land on which the building is located shall not thereafter be used otherwise than in conformity with the Scheme, and the Buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a Non-conforming Use or in manner or position not permitted by the Scheme.

### 7.7 Destruction of Buildings

Notwithstanding the provisions of Clauses 7.5.1 and 7.5.2, if any building, at the gazetted date, being used for a Non-conforming Use is unavoidably destroyed or damaged, the Council may, at its discretion, allow the rebuilding of the building and the continuance of the Non-conforming Use provided the building does not occupy a greater floor area as existed at the gazetted date and the Non-conforming Use is conducted at no greater intensity than at the gazetted date.

## Part 8. Control of Advertisements

### 8.1 Power to Control Advertisements

Any development classified as an "Advertisement", as defined in Appendix 10 of this text or defined in Clause 2.1 of the Shire of Esperance Signs, Hoarding and Bill Posting By-laws shall comply with the requirements of the relevant By-laws as published in the Government Gazette dated 7.10.83 and any subsequent gazetted amendments.

8.2 Applications for Council's consent pursuant to this Part shall be Submitted in accordance with the Application for Licences—Signs and Hoardings Form set out in Appendix 4.

8.3 The issue of a licence shall be in the form of the Sign Licence form set out in Appendix 4.

## Part 9. Administration

### 9.1 Powers of the Scheme

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

- (a) To enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.
- (b) To acquire any land or buildings within the district pursuant to the provisions of the Scheme or the Act.
- (c) By its officers, employees, agent or contractors enter and inspect any land or buildings within the Scheme area.
- (d) To enter into agreements with the Crown or any Department of the State to implement the objectives of the Scheme.

#### 9.1.1 Delegation of Authority:—

- (i) the Council may, by resolution, authorise an officer, servant or person or a committee consisting in whole or in part of officers, servants or persons to exercise such of the functions (other than this power of delegation) imposed upon it by or under this Scheme as may be specified in the resolution;
- (ii) any such delegation may, if the Council so resolves, be unlimited as to the period during which it may be exercised or limited as may be specified in the resolution;
- (iii) the exercise of any such delegation shall be subject to such limitations and conditions as may be specified in the resolution or as may be prescribed;
- (iv) any officer, servant or person or Committee, when acting in the exercise of any such delegation and within its scope shall be deemed to be the Council;
- (v) the Council may, by resolution, revoke any such delegation either in whole or in part;
- (vi) no act of an officer, servant, person or committee done within the scope of any such delegation during the period in which such delegation remains in force shall be invalidated by reason of the revocation of the delegation;
- (vii) notwithstanding any delegation made under this section, the Council may continue to exercise all or any of the functions delegated.

### 9.2 Offences

#### 9.2.1 Development of Land or Buildings

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

- (a) Otherwise than in accordance with the provisions of the Scheme.
- (b) Unless all consents required by the Scheme have been granted and issued.
- (c) Unless all conditions imposed upon the grant and issue or any consent required by the Scheme have been and continue to be complied with.

#### 9.2.2 Failure to Comply

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

### 9.3 Notices

Twenty eight (28) days written notice is prescribed as the required notice to be given under Section 10 of the Act.

Such Notice:—

- (a) Shall be addressed to the owner, occupier and/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, which shall not be less than twenty eight (28) days, within which the work shall be completed.
- (c) Shall advise the addressee that in default the Council may take the remedial action at the expense of the addressee.
- (d) Shall be served personally or by prepaid letter to the person to be served at his address as shown in the ratebook of the Council, if a ratepayer, or at his last known address and such notice shall be deemed to be served on the day following the date of posting.

Any expense incurred by the Council under Section 10 of the Act may be recovered from the person in default in a Court of Jurisdiction competent to deal with the claim.

#### 9.4 Claim for Compensation

Except where otherwise provided in the Scheme, the time limit for the making of claims for compensation under section 11 (i) of the Act is six (6) months after the date of publication of the Scheme in the Government Gazette.

#### 9.5 Appeals

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

#### 9.6 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.

#### 9.7 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.

#### 9.8 Power to Make Policies

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

9.8.2 Such Planning Policies shall become operative only after the following procedures have been completed:—

- (a) The Council, having resolved to adopt a Planning 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.
- (b) Council shall review its Planning 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.
- (c) Following final adoption of a Planning Policy, details thereof shall be advertised publicly and a copy kept with the Scheme documents for inspection during normal office hours but shall not form part of the Scheme.

9.8.3 After final adoption, a Planning Policy may only be altered or rescinded by:—

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

9.8.4 A Planning 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.

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#### Adoption

Adopted by Resolution of the Council of the Shire of Esperance at the Ordinary meeting of the Council held on the 19th day of December 1989.

Dated 20 December 1989.

D. H. REICHSTEIN, President.  
R. T. SCOBLE, Shire Clerk.

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#### Final Approval

1. Adopted by Resolution of the Council of the Shire of Esperance at the ordinary meeting of the Council held on 28th day of September 1990 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

D. H. REICHSTEIN, President.  
R. T. SCOBLE, Shire Clerk.



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

2. Recommended/Submitted for final approval by the State Planning Commission.

Dated 22 August 1991.

D. BROWN, for Chairman, State Planning Commission.

3. Final approval granted.

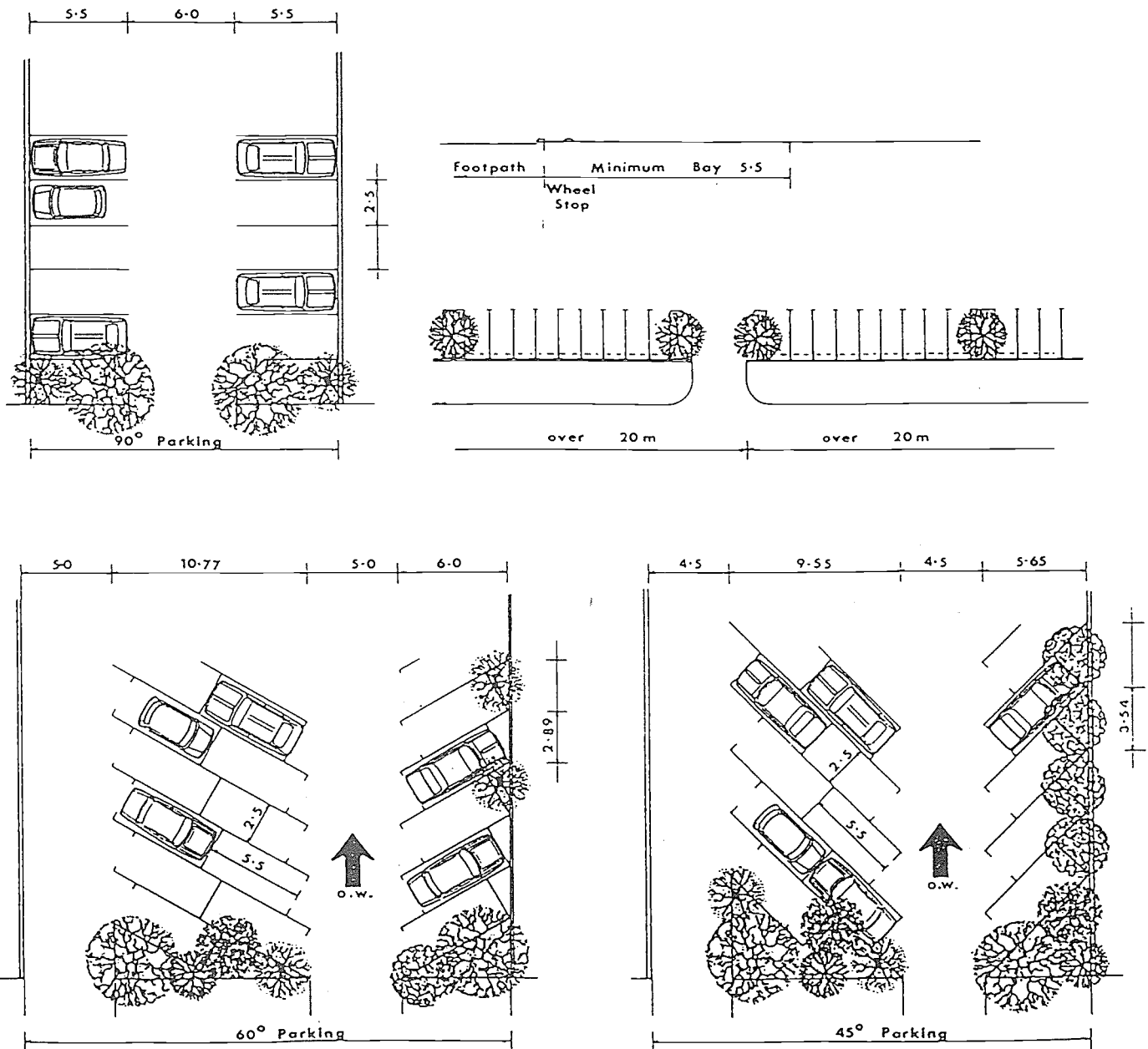
Dated 27 August 1991.

DAVID SMITH, Hon. Minister for Planning.

Appendix 1  
Clause 5.1.4(e)

CAR PARKING and LANDSCAPING;

All dimensions are minimum and in metres, Landscaping is shown diagrammatically.



## Appendix 2

## Clause 2.2

## TOWN PLANNING AND DEVELOPMENT ACT 1928

*Shire of Esperance*

## FORM FOR APPLICATION FOR PLANNING CONSENT

1. Surname of applicant ..... Given names .....
2. Surname of land owner (if different from above) ..... Given names .....
- Full Address .....
- Signature .....
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 .....
9. Nature and size of all buildings proposed .....
10. Materials to be used on external surfaces of buildings .....
11. General treatment of open portions of the site .....
12. Details of car parking and landscaping proposals .....
13. Approximate cost of proposed development .....
14. Estimated time for construction .....

This form should be completed and forwarded to the Shire Council of Esperance together with 3 copies of detailed plan showing complete details of the development and a site plan showing the relationship of the land to the area generally. In areas where close development exists, or is in the course of construction, plans shall show the siting of buildings and uses on lots immediately adjoining the subject land.

## Appendix 3

## Clause 2.4.3

## TOWN PLANNING AND DEVELOPMENT ACT 1928

*Shire of Esperance*

## FORM OF DECISION ON APPLICATION FOR PLANNING CONSENT

Location: .....  
 The Council, having considered the application  
 dated ..... submitted by .....  
 ..... on behalf of ..... hereby advises  
 that it has resolved to GRANT/REFUSE Planning Approval to:

(i) use land

(ii) commence development

Subject to the following conditions/on the following grounds .....

Dated this ..... day of ..... 19.....

Shire Clerk.

## Appendix 4

## Clause 8.2

## CONTROL OF ADVERTISING

## Application for Licences—Signs and Hoardings

Name of Owner/Occupier of land on which sign is to be erected.

Submitted by .....

Address for correspondence.....

I/We here apply for a licence to erect and/or maintain a.....

sign on Lot.....House No.....

Street .....

in accordance with the attached plan and details in duplicate

Signature of Applicant .....

Date .....

*Shire of Esperance*

## SIGN LICENCE

No. ....Date.....

This licence is granted to .....

of.....

in respect of a.....

on premises known as.....

in accordance with Application No. ....

and subject to the by-laws of the Municipality. This licence shall remain valid unless any alteration is made to the sign, then in such event the licensee must apply for a new licence. If this licence is issued in respect of a hoarding, the licence expires on .....19.....

Building Surveyor.

## Appendix 5

## Clause 5.8

## ADDITIONAL USE ZONE—SCHEDULE OF SPECIAL PROVISIONS

The uses that may be permitted in an Additional Use Zone shall be those specified in the following Schedule except that Council may permit other incidental uses normally associated with the predominant permissible use.

## Schedule of Additional Use Zones

Location	Base Zone	Additional Use(s)	Development Standards/ Conditions
Pt. Location 508 Keenans Road	Special Rural	Plant facilities, Offices and Care- takers flat for the cultivation and harvesting of algae from a lease area on Pink Lake. Subject to the condi- tions of the Special Rural Zone in Clause 5.7	
Location 105, Lot 423 Pink Lake Road	Residential	Fast Food Outlet and Butchers Shop	
Pt. Location 38 Cnr Monjigup and Collier Roads	Special Rural	Yabbie Farm & Caravan Park	These forms of development require the concurrence of the WAWA, Public Health Dept. & the Dept. of Agricul- ture.

## Appendix 6

## Clause 5.3.5

SPECIAL RESIDENTIAL ZONE  
SCHEDULE OF SPECIAL PROVISIONS

Locality of Land	Special Provisions
Esperance East Location 22, 8, 10-49 and 52-59	<ol style="list-style-type: none"> <li>(1) It is intended to confine the use of the land to those uses that will complement the Racecourse and breeding or keeping of dogs or any other use, that in the opinion of the Council, may conflict with the keeping, training and racing of horses, shall not be permitted.</li> <li>(2) The land shall not be used for purposes other than a single residence or the keeping, training and racing of horses without the prior written permission of the Council. An application for permission to use the land other than for the above purposes shall be in writing and shall contain a statement of the purpose to which it is proposed to put such land and the reasons for which it is intended to use such land.</li> <li>(3) Further subdivision of this Special Residential Zone is not permitted.</li> </ol>
Esperance Location 164 Barron Close	<ol style="list-style-type: none"> <li>(1) Notwithstanding general expectation within this Zone, within this subdivision a reticulated water supply will not necessarily be provided.</li> <li>(2) Further subdivision of this Special Residential Zone is not permitted.</li> </ol>
Esperance Locations 79, Pt 80, 81, 76,77 Pt 82, 84 and 87 and Lots 692, 774, 773, 772 and 771. All land fronting Twilight Beach Rd., west of Willowtree Avenue to Blue Haven Beach	<p>This is, visually, a very sensitive area and it is intended to maintain the land for purely residential purposes, with a landscape protection corridor fronting Twilight Beach Road. The intensity of development permitted is indicated by a specific R code nomination on Sheet 5 of the Scheme map.</p> <ol style="list-style-type: none"> <li>(1) Generally within this area, no development will be permitted which, in the opinion of the Council, will be likely to endanger the visual amenity of the Twilight Beach Road and the coastal views as seen from any lot or public place, and the ocean.</li> <li>(2) In the interest of protecting visual amenity, a setback distance from Twilight Beach Road will vary between 20 metres and 40 metres at the discretion of Council. This discretion will be based on visual analysis, including consideration of such elements as Landform, vegetation, views from lookouts and the road and any other relevant matters. A further reduced setback will be at Council's discretion for existing lots 14, 15, 34 and 35 of Esperance location 80 fronting Twilight Beach Road. On all other frontages the permitted setback distance from the road boundary shall be 10 metres. Council will also determine a landscape protection area within the setback to Twilight Beach Road. This area will be retained as natural bush supplemented with native trees or shrubs.</li> <li>(3) No land shall be cleared, (other than for construction of buildings), filled or excavated without the prior permission of the Council in accordance with Clause 2.2 An application for such permission shall include a statement as to the measures that will be taken to prevent wind and water erosion and a plan showing the proposed landscaping, including the design and location of pathways and driveways. Council will encourage rear access to properties instead of direct access onto Twilight Beach Road.</li> </ol>

Esperance East  
Lot 20, Lots 1-8  
Daw Dr.

Lots 52-59  
Cnr Goldfields &  
Fisheries Rd.

Pt. Lot 629  
Barney Rd.,  
As approved for  
Subdivision under  
DP&UD Ref: 83386

- (4) No fencing shall be erected without the prior permission of the Council, in accordance with Clause 2.2. The Council will consider the use of materials, colour and height of the fence in an attempt to ensure that such structures blend into the landscape.
  - (5) The Council will not permit the erection of sheds or other outbuildings between a house erected on the lot and any road except in the case of a corner lot where the Council may permit such a building to be built between the residence and road other than Twilight Beach Road.
  - (6) The Council will expect any residential development, sheds or outbuildings to be constructed of materials that will not be intrusive or draw attention, with the use of light colours or shiny surfaces to be avoided.
  - (7) Upon subdivision of these areas in accordance with the provisions of the Scheme no further subdivision will be permitted.
  - (8) In the interests of visual amenity any approval for the subdivision of this land will be conditional upon, inter alia, the provision of an underground power supply.
- (1) In order to assist in maintaining the existing environment all trees and shrubs shall be retained unless their removal is authorised by Council except in the cases of trees and shrubs which are proposed to be removed to make way for house construction, fences, firebreaks and constructed accessways.
  - (2) Exposed areas shall be replanted extensively to provide concealment and shelter as required by Council.
  - (3) The siting and erection of any building, outbuilding, or fence shall not be approved by Council unless or until it is satisfied that the design, construction, materials and position will be in harmony with the character of the land within the zone and the area generally.
  - (4) No outbuildings shall be erected between a dwelling and a public road alignment.
  - (5) Further subdivision of this Special Residential Zone is not permitted.
- (1) No outbuildings shall be erected between a dwelling and a public road alignment.
  - (2) Further subdivision of this Special Residential Zone is not permitted.
- (1) All trees and shrubs shall be retained unless their removal is authorised by the Council except in the cases of trees and shrubs which are proposed to be removed to make way for house construction, fences, firebreaks and constructed accessways.
  - (2) Exposed areas shall be replanted extensively to provide concealment and shelter as required by Council.
  - (3) The siting and erection of any building, outbuilding or fence shall not be approved by Council unless or until it is satisfied that the design, construction, materials and position will be in harmony with the character of the land within the zone and the area generally.
  - (4) Further subdivision of this Special Residential Zone is not permitted.

## Appendix 7

## Clause 5.7.2

## SPECIAL RURAL ZONE

## Schedule of Special Provisions

## Locality of Land

Portions of  
Esperance  
East Location  
17, 18 & 22,  
Lots 5, 1 & 2  
to the North of  
Fisheries Road.

## Special Provisions

- (1) Within this land it is the intention, subject to to approval of the State Planning Commission to provide for the subdivision of land into lots having a minimum area of 2 ha with an average lot size of 3 ha.
- (2) A 20 metre wide landscape protection strip is to be retained as natural bush along the Fisheries Road frontage with the exception of access roads.
- (3) Where land is to be cleared, Council will not permit any lot to be cleared to an extent greater than 50 per cent of its total area (including the land covered by buildings) except where it determines that with supplementary tree planting and landscaping, parkland clearing can be done to an extent not greater than a further 25 percent of the lot area.
- (4) Where, in the opinion of Council, portions of lots containing steeply sloping land, the natural vegetation, on which, should be preserved, the Council may require that such areas shall be fenced or treated in such other fashions as may ensure that such land is not degraded by grazing, browsing, the movement of stock or by any other cause.

Eleven Mile Beach  
Road. Lots 367,  
392, 396, 398  
400, 773, 774  
and 775

## (1) Subdivision

- (a) Subdivision of lots 367, 392, 396, 398 and 400 shall be generally in accordance with the Subdivision Guide (Drawing No. M.1. 1/101, Plan 11) being contained in the Shire of Esperance, Limited Local Rural Strategy, February, 1989 and the approval offered by the DP and UD on 15th August, 1990, ref; 81864.
- (b) No lot shall be less than 2 ha in area and an average lot size of 3.5 ha shall apply.
- (c) Subdivision of lots 773, 774 and 775 shall not occur until the requirements for an Outline Development as set out in Clause 5.4 have been observed.

## (2) Land Use

- (a) Within the Zone indicated on Plan 11, the following uses may be permitted with the approval of the Council:—
  - \* Dwelling
  - \* Home Occupation
  - \* Private Recreation
  - \* Public Utility
  - \* Veterinary Consulting Room
  - \* Rural Pursuit—this does not include the rearing or agistment of livestock and poultry for commercial purposes.
- (b) All other uses not mentioned in (a) and rural pursuits which normally require the issue of any licence and permit other than that referred to in (a), are not permitted.
- (c) The keeping of horses on lots less than 4 ha in area is prohibited.
- (d) The number of horses permitted on lots of 4 ha or greater is restricted to a maximum of two horses only. Council will only grant approval to the keeping of horses when it is satisfied that the site has been suitably fenced to protect trees etc. Should a horse or horses be kept and damage is being caused to trees by the horse or horses, then Council may require that the horse or horses be removed from the lot until such

time as improvements to the satisfaction of Council have been made to the fencing which is intended to protect the trees.

- (e) No building on a lot shall be constructed closer to any boundary of the lot than 15 metres except that the Council may approve a lesser distance if it can be shown to be necessary or desirable for reasons of topography or other site conditions.
- (f) The siting and erection of any building, out-building, or fence shall not be approved by Council unless or until it is satisfied that the design, construction, materials and position will be in harmony with the rural character of the land within the zone and the area generally. To insist in this control, roofing materials shall be of dull finish.

(3) Land Management

- (a) No indigenous trees or substantial vegetation shall be felled or removed except where:—
  - (i) trees are dead, diseased or dangerous;
  - (ii) the establishment of a firebreak is required under a regulation or by-law;
  - (iii) access to a building site is required and approved;
  - (iv) an area of up to one metre in width for the purpose of erecting and maintaining a fenceline is required and approved by Council. In these areas the land shall be slashed with a view to preventing soil erosion.
- (b) Removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the consent of Council, and as a condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and locations approved by Council.
- (c) Clearing of native vegetation for the erection of a dwelling with Council approval shall not exceed the approved building area. Parkland clearing may be permitted within the building area provided that flammable material is controlled within 50 metres of all buildings.
- (d) The Council may require an owner of a subdivided lot within the area, as a condition of development for any Building Permit issued in the zone, to commence a tree planting programme to its specification of Australian native trees on lots it considers require tree cover improvement and require the owner to maintain these trees.
- (e) The proposed vegetation protection areas within lots 4 ha in area or greater shall receive additional treatment if required by the Department of Agriculture and/or Council.

(4) FIRE CONTROL

- (a) Strategic Fire Breaks as nominated on the Subdivision Guide Map, shall be provided as a condition of subdivision and constructed to a standard approved by the Council and Bush Fires Board. The fire breaks should be slashed and not cleared, to prevent wind erosion and to protect the fragile environment. Also they are to be located along contours and on level ground where possible.
- (b) Council shall require that a prospective purchaser of a lot is aware of his/her responsibility to maintain Strategic Fire Breaks where that Strategic Fire Break crosses his/her lot.

- (c) To maintain access for fire fighting purposes, a well maintained external access track and limited clearing around all building structures shall be required by Council.
- (d) Clearing of firebreaks along fence lines other than for Strategic Fire Breaks, will not be encouraged unless for safety reasons to comply with Council and Bush Fires Board requirements.

(5) SERVICING REQUIREMENT

- (a) No dwelling shall be constructed or approved for construction unless an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless a supply of water and method of effluent disposal has been installed and is operating.
- (b) (i) Septic tanks must be located a minimum of two (2) metres above the highest ground water level and a minimum of one hundred (100) metres from any water body.  
(ii) In the absence of a supply of underground potable water, the provision of a rainwater tank of not less than 92,000 litres capacity with the necessary accompanying roof catchment capacity and in addition thereof, a secondary (i.e. may be a non-potable) water supply sufficient for toilet and garden use from underground sources or dams will be an acceptable alternative.
- (c) Council shall require that a prospective purchaser of a lot is aware of the responsibility to install an individual supply of water and method of effluent disposal.

All the land zoned Special Rural, south of Pink Lake Rd.

Within these lots it is the intention to provide for the subdivision of land into lots having minimum area of four (4) ha, unless sanctioned otherwise by the W.A. of W.A. If this is the case a minimum lot area two (2) ha will apply.

Appendix 8

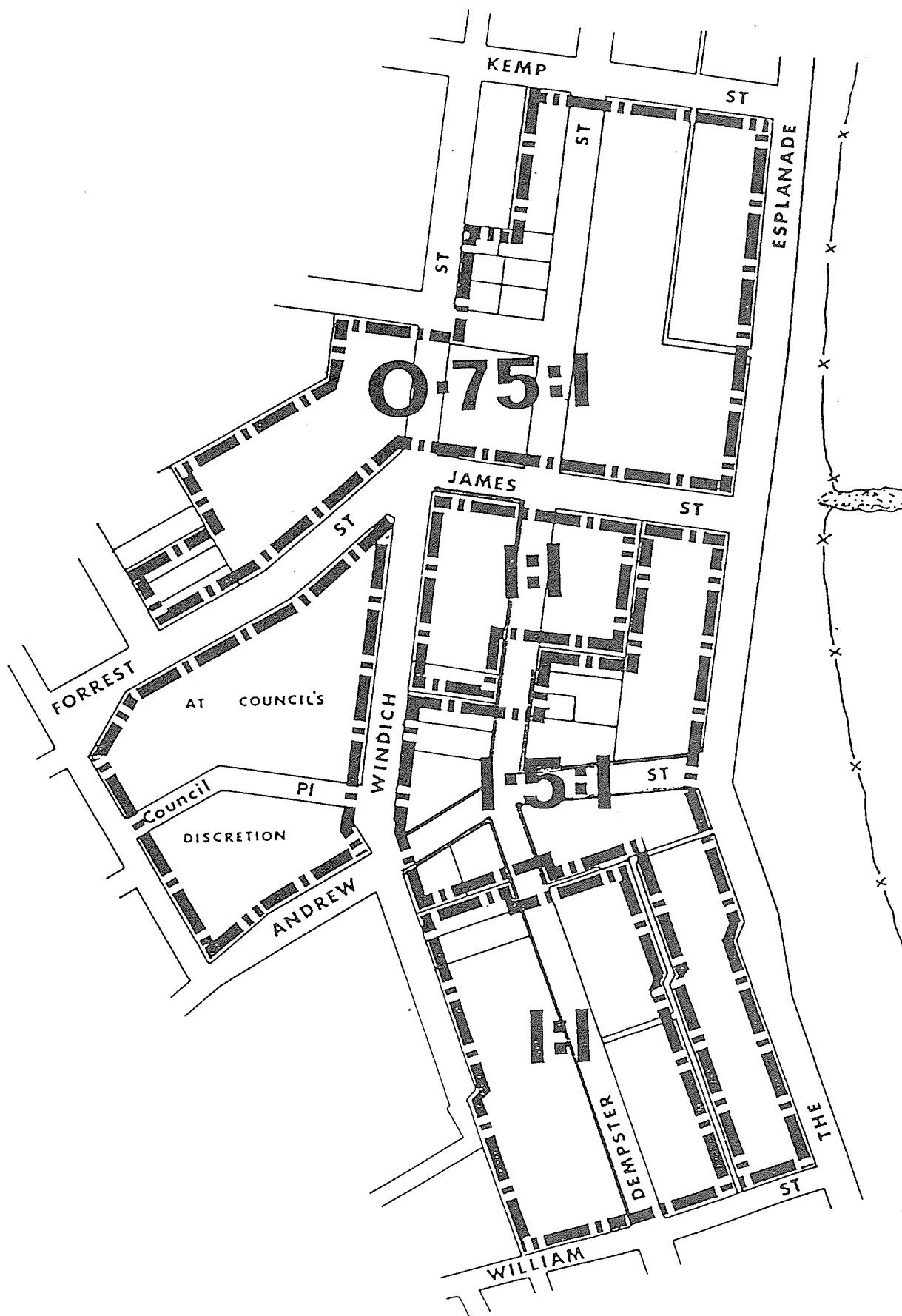
Clause 6.1

SCHEDULE OF PLACES OF HERITAGE VALUE

Location	Merit
East Location 1 Lot 68 Dempster Street Esperance Museum James Street	Architectural and Historic as an early Esperance House CIRCA 1900 Original Customs Store and subsequent Railway Station Very fine iron and timber framework. CIRCA 1900
Lot 728, Reserve No. 33637, Within the Port Authority Land	The grave of Tommy Windich
East Loc. 1, Lot 1 Southern end of Dempster St., western side	Dempster homestead, erected by original settlers of district. CIRCA 1890
Bijou Theatre Dempster St.	Concert and meeting hall. CIRCA 1890
RSL Hall, Memorial Park Dempster St.	First Government school building Erected 1896
Museum Village (excluding Tourist Bureau building) Dempster St.	Examples of early Esperance residential/commercial buildings
The Gibson Soak Hotel Coolgardie-Esperance Highway, Gibson.	Established as a watering stop for Cobb & Co. coaches. CIRCA 1890
Salmon Gums Hotel Cnr. Rogers & Moore Sts. Salmon Gums.	Erected 1927. Has been refurbished.



Appendix 9  
Clause 5.1.1.



PLOT RATIOS - CENTRAL AREA ZONE

## Appendix 10

## Clause 1.8.2

## Interpretations

As provided for in Clause 1.8 to this Scheme, the following terms, unless the context otherwise requires, shall have the respective meanings and interpretations set out hereunder:

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

**ABSOLUTE MAJORITY:** shall have the same meaning as is given to it in and for the purposes of the Local Government Act 1960 (as amended) and any subsequent amendments thereto.

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

**ADVERTISEMENT:** means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of advertisement, an announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements; and Advertising Sign shall be constructed accordingly but does not include directional signs, street signs and other like signs, erected by a public authority.

**AGED OR DEPENDANT PERSON'S DWELLING:** shall have the same meaning as is given to it in and for the purposes of the Residential Planning Codes—Country Towns and any subsequent amendments thereto.

**AMUSEMENT FACILITY:** means land and buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.

**AMUSEMENT MACHINE:** means a machine device or games table, mechanically or electronically powered, that releases or make available balls, discs or other items for projection in or on the machine by the use of springs, flippers, paddles or cues, or electronic devices which are controlled or partly controlled by computer associated with electronic screen(s) operated by one or more players for amusement or recreation.

**AMUSEMENT PARLOUR:** means land and buildings open to the public where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.

**ATTACHED HOUSE:** shall have the same meaning as is given to it in and for the purposes of the Residential Planning Codes—Country Towns and any subsequent amendments thereto.

**AWNING:** means a structure forming part of a building, designed to give shelter to pedestrians, which extends from the building over a public footpath.

**BAKERY:** means premises where Bread and/or Cakes are baked for sale both on the premises and elsewhere.

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

**BATTLE-AXE LOT:** means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.

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

**BOARDING HOUSE:** means a building in which provision is made for lodging or boarding more than four persons, exclusive of the family of the keeper, for hire or reward, but does not include:—

- (a) Premises that are subject to an Hotel, Limited Hotel or Tavern License granted under the provisions of the Liquor Act 1970 (as amended).
- (b) Premises used as a boarding school approved under the Education Act 1928 (as amended).
- (c) A single dwelling, attached, grouped or multiple dwelling unit.
- (d) Any building that is subject of a strata title issued under the provisions of the Strata Titles Act 1985 (as amended).

**BUILDER'S STORAGE YARD:** means land and buildings used for the storage of building material, pipes or other similar items related to any trade, and may include manufacture, assembly and dismantling processes incidental to the predominant use.

**BUILDING:** shall have the same meaning as is given to it in and for the purposes of the Residential Planning Codes—Country Towns and any subsequent amendment thereto.

**BUILDING CODE OF AUSTRALIA (THE):** means The Building Code of Australia 1989 (as amended) and any subsequent amendments thereto.

**BUILDING ENVELOPE:** means an area of land within a lot marked on a plan forming part of the Scheme outside which building development is not permitted.

**BUILDING LINE:** means the line between which and any public place or public reserve, a building may not be erected except by or under the authority of an Act or the provision of the Scheme.

**BUILDING SETBACK:** means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected.

- CAMPING AREA:** means land used for the lodging of persons in tents or other temporary shelter.
- CARAVAN PARK:** means land and buildings used for the parking of caravans under the By-laws of the Council of the Caravan Parks and Camping Grounds Regulations 1974 (as amended) made pursuant to the provisions of the Health Act 1977-79 (as amended) or any amendments or legislation thereafter.
- CARETAKER'S DWELLING:** means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area, carried on or existing on the same site.
- CAR PARK:** means land and building used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings on or in which cars are displayed for sale.
- CATTERY:** means the use of an approved outbuilding constructed in accordance with the Health Act Model By-laws Series 'A' Part One-General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months.
- CHALET PARK:** means a site occupied by buildings or units although constructed in the nature of residential units are not for occupation as permanent dwellings but which are set aside exclusively for occupation on a temporary basis principally for vacational use but also for short stay and overnight accommodation.
- CIVIC BUILDING:** means a building designed, used or intended to be used by a Government Department, instrumentality of the Crown, or the Council as offices or for the administrative or other like purposes.
- CIVIC USE:** means land and buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.
- CLUB PREMISES:** means land and buildings used or designed for use by a legally constituted club or association or other body or persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Act, 1970 (as amended) or not and which buildings or premises are not otherwise classified under the provisions of the Scheme.
- COMMISSION:** means the State Planning Commission constituted under the State Planning Commission Act 1985.
- COMMUNITY HOME:** means a building used primarily for living purposes by a group of physically or intellectually handicapped or socially disadvantaged persons living together with or without paid supervision or care and managed by a constituted community based organization, a recognised voluntary charitable or religious organization, a government department or instrumentality of the Crown.
- CONSULTING ROOMS:** means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors, and persons ordinarily associated with a practitioner, in the investigation or treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combinations of professions or practices.
- CONSULTING ROOM GROUP:** means a building (other than a hospital or medical centre) used by more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors, and persons ordinarily associated with a practitioner, in the prevention, investigation or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.
- CONVENIENCE STORE:** means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 200m sq gross leasable area.
- COVERED WAY:** means a structure designed to give shelter to pedestrians whether it has side walls or not but does not include an awning.
- DAY CARE CENTRE:** means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended).
- DEVELOPMENT:** means the use (including a material change in the use) or development of any land and includes the erection, construction, alteration as the case may be of any building or excavation or other works on any land and includes the filling of land.
- DISPLAY HOME CENTRE:** means a group of two or more dwellings which are intended to be open for public inspection.
- DRIVE-IN THEATRE:** means land and buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.
- DRUM FILLING:** means the transfer of petrol, diesel or other motor fuel from a bulk storage container to 200 litres drums for sale or delivery.
- DRY CLEANING PREMISES:** means land and buildings used for the cleaning of garments and other fabrics by chemical processes.

**DWELLING:** means a building or portion of a building containing at least one living room and includes rooms, outbuildings and other structures attached to or separate from such building but ancillary thereto, such building or portion thereof being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by—

a single person;

a family;

or no more than six (6) persons who do not comprise a single family.

**EARTHMOVING EQUIPMENT—DEPOT FOR:** means land and buildings used for the storage, maintenance and repair of earthmoving and construction equipment designed to move on tracks or tyre wheels or to be transported and located on site.

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

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

(a) Where the side boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries.

(b) Where the side boundaries of a lot are not parallel to one another, the length of a line drawn parallel to the street frontage and intersecting the side boundaries at the minimum distance from the street alignment at which buildings may be constructed.

(c) Where a lot is of such irregular proportions or on such a steep grade that neither of the foregoing methods can reasonably be applied, such length as determined by the Council.

**FACTORY UNIT BUILDING:** means an industrial building designed, used or adapted for use as two or more separately occupied production or storage areas.

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

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

**FISH SHOP:** means a building where wet fish and similar foods are displayed and offered for sale.

**FLOOR AREA:** shall have the same meaning given to it for the purposes of the Building Code of Australia, 1988 (as amended).

**FORESTRY:** means the cultivation, management and felling of trees for commercial purposes.

**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 onto 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 land and buildings used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station.

**FUNERAL PARLOUR:** means land and buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.

**GARDEN CENTRE:** means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorized implements and the display but not manufacture of pre-fabricated garden buildings.

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

**GROUPED DWELLINGS:** shall have the same meaning as is given to it and for the purposes of the Residential Planning Codes—Country Towns and any subsequent amendments thereto.

**HARBOUR INSTALLATIONS:** means land and buildings used for and incidental to the purposes of loading, unloading and maintaining ships.

**HARDWARE STORE:** means a shop used for the sale of tools, goods and materials used for the construction, repair or improvement of buildings or for gardening.

**HEALTH STUDIO:** means land and buildings designed and equipped for physical exercise.

**HEALTH FARM:** means a health centre at which or in conjunction with which accommodation is provided for patrons or clients.

**HOLIDAY ACCOMMODATION:** means land used exclusively for the provision of temporary holiday accommodation as defined in the Local Government Model By-Laws (Holiday Accommodation) No. 18 published in the *Government Gazette* of 22.2.74 and adopted by Esperance Shire Council on 1.8.75.

**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 a continuous period of more than four months.

**HOME OCCUPATION:** means a business or activity carried on with the written permission of the Council within a dwelling house, or the curtilage of a house by a person resident therein, or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that:—

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted;
- (b) does not entail employment of any person not a member of the occupiers family;
- (c) does not occupy an area greater than 20m sq;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;
- (e) does not display a sign exceeding 0.2m sq in area;
- (f) in the opinion of the Council it is compatible with the principal uses to which land in the zone is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area;
- (g) does not entail the presence, use or calling of a vehicle of more than two tonnes tare weight;
- (h) does not entail the presence of more than one commercial vehicle and does not include provision for the fuelling or repairing of motor vehicles within the curtilage of the dwelling house or domestic out-building;
- (i) Does not entail the retail sale of any goods or offer a service that in the opinion of the Council is likely to have an adverse economic effect on a similar use in a locality zoned for commercial purposes;
- (j) does not entail a source of power other than an electric motor of not more than 0.373 kilowatts (0.5hp).

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

**HOSPITAL SPECIAL-PURPOSE:** means a building used or designed for use wholly or principally for the purpose of a hospital or sanatorium for the treatment of infectious or contagious diseases, or hospital for the treatment or care of the mentally ill or similar use.

**HOSTEL:** means lodging house which is not open to the public generally, but is reserved for use solely by students and staff of educational establishments, members of societies, institutes or associations.

**HOT BREAD SHOP:** means a shop in which Bread, other yeast products and Cake Confectionery are baked on the premises for sale on the premises only.

**HOTEL:** means land and buildings providing accommodation for the public the subject of an Hotel Licence granted under the provisions of the Liquor Act, 1970 (as amended).

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

- (a) The winning, processing or treatment of minerals.
- (b) The making, altering, repairing or ornamentation, painting, fishing, cleaning, packing or canning or adaptation for sale, or the breaking up or demolition of any article or part of an article.
- (c) The generation of electricity or the production of gas.
- (d) The manufacture of edible goods, and includes, when carried out on the land which the process is carried out and in connection with the process, the storage of goods, any work of administration or accounting, or the wholesaling of goods resulting from the process and the use of land for the amenity of persons engaged in the process.

But does not include:—

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

**INDUSTRY COTTAGE:** means an industry which produces arts and craft goods but which cannot be included under the provisions relating to a "home occupation" and that:—

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products;

- (b) where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land;
- (c) is conducted in an out-building which is compatible to the zone and its amenity and does not occupy an area in excess of 55m sq.;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and
- (e) does not display a sign exceeding 0.2m sq.

**INDUSTRY—EXTRACTIVE:** means an industry which involves:—

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

**INDUSTRY—LIGHT:** means an industry:—

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

**INDUSTRY—NOXIOUS:** means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911-1979 (as amended) but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, piggery or poultry farm.

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

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

**INFANT WELFARE CENTRE:** means premises used for the purpose of accommodating children in need of special care or medical attention.

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

**KENNELS:** means land and buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.

**KINDERGARTEN:** means land and buildings used as a school for developing the intelligence of young children by object lessons, toys, games, singing and similar methods.

**LAND:** shall have the same meaning given to it in and for the purpose of the Act.

**LANDSCAPE, LANDSCAPING OR LANDSCAPED:** shall have the same respective meanings as ascribed to them in the Residential Planning Codes.

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

**LIQUOR STORE:** means a building the subject of a Store Licence granted under the provisions of the Liquor Act, 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) the premises used as a boarding school approved under the Education Act, 1928; or
- (c) a building containing flats.

**LOT:** shall have the same meaning given to it in and for the purpose of the Act, and "allotment" has the same meaning.

**LUNCH BAR:** means a premises wherein the goods offered for sale are predominately foodstuffs and other items intended for the day to day consumption or use by persons living or working in the locality of the building.

**MACHINERY SALES:** means land and buildings used for the exhibition and sale of agricultural and earthmoving machinery designed to be stationary or to be moved on tracks or tyred wheels.

- MARINA:** means premises at which berths or pens and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings appurtenant thereto and all offices and storerooms used in connection therewith.
- MARINE COLLECTOR'S YARD:** means land and buildings used for the storage of marine stores under the provisions of the Marine Stores Act, 1901 (as amended) and Marine Dealer's Yard and Marine Store have the same meaning.
- 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.
- MARKET:** means land and buildings used for a fair, a farmer's or producers market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operation or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.
- MATERIAL CHANGE IN THE USE OF LAND:** means a change in the use of land from one purpose to another which would involve a change from one use classification listed in these Interpretations to another.
- MEDICAL CENTRE:** means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretations of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.
- MILK DEPOT:** means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurized.
- MOTEL:** means land and buildings 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 motor vehicles.
- MOTOR VEHICLES AND MARINE SALES PREMISES:** means land and buildings used for the display sale of new or second hand motorcycles, cars, trucks, caravans and boats or any one or more of them and may include the warranty servicing of motor vehicles sold from the site.
- MOTOR VEHICLE HIRE STATION:** means land and buildings used for and in conjunction with the mechanical repair and overhaul of motor vehicles including tyres, recapping, retreading, panel beating, spray painting and chassis reshaping.
- MOTOR VEHICLE WASHING STATION:** means land and buildings where vehicles are washed and cleaned by or primarily by mechanical means.
- MOTOR VEHICLE WRECKING PREMISES:** means land and buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of secondhand motor vehicle accessories and spare parts.
- MUSEUM:** means land and buildings used for storing and exhibiting objects illustrative of antiquities, natural history, art, nature and curiosities.
- NON-CONFORMING USE:** means a use of a building or land for a lawful purpose immediately before the coming into force of this Scheme, which would have the effect of prohibiting that use.
- NURSING HOME:** means premises in which persons receive medical and domestic care during a long illness or infirmity.
- OFFENSIVE TRADE:** means and includes any of the trades specified in the second schedule to the Health Act, 1911-1979 and any other trade or trades declared to be offensive under the provisions of the Health Act, 1911-1979 by a proclamation of the Governor published in the *Government Gazette* of Western Australia.
- OFFICE:** means a building used for the conduct of administration, the practice of a profession, where agencies, banks, typist and secretarial service and services of a similar nature are conducted.
- OFFICE FLOOR AREA:** means the area used for business purposes. Excluding corridors, stair wells, toilet facilities, store rooms, staff rooms and all other places not used for normal office purposes.
- OPEN AIR DISPLAY:** means the use of land for the display or sale of goods and equipment not within buildings.
- OWNER:** in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity:—
- (a) is entitled to the land for an estate in fee simple in possession; or
  - (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or
  - (c) is a lessor or licensee from the Crown; or
  - (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.

- PETROL FILLING STATION:** means land and buildings used for the supply of petroleum products and motor vehicle accessories.
- PIGGERY:** shall have the same meaning given to it in and for the purposes of the Health Act 1911-1979 (as amended).
- PLACE OF NATURAL BEAUTY:** means the natural beauties of the area including rivers, lakes and other inland waters, banks or rivers, foreshores of harbours and other parts of the sea, hill slopes and summits and valleys.
- PLANT NURSERY:** means land and buildings used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticultural and garden decor.
- PLOT RATIO:** for developments other than single houses, grouped dwellings, attached houses and multiple dwellings means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries and in calculating the gross total of the areas of all floors the areas shall be measured over any walls provided that lift shafts, stairs, toilets and amenities, external wall thicknesses, plant rooms and the gross floor area of any floor space used for the parking of wheeled vehicles including access to and from that space within the building shall not be included.
- PLOT RATIO (RESIDENTIAL):** shall have the same meaning given to it in the Residential Planning Codes—Country Towns and any subsequent amendments thereto.
- POTABLE WATER:** means water in which levels of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in "International Standards for Drinking Water—Third Edition, World Health Organizations—1971".
- POULTRY FARM:** means land and buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act, 1911-1979 (as amended).
- PRISON:** shall have the same meaning given to it in and for the purposes of the Prisons Act 1981 (as amended).
- PRIVATE HOTEL:** means land and buildings used for residential purposes the subject of a Limited Hotel License granted under the provisions of the Liquor Act, 1970 (as amended).
- PRIVATE RECREATION:** means land used for park, gardens, playgrounds, sports arenas or other grounds for recreation which are not normally open to the public without charge.
- PRODUCE STORE:** means land and buildings wherein fertilizers and grain are displayed and offered for sale.
- PROFESSIONAL OFFICE:** means a building used for the purposes of his profession by an accountant, architect, artist, author, barrister, chiropodist, consular official, dentist, doctors, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or music teacher), town planner, or valuer or a person having an occupation of a similar nature, and Professional Person has a corresponding interpretation.
- PUBLIC AMUSEMENT:** means the use of land and buildings for a theatre, a cinema, a dance hall, a skating rink, a swimming pool, gymnasium, or the like, or for games including electronic 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, racecourse, trotting tracks, stadia or showgrounds.
- PUBLIC AUTHORITY:** shall have the same meaning given to it in and for the purposes of the Act.
- PUBLIC MALL:** means any public street or right-of-way designed especially for pedestrians who shall have right of way and vehicle access shall be restricted to service vehicles at times specified by the Council.
- PUBLIC RECREATION:** means land used for a public park, public gardens, foreshore reserves, playground or other grounds for recreation which are normally open to the public without charge.
- PUBLIC UTILITY:** means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.
- PUBLIC WORSHIP—PLACE OF (Local):** means land and buildings used for the religious activities of a church, attracting worshippers from a local catchment only, but does not include an institution for primary, secondary or higher education, or a residential training institution.
- PUBLIC WORSHIP—PLACE OF (Regional):** means land and buildings used for the religious activities of a church attracting worshippers from a regional catchment but does not include an institution for primary, secondary or higher education, or a residential training institution.
- RADIO AND T.V. INSTALLATION:** means land and buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.
- RECEPTION CENTRE:** means land and buildings used by parties for functions on formal or ceremonial occasions, but not for unhosted use for general entertainment purposes.



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

**RESIDENTIAL BUILDING:** means a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation—  
temporarily by two or more persons, or  
permanently by seven or more persons,  
who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school.

**RESIDENTIAL PLANNING CODES:** means the Residential Planning Codes—Country Towns, set out in Appendix 3 of the Statement of Planning Policy No. 1 together with any amendments thereto as published in the *Government Gazette* of January 30, 1985.

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

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

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

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

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

- (a) the growing of vegetables, fruit, cereals or food crops;
- (b) the rearing or agistment of goats, sheep, cattle or beasts of burden;
- (c) the stabling, agistment or training of horses;
- (d) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens;
- (e) the sale of produce grown solely on the lot;  
but does not include the following except as approved by the Council:—
  - (i) the keeping of pigs except in a Special Rural Zone;
  - (ii) poultry farming;
  - (iii) the processing, treatment or packing of produce;
  - (iv) the breeding, rearing or boarding of domestic pets;
  - (v) the rearing of rabbits;
  - (vi) aquaculture provided the concurrence of any Statutory Authority nominated by Council is received.

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

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

**SCHEDULE:** means a schedule to the Scheme.

**SERVICE PREMISES:** means a shop in which services are provided to the public and includes a hairdresser's salon, a dry cleaning agency, an art and craft or photographer's studio used for exhibition or instruction, a travel agency and a ticket agency.

**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 a transport depot, panel beating, spray painting, major repairs or wrecking.

**SHOP:** means a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yard or land and buildings used for the sale of vehicles or for any purpose falling within the definition of industry.

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

- SPARE PARTS SALES:** means land and buildings used for the wholesale or retail sale of spare parts and equipment for vehicles and machinery consisting of a large storage area and sales area.
- SPORTS GROUND:** means any land used for any sport, but does not include land within the curtilage of a dwelling, if not used commercially.
- STABLES—COMMERCIAL:** means premises or land or both where horses are kept, bred and/or trained for commercial gain.
- STABLES—PRIVATE:** means premises or land or both where horses are kept, bred and/or trained for private or hobby purposes and not for commercial reward or gain.
- SUPERMARKET:** a business for the retail sale of household goods where the customer collects the proposed purchase from open shelves, payment being made at a central check point.
- TAVERN:** means land and buildings the subject of a Tavern Licence granted under the provisions of the Liquor Act, 1970 (as amended).
- TOURIST DEVELOPMENT:** means an area developed expressly for the entertainment of Tourist and Holiday Makers and may include Holiday Accommodation and a residence for a Caretaker.
- TRADE DISPLAY:** means land and buildings used for the display of trade goods and equipment for the purposes of advertisement.
- TRANSPORT DEPOT:** means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicle used, but not of other vehicles.
- VEHICLE:** includes a tractor.
- VETERINARY CONSULTING ROOMS:** means a building in which a Veterinary Surgeon or Veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight.
- VETERINARY HOSPITAL:** means a building used in connection with the treatment of sick animals and includes the accommodation of sick animals.
- WAREHOUSE:** means a building wherein goods are stored and may be offered for sale by wholesale.
- WETLANDS:** means a lake or system of lakes normally filled after a year of average rainfall as defined by the Bureau of Meteorology including marshland and watercourses that drain into or out of a lake system.
- WHOLESALE:** means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant' for Sales Tax purposes under the provisions of the Sales Tax Assessment Act No. 1 1930 (as amended).
- WINE HOUSE:** means land and buildings the subject of a Wine House Licence granted under the provisions of the Liquor Act, 1970 (as amended).
- ZONE:** means a portion of the Scheme area shown on the map by distinctive colouring patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings, or for the use of land, but does not include land reserved.
- ZOOLOGICAL GARDENS:** means land and buildings used for the keeping, breeding or display of fauna and the term includes zoo but does not include kennels or keeping, breeding or showing of domestic pets.

## POLICE

### PE401

#### POLICE AUCTION

Under the provisions of the Police Act 1892-1983, unclaimed stolen and found property will be sold by auction at the Property Tracing Section, Police Complex, Clarkson Road, Maylands on Tuesday, 15 October 1991.

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

B. BULL, Commissioner of Police.

### PE402

#### POLICE AUCTION

Under the provisions of the Police Act 1892-1983, unclaimed and stolen property will be sold by public auction at Kalgoorlie Police Station, Brookman Street, Kalgoorlie at approximately 9.30 am on October 19, 1991.

Auction to be conducted by Stanley Collins auctioneer.

B. BULL, Commissioner of Police.

PE403

## POLICE AUCTION

Under the provisions of the Police Act 1892-1983, unclaimed, stolen bicycles will be sold by public auction at the State Supply Disposal Centre, 21 Pilbara Street, Welshpool, on Tuesday, October 8, 1991 at 9.00 am.

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

B. BULL, Commissioner of Police.

## PORT AUTHORITIES

PH403

## BUNBURY PORT AUTHORITY ACT 1909

## APPLICATION FOR LEASE

IN accordance with provisions of section 25 (4) of the Bunbury Port Authority Act 1909, Bunbury Port Authority of 1 Henry Street, Bunbury advertises that application has been received from Cable Sands (WA) Pty Ltd for the lease of an area of land within the "North Shore" area of the Inner Harbour port area for a term exceeding 3 years for the storage and processing of Mineral Sands. Dated 16 September 1991

B. P. CUNNINGHAM, General Manager.

PH404

## BUNBURY PORT AUTHORITY ACT 1909

## APPLICATION FOR LEASE

In accordance with provisions of section 25 (4) of the Bunbury Port Authority Act 1909, Bunbury Port Authority of 1 Henry Street, Bunbury advertises that application has been received from Charm Hill Pty Ltd for a seabed lease within the port area for a term exceeding 3 years for the purpose of operating licensed premises.

Dated 16 September 1991

B. P. CUNNINGHAM, General Manager.

## POTATO MARKETING

PM401

## Form 6

## MARKETING OF POTATOES ACT 1946

(Regulation 20 (1))

## CERTIFICATE BY RETURNING OFFICER OF RESULT OF AN ELECTION

I, Carolyn Wood, being the Returning Officer duly appointed under the Marketing of Potatoes Act 1946 certify as follows—

- (1) That in accordance with the Act I have held an election which closed at 5.00 pm on 16 September 1991 for the election of one person as the elective member of the Western Australian Potato Marketing Authority under section 8 (1) of the said Act.

- (2) That the candidates at such election were—

Rubcich, James Nicolas  
Ryan, Antony James

- (3) That the voting resulted as follows—

Rubcich	101
Ryan	107
	<hr/> 208

- (4) That as the result of the voting Antony James Ryan was duly elected as the person to be the elective member of the Western Australian Potato Marketing Authority.
- (5) That I declare Antony James Ryan to have been duly elected as the elective member on 17 September 1991.
- (6) As the result of the election Antony James Ryan is now the elective member as required by the Act for appointment by the Governor as a member of the Authority.

(7) That the following is a statistical return of the votes at the election—

Total number of electors on roll .....	348
Number of electors who voted .....	219
Number of formal votes counted .....	208
Number of votes rejected—	
For Informality of Ballot Paper .....	11
Received after Close of Poll .....	8
Insufficient Postage .....	Nil

Dated the 17th day of September 1991.

C. WOOD, Returning Officer.

## PREMIER AND CABINET

PR401

### MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that His Excellency the Governor has approved the following temporary allocation of portfolios during the absence of the Hon I. F. Taylor, MLA for the period 27 October—3 November 1991 inclusive.

Acting Minister for State Development; Goldfields—Hon G. L. Hill, MLA.

M. C. WAUCHOPE, Acting Chief Executive,  
Department of the Premier.

## RACING AND GAMING

RA301

### GAMING COMMISSION ACT 1987

#### GAMING COMMISSION AMENDMENT REGULATIONS 1991

Made by His Excellency the Governor in Executive Council.

#### Citation

1. These regulations may be cited as the *Gaming Commission Amendment Regulations 1991*.

#### Principal regulations

2. In these regulations the *Gaming Commission Regulations 1988\** are referred to as the principal regulations.

[\*Published in the *Gazette* of 29 April 1988 at pp. 1295-304. For subsequent amendments, see 1990 *Index to Legislation of Western Australia*, p. 253 and *Gazette* of 8 February 1991.]

#### Regulation 23A inserted

3. The principal regulations are amended by inserting after regulation 23 the following regulation—

#### Advertising value of prizes prohibited

“ 23A. (1) The permit holder, organizer, promoter or a person appointed by the permit holder under regulation 23 (1) shall not, prior to a session—

(a) advertise or cause to be advertised; or

(b) announce or cause to be announced,

the value of a prize at that session.

Penalty: \$500.

(2) For the purpose of subregulation (1) a reference to the value of any prize includes a reference to a projected value, an estimated value or a potential value of a prize.

**Regulation 30A inserted**

4. The principal regulations are amended by inserting after regulation 30 the following regulation—

**Prizes from Donor Organizations**

“ 30A. (1) Where a permit holder obtains an undertaking from a donor organization that a prize will be offered, and prior to the drawing of the lottery—

(a) the donor organization has not honoured its undertaking; or

(b) in the opinion of the Commission, exceptional circumstances exist, the permit holder may, after first obtaining the written approval of the Commission, pay the equivalent cash value of the prize, or substitute the same or a similar prize of equal value, in place of the original prize.

(2) The Commission may grant approval, for the purposes of subregulation (1), where an application, in writing, for that approval is received from the permit holder prior to the drawing of the relevant lottery.

(3) For the purposes of subregulation (1), “donor organization” includes an individual.”

**Schedule 2 amended**

5. Schedule 2 to the principal regulations is amended by deleting the following—

“ 85 (4) Possession of an unlawful gaming machine or prohibited gaming equipment ..... 200 ”.

By His Excellency's Command,

L. M. AULD, Clerk of the Council.

**RA302****TOTALISATOR AGENCY BOARD BETTING ACT 1960****TOTALISATOR AGENCY BOARD (BETTING) AMENDMENT REGULATIONS  
(No. 3) 1991**

Made by the Totalisator Agency Board with the approval of His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Totalisator Agency Board (Betting) Amendment Regulations (No. 3) 1991*.

**Regulation 36 amended**

2. Regulation 36 of the *Totalisator Agency Board (Betting) Regulations 1988\** is amended in subregulation (1) (a) by inserting in their correct alphabetical positions the following names—

“ “Murtoa” and “Warracknabeal” ”.

[\*Published in the Gazette of 25 March 1988 at pp. 935-55. For amendments to 26 July 1991 see p. 380 of 1990 Index to Legislation of Western Australia and Gazette of 12 April 1991.]

By resolution of the Board.

The Common Seal of the Totalisator Agency Board was affixed hereto in the presence of—

C. W. QUIN, Chairman.  
M. HILL, Member.  
J. MADDOX, Secretary.

Approved by His Excellency the Governor in Executive Council on 17 September 1991.

L. M. AULD, Clerk of the Council.

RA401

## LIQUOR LICENSING ACT 1988

## SUMMARY OF LIQUOR LICENSING APPLICATIONS

The following is a summary of applications received under the Liquor Licensing Act 1988 and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Liquor Licensing Division, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth (telephone: 425 1888), or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Day for Objections
<b>TRANSFER OF LICENCE</b>			
50	Adrias Pty Ltd	Application to Transfer Restaurant Licence in respect of Cafe Valentino, Perth, from V. Cecchini, Mt. Grieco and S. Galipo.	3/10/91
62	Vyscot Pty Ltd	Application to Transfer Special Facility Licence in respect of M. V. Perth, situated in Perth, from Mustard Catering (1988) Pty Ltd.	3/10/91
63	Dileum Pty Ltd	Application to Transfer Liquor Store Licence in respect of Seacrest Liquor Store, Sorrento, from Golden West Holdings Pty Ltd.	13/9/91
64	Goldsouth Pty Ltd	Application to Transfer Liquor Store Licence in respect of Waratah Wine Bin, Dalkeith from Coalville Nominees Pty Ltd.	3/10/91
65	John Charles Herbert Thornton	Application to Transfer Special Facility Licence in respect of Regal Theatre Subiaco, from Trimara Pty Ltd.	3/10/91
66	Hamersley Iron Pty Ltd	Application to Transfer Special Facility Licence in respect of C.R.A. Services Limited, Wittenoom, from C.R.A. Service Ltd.	10/10/91
67	Yoshiya Restaurant Pty Ltd	Application to Transfer Restaurant Licence in respect of Yoshiya Restaurant, Perth, from Yoshiya Restaurant Pty Ltd S (87).	1/10/91
68	Hamersley Iron Pty Ltd	Application to Transfer Special Facility Licence in respect of Rhodes Ridge Canteen, Newman, from C.R.A. Services Limited.	10/10/91
69	M. S. & V. F. Vodanovich	Application to Transfer Tavern Licence in respect of Cleopatra Tavern, Fremantle, from C. A. S. E. Miletta and S. & T. Caltanisetta.	2/10/91
<b>NEW LICENCE</b>			
55B/91	Dalebank Holdings Pty Ltd	Application for a Restaurant Licence in respect of Cobweb Restaurant, Lot 22 Canns Road, Armadale.	4/10/91
56B/91	South Perth Baseball Club Inc.	Application for a Club Restricted Licence in respect of the South Perth Baseball Club Inc., Collier Reserve, South Perth.	12/10/91
57B/91	Joseph Romano	Application for a Restaurant Licence in respect of Flamingo's Restaurant, 21 Lake Street, Northbridge.	18/10/91
59B/91	Australia Standard Distilling Company Pty Ltd	Application for a Wholesale Licence in respect of Standard Distillers, Lot 100 Benara Road, Caversham.	3/10/91
60B/91	Candid Nominees Pty Ltd	Application for a Restaurant Licence in respect of Larrikans Family Restaurant, Cecil Avenue, Cannington.	18/10/91

App. No.	Applicant	Nature of Application	Last Day for Objections
28A/91	D. T. Palumbo	Application for a Cabaret Licence in respect of The Talk of the Town Nightclub and Steakhouse, 13 Edgar Street, Port Hedland.	29/10/91
29A/91	Dawford Holdings Pty Ltd	Application for a Special Facility Licence in respect of Collie Forrest Motor Lodge, Corner Atkinson and Watson Streets, Collie.	19/10/91
30A/91	Norton Nominees Pty Ltd	Application for a Special Facility Licence in respect of Champions Indoor Sports Centre, 241A Beechboro Road, Bayswater.	18/10/91

This notice is published under section 67 (5) of the Liquor Licensing Act 1988.

G. B. AVES, Director of Liquor Licensing.

## RAILWAYS

RB401

### WESTERN AUSTRALIAN GOVERNMENT RAILWAYS

Railways Working Account for Quarter ended 30 June 1991 (as required by section 59 of the Government Railways Act).

1. Revenue and Expenditure	\$000
Revenue .....	96 195
Expenditure .....	92 433
Surplus .....	3 762
2. Fixed Assets	
Gross Value .....	1 028 252
Less depreciation (as at 30 June 1991) .....	282 095
	\$746 157

J. I. GILL, Commissioner of Railways.

## SALARIES AND ALLOWANCES TRIBUNAL

SA401

### SALARIES AND ALLOWANCES TRIBUNAL 1975 DETERMINATION

#### Second Schedule

#### Section 6 (1) (e)—Prescribed Officers

#### Police Department

Deputy Commissioner —(S3)

Assistant Commissioners —(S1)

Dated at Perth this 25th day of September 1991.

B. J. COLLIER, Chairman.

M. F. BEESON, Member.

R. H. C. TURNER, Member.

Salaries and Allowances Tribunal.

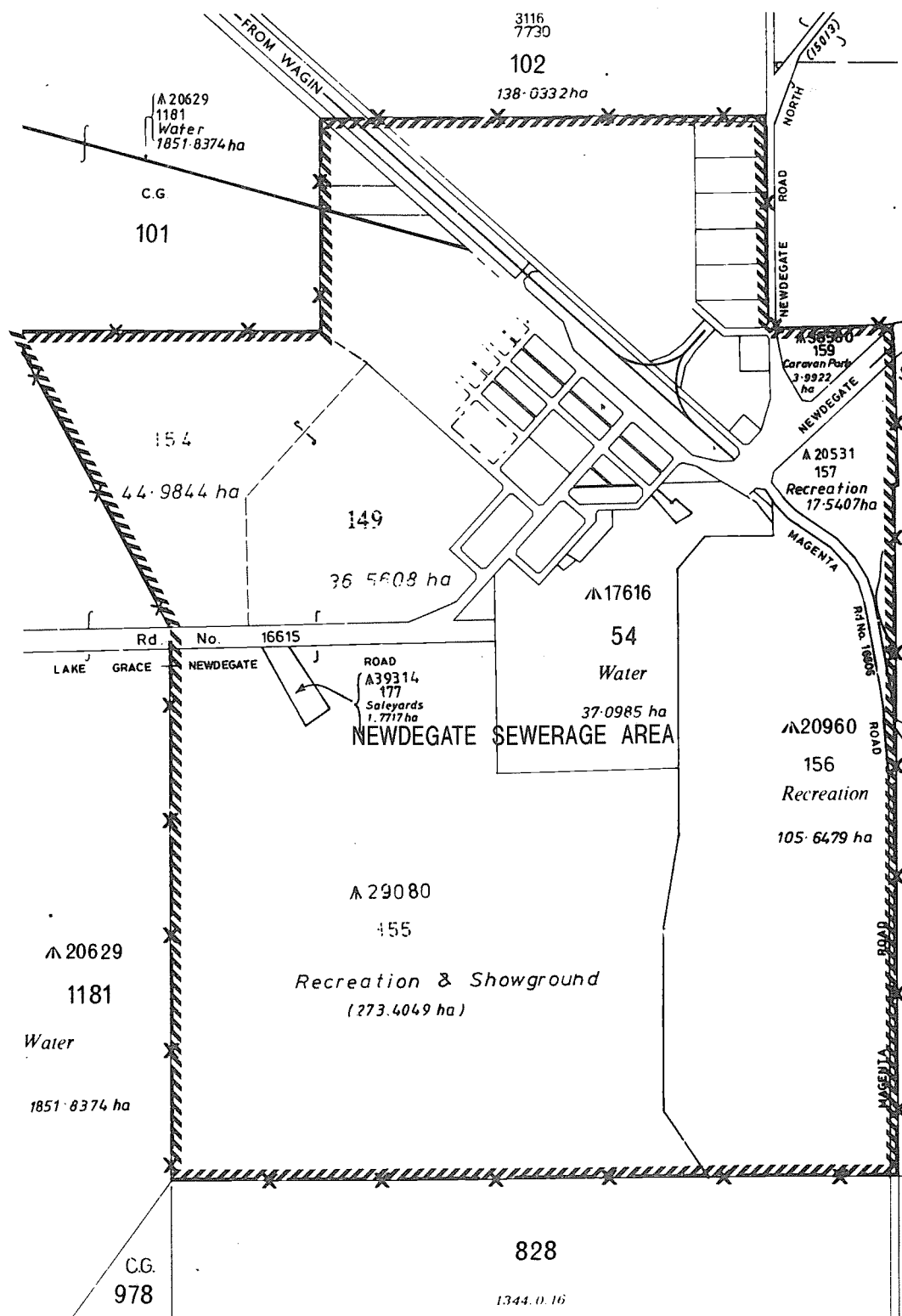
**WATER AUTHORITY****WA201**

At a meeting of the Executive Council held in the Executive Council Chambers, Perth, this 17th day of September 1991, the following Order in Council was ordered to be issued.

**COUNTRY TOWNS SEWERAGE ACT 1947****Newdegate Sewerage Area****ORDER IN COUNCIL**

File: A24828

Whereas it is enacted by section 4 (a) of the Country Towns Sewerage Act 1947, that the Governor may, by Order in Council, constitute any part or parts of the State outside the boundaries of the Metropolitan Water, Sewerage and Drainage Area as constituted and defined by Act No. 43 of 1909




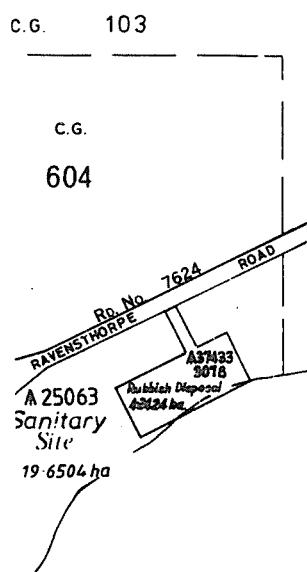


(as amended from time to time), as a sewerage area or sewerage areas under such name or names as may be directed by the Order in Council, now, therefore, I, the Governor, acting by and with the advice and consent of the Executive Council, do hereby constitute the sewerage area as defined in the schedule hereunder and assign the name Newdegate Sewerage Area thereto.

L. M. AULD, Clerk of the Council.

#### Schedule

All that area of land delineated and shown with symbolised boundary  on Water Authority of Western Australia Plan CH19 hereunder, as kept in the Water Authority of Western Australia.



LAKE BURKETT



BOUNDARY OF NEWDEGATE SEWERAGE AREA 

c.g.

759

105. 0. 12

NORTH POINT



PLAN

CH19

c.g.

51

# TRANSPORT

TR301

## TRANSPORT CO-ORDINATION ACT 1966 TRANSPORT (COUNTRY TAXI-CAR) AMENDMENT REGULATIONS 1991

Made by His Excellency the Governor in Executive Council.

### Citation

1. These regulations may be cited as the *Transport (Country Taxi-car) Amendment Regulations 1991*.

### Principal regulations

2. In these regulations the *Transport (Country Taxi-car) Regulations 1982\** are referred to as the principal regulations.

[\* *Published in the Gazette 23 July 1982 at pp. 2853-61.*  
*For amendments to 10 September 1991 see 1990 Index to*  
*Legislation of Western Australia, pp 385-6 and Gazette of 19 April*  
*1991.*]

### Regulation 8 amended

3. Regulation 8 of the principal regulations is amended in subregulation (2) by deleting "appropriate" and substituting the following —

" administration fee and the appropriate fee for issuing a licence "

### Regulation 20 amended

4. Regulation 20 of the principal regulations is amended in subregulation (1) by inserting after "registration" the following —

" , or a duplicate of a certificate of registration if requested, "

### Schedule repealed and a schedule substituted

5. The Schedule to the principal regulations is repealed and the following schedule is substituted —

SCHEDULE		\$
1.	Administration fee on the issue of a new taxi-car licence (reg. 8 (2)) . . . . .	50
2.	On the issue and renewal of an ordinary taxi-car licence (regs. 8 (2) and 10 (1)) . . . . .	32
3.	On the transfer of an ordinary taxi-car licence (reg. 11 (3)) . . . . .	50
4.	On the issue and renewal of a certificate of registration (regs. 20 (1) and 21) . . . . .	16
5.	On the issue of a duplicate certificate of registration (reg. 20 (1)) . . . . .	10 "

By His Excellency's Command,  
L. M. AULD, Clerk of the Council.

**TENDERS****ZT201****MAIN ROADS DEPARTMENT***Tenders*

Tenders are invited for the following projects.

Tender documents are available from the Contracts Clerk, Ground Floor, Main Roads Department, Waterloo Crescent, East Perth.

Tender No.	Description	Closing Date
87/91 .....	Supply and delivery of crushed aggregate, Narrogin .....	Tuesday Oct. 8, 1991
88/91 .....	Supply and delivery of crushed aggregate, Albany .....	Tuesday, Oct. 8, 1991
89/91 .....	Supply and delivery of crushed aggregate, Northam .....	Tuesday, Oct. 8, 1991

**ZT202***Acceptance of Tenders*

Contract No.	Description	Successful Tenderer	Amount
			\$
10/91 .....	Provision of routine testing for a 12 month period, Metropolitan.	SRC Laboratories	88 255.00
9/91 .....	Supply and delivery of crushed aggregate to June 30 1992, Metropolitan.	Atlas Quarries Boral Quarries Pioneer Concrete The Ready Mix Group	As Required
11/91 .....	Supply and delivery of 110 tonnes of granulated rubber, Metropolitan.	Hintec Engineering Services	48 290.00
65/91 .....	Construction of brick veneer triplex at Lot 1254 Bloodwood Crescent, Derby.	Goldawn Construction	209 674.00
91Q02 .....	Supply and delivery of one 4.0 kW diesel generating plant.	Modra Electric Power P/L	7 370.00

D. R. WARNER, Director, Administration and Finance.

**ZT301****STATE SUPPLY COMMISSION***Tenders Invited*

Tender forms and full particulars of the Schedule hereunder may be obtained on application at the State Supply Commission, 815 Hay Street, Perth, 6000.

TELEPHONE No. 222 8491 or 222 8241

FACSIMILE No. 321 7918

Date of Advertising	Schedule No.	Description	Date of Closing
1991 Sept. 13	003A1991	Supply and delivery of Paint Accessories to various Government Departments for a one (1) year period with the option of extending for a further one (1) year period .....	1991 October 3

STATE SUPPLY COMMISSION—*continued*  
Tenders Invited—*continued*

Date of Advertising	Schedule No.	Description	Date of Closing
1991			1991
Sept. 13	137A1991	Supply Cable, Power, Electrical to various Government Departments for a one (1) year period with an option to extend for a further one (1) year period .....	October 3
Sept. 13	149A1991	Supply, delivery and manufacture of various Vehicle Registration Plates for the W.A. Police Licensing Branch .....	October 3
Sept. 20	099A1991	Supply and delivery of Sterile Fluids, Large Volume to meet a "Whole of Health" Requirements for a two (2) year period with an option of a further extension (Recall of previous Tender Schedule No. 99A1991 which closed 2 May 1991) .....	October 10
Sept. 27	020A1991	Supply and delivery of Petri Dishes and Specimen Containers for a two (2) year period with an option of a further one (1) year .....	October 17
Sept. 27	516A1991	Supply and delivery of two (2) only Triple Axle Low Loaders in accordance with Specification P541 for the Main Roads Department—Derby .....	October 17
Sept. 27	515A1991	Supply of Corporate Database Environment for the Department of Corrective Services (Information Systems Solution to enhance the Department's Information Technology effectiveness) .....	October 24
Sept. 20	012A1991	Supply of Certain Classes of Motor Vehicles for various Government Departments .....	October 31
<i>For Service</i>			
Sept. 20	285A1991	Service and repair of Motor Vehicles within the Metropolitan Area for various Government Departments ...	Oct. 10
<i>Invitation to Register Interest</i>			
Sept. 20	ITRI 6/91	Registration for Cleaning Contracts for the Ministry of Education .....	Oct. 10
<i>For Sale</i>			
Sept. 13	506A1991	1984 Nissan Urvan Micro Bus (MRD 7798) at Welshpool	October 3
Sept. 13	507A1991	1987 Ford Maxi Econovan (MRD 8217), 1986 Toyota Coaster Bus (MRD 8921), 1986 Mazda T3500 Crew Cab Truck (MRD 9166) and 1987 Toyota 15 Seater Bus (MRD 9915) at Welshpool .....	October 3
Sept. 13	508A1991	1977 Chamberlain Rubber Tyred Tractor at Welshpool .	October 3
Sept. 13	509A1991	1987 Mitsubishi Triton Utility (MRD A907), 1989 Ford Falcon Panel Van (MRD B057), 1990 Ford Falcon Panel Van (MRD B679) and 1990 Mitsubishi Triton Utility (MRD B403) at Welshpool .....	October 3
Sept. 13	510A1991	1987 S.W.B. Nissan Patrol (6QY 119)—Extensive Accident Damage—at the Department of Conservation and Land Management at Bunbury .....	October 3
Sept. 27	511A1991	1986 Nissan Cabstar Dual Cab truck (MRD 9624) at Welshpool .....	October 17
Sept. 27	512A1991	1982 Clark Bobcat Loader (MRD 6052) and 1978 Chamberlain R/End Loader (MRD 3002) at Welshpool .....	October 17
Sept. 27	513A1991	1987 Toyota Landcruiser Personnel Carrier (6QN 644) at Agriculture Department, Kununurra .....	October 17
Sept. 27	514A1991	106 Hives of Bees, comprising a Longstroth brood box, two manley supers and a plastic queen excluder ..... NB: The Apiary has been infected with American Brood Disease (six diseased hives having been burnt in August 91) and is currently under quarantine management.	October 17

Tenders, addressed to the Chairman, State Supply Commission, 815 Hay Street, Perth 6000 will be received for the abovementioned tenders until 10.00 am on the date of closing.

Tenders must be properly endorsed on envelopes otherwise they are liable to rejection. No tender necessarily accepted.

L. W. GRAHAM, Chairman, State Supply Commission.

## ZT302

STATE SUPPLY COMMISSION—*continued*  
*Accepted Tenders*

Schedule No.	Particulars	Contractor	Rate
<i>Supply</i>			
019A1991	Supply and Delivery of Autoclave Bags to meet a whole of Health Requirement for a one (1) year period with option of a further one (1) year	Australian Medical Distributors	Details on Request
072A1991	Supply and Delivery of Typewriters Electronic and Electronic Memory and Specified Consumables for a one (1) year period with option to extend for two further 12 month periods	Canon Australia P/L .....	Item 4 \$648.00
399A1991 400A1991	Supply, Delivery, Installation and Commissioning of a Medical Linear Accelerator and a Radiotherapy Simulator and Patient Support System for Sir Charles Gairdner Hospital	Varian Australia P/L .....	Total \$1 758 312.80
446A1991	Supply, Delivery and Commissioning of a Gamma Camera for the Department of Nuclear Medicine at Royal Perth Hospital	Toshiba (Australia) P/L .	Total \$498 545.00
458A1991	Supply one (1) only Woodchipping Machine in accordance with specification P518-1 for The Main Roads Department	Boya Market Garden Equipment P/L	Total \$45 860.00
469A1991	Supply and Delivery of one (1) only Flat Top Truck with Hydraulic Crane for the Main Roads Department	Skipper Trucks Belmont	Total \$42 587.00
477A1991	Supply Forty Thousand Bath Towels for the Hospital Laundry and Linen Service	Canning Vale Weaving Mills Ltd	Item 1 \$3.95 ea.
<i>Purchase and Removal</i>			
497A1991	1989 Ford Falcon Sedan (MRD A519)—South Hedland	W. Hodgson .....	Item 1 \$10 515.00
498A1991	1990 Nissan Navara 4x4 Crew Cab Diesel Utility (MRD B374)—Car-narvon	Magic Nissan .....	Item 1 \$15 676.00
499A1991	1985 Nissan Civilian 22 Seater Bus (6QH 420)—Port Hedland	Bill Slattery Truck & Bus Sales	Item 1 \$10 276.00

## ZT401

## WATER AUTHORITY OF WESTERN AUSTRALIA

*Tenders*

Tenders are invited for the projects listed below and will be accepted up to 2.30 pm on the closing date specified.

Tender documents are available from the Supply Services Branch, Level 2, Entry 4, John Tonkin Water Centre, 629 Newcastle Street, Leederville, WA 6007.

Tender documents must be completed in full, sealed in the envelope provided and placed in the Tender Box located at the above Leederville address.

The lowest or any tender may not necessarily be accepted.

Contract No.	Description	Closing Date
		1991
AP 12041	Supply of Cleaning Rags and Cloths for a (12) twelve month period	15 October
AP 12042	Supply of Copper and Copper Alloy Pipe Fittings for a (12) twelve month period .....	15 October
AP 12044	Supply of Linear Position Transmitters, 1991-1993 .....	15 October
AP 12045	Supply of Anti-corrosive Tapes and Pastes for a twelve (12) month period .....	15 October
OS 13011	Helicopter charter 1991/1992—North West Region .....	15 October

**ZT402**

**WATER AUTHORITY OF WESTERN AUSTRALIA—continued**  
*Accepted Tenders*

Contract	Particulars	Contractor	Price
AM 10209 ..	Supply, Delivery and Installation of 3 Guyed Masts	Jennis & Leblanc Communications Pty Ltd	\$41 274
AM 10212 ..	The Supply and Delivery of Reinforcement Mesh for Beenyup Ocean Outlet No. 2	Aquila Steel Company Ltd	\$105 000
AM 10214 ..	Road Works for Maddington Collection Sewer Project, Maddington	Densford Holdings Pty Ltd	\$84 430

W. COX, Managing Director.

**ZT501**

**MARINE AND HARBOURS ACT 1981**

Dredging at Mandurah Ocean Entrance and  
Dredging at Kalbarri of the Murchison River—Ocean Entrance

Contract No.	Project	Closing Date	Tender Document From:
E 104....	Dredging at Mandurah Ocean Entrance	8/10/91 2.30 p.m.	Administrative Assistant Engineering Division
E 105....	Dredging at Kalbarri of the Murchison River—Ocean Entrance	8/10/91 2.30 p.m.	Administrative Assistant Engineering Division

Tender documents available from Monday, 23rd September 1991 on payment of a non-refundable deposit of \$15.00

M. J. PAUL, Director Engineering.

## PUBLIC NOTICES

**ZZ201**

**TRUSTEES ACT 1962**

Notice to Creditors and Claimants

Angela Di Marino late of Villa Terenzio Italian Community Nursing Home Kent Road, Marangaroo, Western Australia, died on the 8th day of August 1991 and Creditors and other persons having claims (to which section 63 of the Act relates) in respect of her estate are required to send particulars of their claims to the executor Renato John Marzo, of care of Jackson McDonald, Solicitors, GPO Box M971, Perth WA 6001, Ref: EJC by the 31st day of October 1991 after which date he may convey or distribute the assets of the estate having regard only to the claims of which he then has notice.

**ZZ202**

**TRUSTEES ACT 1962**

Notice to Creditors and Claimants

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before 28 October 1991, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Barker Janet Martin, late of 8 Boulton Street, Dianella, died 25/8/91.

Brams Elizabeth Frances Delcy, late of 10 Smith Street, Mosman Park, died 28/8/91.

Brooks Ernest, late of Victoria Park Nursing Home (East) Alday Street, East Victoria Park, died 19/8/91.

Brown Alma Lucy, late of 23 Hamilton Street, Bassendean, died 1/9/91.

Cartwright Willis, formerly of 45 Cabarita Road, Armadale, late of Repatriation General Hospital, Monash Avenue, Nedlands, died 8/8/91.

Coto Ian Robert, late of 11 Koolyanga Road, Mullaloo, died 31/8/91.  
Dolan Thomas Patrick, late of Little Sisters of the Poor, Croesus Street, Kalgoorlie, died 18/8/91.  
Edgar Lilian, late of Craigwood Nursing Home, 29 Gardner Street, Como, died 19/8/91.  
Evershed Ethel Isabel, formerly of 37A Bower Street, Doubleview, late of Unit 16 Jacaranda Lodge, 55 Belgrade Road, Wanneroo, died 2/9/91.  
Leach Alice Ethel, late of 88 Walter Road, Bedford, died 28/8/91.  
O'Brien Eileen, late of 44 Ruislip Street, West Leederville, died 14/8/91.  
Owiah Elsie, late of Numbala Nunga Nursing Home and Hospital, Sutherland Street, Derby, died 6/5/91.  
Parsons Francis Penwill, late of Gwenyfred Nursing Home, 62 Gwenyfred Road, South Perth, died 29/8/91.  
Riganello Max, late of 37 Johnsmith Street, Morley, died 24/6/91.  
Ross Rosanna Bridget, late of Como Nursing Home, 36 Talbot Avenue, Como, died 19/8/91.  
Reinsford Edward, late of Unit 5/21 Burt Street, Fremantle, died 5/9/91.  
Rekman John, late of 29 Reginald Street, Queens Park, died 5/9/91.  
Scott Robert Huston, late of Tormey House 67 Clever Street, West Perth, died 17/8/91.  
Singleton Arthur Henry, late of 8 Copley Street, Bayswater, died 19/8/91.  
Sutcliffe Winston Walter, late of Craigwood Nursing Home, Gardner Street, Como, died 19/8/91.  
Tillett Neville, late of 123 London Street, Mount Hawthorn, died 20/8/91.  
Triantopoulos Nicolaos, late of 28 Kurda Road, Balga, died 6/8/91.  
Urwin Edith Gordon, late of 23 Forsyth Gardens 15 Plantation Street, Mount Lawley, died 18/8/91.  
Dated this 23rd day of September, 1991.

J. HUNTER, Deputy Public Trustee,  
Public Trust Office, 565 Hay Street, Perth 6000.

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

Creditors and other persons having claim (to which section 63 of the Trustees act 1962 relates) in respect of the undermentioned deceased persons are required to send particulars of their claims to the Executors of care of Kott Gunning, Level 11, 66 St George's Terrace, Perth by the 1st November 1991 after which date the Trustees may convey or distribute the assets having regard only to the claims of which notice has been given.

Surname; Given Names; Address; Occupation; Date of Death.

Hall; Roy Jeffrey; 43 Justinian Street, Palmyra 6157; Electrician; 7/8/91.

McDonnell; James Patrick; 42 Norton Drive, Dianeilla 6062; Retired Railway Worker; 19/6/91.

KOTT GUNNING.

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**ZZ204****TRUSTEES ACT 1962****Notice to Creditors and Claimants**

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the undermentioned deceased person are required to send particulars of their claims to the Administratrix care of Mayberry, Hammond & Co., 85 Fitzgerald Street, Northam within one (1) calendar month from the date of publication of this Notice at the expiration of which time the Trustees may convey or distribute the assets having regard only to claims of which notice has been given.

Surname; Given Names; Address; Occupation; Date of Death.

Haslberger, George; 15 Chalfont Way, Swan View; Beef Carter; 11th January 1991.

Dated this 27th day of September 1991.

MAYBERRY, HAMMOND & CO., Solicitors for the  
Administratrix.

85 Fitzgerald Street  
Northam.

ZZ301

**INQUIRY AGENTS LICENSING ACT 1954**  
**APPLICATION FOR LICENCE IN THE FIRST INSTANCE**

To the Court of Petty Sessions at Perth.

I, Basil Hector Faulkner, of 10 Falkirk Court, Kinross WA 6028, Business Proprietor, having attained the age of twenty-one years, hereby apply on my own behalf for a licence under the abovementioned Act. The principal place of business will be at Suite 1/544 Hay Street, Perth WA 6000.

Dated the 20th day of September, 1991.

B. H. FAULKNER,  
Signature of Applicant.

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Appointment of Hearing

I hereby appoint the 29th day of October, 1991, at 2.15 o'clock in the afternoon as the time for the hearing of the foregoing application at the Court of Petty Sessions at Perth.

Dated the 20th day of September, 1991.

R. BRADLEY, Clerk of Petty Sessions.

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Objection to the granting of the application may be served on the applicant and the Clerk of Petty Sessions at any time prior to seven days before the date appointed for the hearing.

ZZ401

**IN THE SUPREME COURT OF WESTERN AUSTRALIA**

Companies No. 212 of 1991

In the matter of Corporation Law (Western Australia)

and

In the matter of Golden Park Pty Ltd (A.C.N. 009-431-501)

Notice is hereby given that a petition for the winding up of Golden Park Pty Ltd by the Supreme Court was at 11.40 o'clock in the forenoon on the 28th day of August 1991, presented by Corser & Corser and that the petition is directed to be heard before the Court sitting at Perth at the hour of 10.30 a.m. on the 2nd day of October 1991, and any creditor or contributory of Golden Park Pty Ltd, desiring to support or oppose the making of an order on that petition may appear at the time of hearing by himself or his counsel for that purpose; and a copy of the petition will be furnished to any creditor or contributory of Golden Park Pty Ltd requiring the same by the undersigned on payment of the regulated fee.

The Petitioner's address is 97 Aberdeen Street, Albany. The Petitioner's solicitor is Corser & Corser of 1st Floor, 256 Adelaide Terrace, Perth, Western Australia, 6000.

Dated the 19th day of September, 1991.

CORSER & CORSER, Solicitors for the Petitioner.

Note: Any person who intends to appear on the hearing of the petition must serve on or send by post to Corser & Corser notice in writing of his intention so to do. The notice must state the name and address of the person, or, if a firm, the name and address of the firm, and must be signed by the person or firm, or his or their solicitor (if any), and must be served, or, if posted, must be sent by post in sufficient time to reach Corser & Corser not later than four o'clock in the afternoon of the 1st day of October, 1991 (the day before the day appointed for the hearing of the petition or the Friday preceding the day appointed for the hearing of the petition if such day is a Monday, or a Tuesday following a public holiday).



ZZ402

AUSTRALIAN SECURITIES COMMISSION  
CORPORATIONS LAW

Form 546

Sub-regulation 5.6.65(1)

A.C.N. 008 789 393

Notice of Intention to Declare Dividend

Finer Veneers Pty Ltd

A dividend is to be declared on the 29th November 1991 in respect of the company.

Creditors whose debts or claims have not already been admitted are required on or before the 29th day of November 1991 formally to prove their debts or claims. In default, they will be excluded from the benefit of the dividend.

Dated this 20th day of September 1991.

D. D. NEWMAN, Liquidator.

Lodged by:  
Bird Cameron Partners  
Chartered Accountants  
8 St George's Terrace  
Perth W.A. 6000.

ZZ403

## COMPANIES (WESTERN AUSTRALIA) CODE

Companies Form 123

Sub-regulation 84(2)

A.C.N. 008 726 789

Notice of Final Meeting of Creditors

Roses Henty Dale Pty Ltd

A.C.N. 008 726 789

Notice is hereby given that a meeting of the members of the company will be held at the offices of Bird Cameron Partners, Chartered Accountants, 8 St George's Terrace, Perth on Monday, 4th November 1991 at 10.30 am.

## Agenda

1. To lay before the meeting the Liquidator's account showing how the winding up has been conducted and how the property of the company has been disposed of, and giving any explanation thereof.
2. To consider the approval of the Liquidator's fees for the period 11th December 1989 to 4th November 1991.
3. General business.

Dated this 20th day of September 1991.

D. D. NEWMAN, Liquidator for  
Roses Henty Dale Pty Ltd.

Lodged by:  
Bird Cameron  
Chartered Accountants  
8 St George's Terrace  
Perth W.A. 6000.

ZZ404

AUSTRALIAN SECURITIES COMMISSION  
CORPORATIONS LAW

Finer Veneers Pty. Ltd.

Notice of Special Resolutions

A.C.N. 008 789 393

Notice is hereby given that at a Meeting of Members of Finer Veneers Pty. Ltd. held on the 11th day of September, 1991 the following Special Resolutions were passed—

That the company be wound up under the provisions applicable to a Members' Voluntary Liquidation, and that Diana Denise Newman be and is hereby appointed Liquidator of the company

That the Liquidator is hereby authorised to distribute *in specie* such of the assets as she sees fit and on such conditions as she deems necessary to any one or more of the members of the company.

Dated this 20th day of September, 1991.

D. D. NEWMAN, Liquidator.

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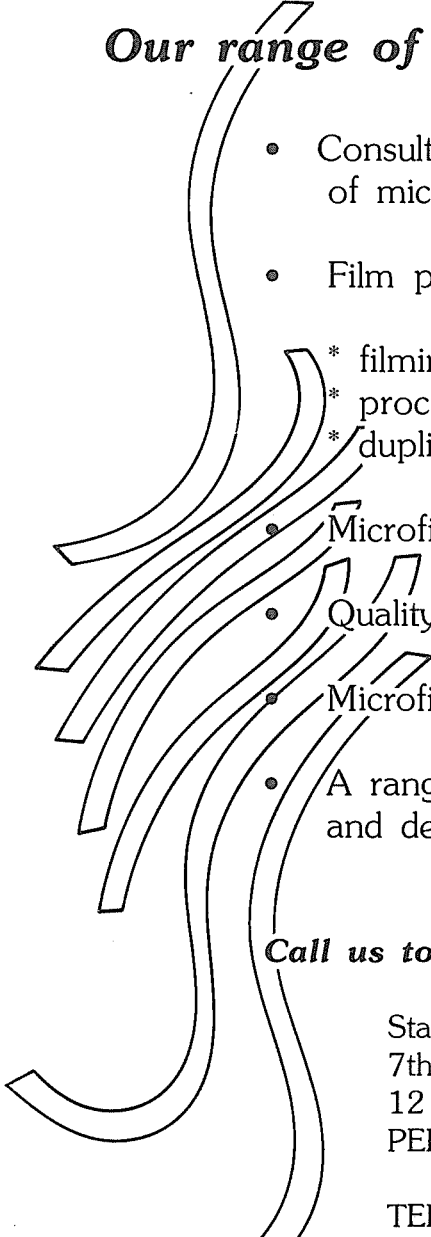
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