

WESTERN AUSTRALIAN GOVERNMENT Gazette

4643



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G. L. DUFFIELD, Director.

EMPLOYMENT AND TRAINING

EM401

KALGOORLIE COLLEGE COUNCIL

Office of the Minister for Employment and Training,
Perth.

It is hereby notified for general information that the Governor in Executive Council has, in accordance with section 13 (1) (a) of the Colleges Act 1978, approved the appointment of Mr Douglas Murray of 13 Crossland Street, Esperance, for a term expiring on 31 August 1994; and Ms Pat Leighton, of PO Box 876, Kalgoorlie, for a term expiring on 31 August 1995, as members of the Kalgoorlie College Council.

NORMAN MOORE, Minister for Employment and Training.

D. G. BLIGHT, Clerk of the Council.

HERITAGE COUNCIL

HR401

HERITAGE OF WESTERN AUSTRALIA ACT 1990

Revocation of Delegation of Powers and Duties

Take notice that on 26th of August 1993, in accordance with section 6 (7) of the Heritage of Western Australia Act 1990, I revoked the delegation made on 6 January 1993, to the Chairperson of the Heritage Council of Western Australia of my powers and duties under section 49 (1) (b) of the Act in respect of matters where no objections are raised to the entry of the place concerned in the Register.

Dated this 26th day of August 1993.

RICHARD LEWIS, Minister for Heritage.

LAND ADMINISTRATION

LB801

File No. 3004/1991.
Ex. Co. No. 1341.

LOCAL GOVERNMENT ACT 1960

PUBLIC WORKS ACT 1902

LAND ACQUISITION

Drainage—Charles Street—Shire of Swan

Notice is hereby given, and it is hereby declared, that the piece or parcel of land described in the Schedule hereto, being all in the Swan District have, in pursuance of the written consent under the Local Government Act 1960, and approval under section 17 (1) of the Public Works Act 1902, of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 17th day of August 1993, been compulsorily taken and set apart for the purposes of the following public work, namely—Drainage—Charles Street—Shire of Swan.

And further notice is hereby given that the said piece or parcel of land so taken and set apart are shown marked off on LTO Diagram 80523 which may be inspected at the Department of Land Administration, Perth. The additional information contained in the Schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description.

And it is hereby directed that the said lands shall vest in Shire of Swan for an estate in fee simple in possession for the public work herein expressed, freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way or other easements whatsoever.

Schedule

Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
Anthony Peter and Kirstie Paula Brown	A. P. & K. P. Brown	Portion of Swan Location 15 and being that part of the common property above 15 metres over and below 0.5 metres under that part of Lot 4 on Strata Plan 21204 now contained in Diagram 80523.	247 m ²
Con Hubbeling	C. Hubbeling		
Patricia Margaret Stewart	P. M. Stewart		
Edna Mary Burgess	E. M. Burgess		

Certified correct this 6th day of August 1993.

GEORGE CASH, Minister for Lands.

Dated this 17th day of August 1993.

FRANCIS BURT, Governor in Executive Council.

LB901

File No. 2519/1992.

LOCAL GOVERNMENT ACT 1960

PUBLIC WORKS ACT 1902

NOTICE OF INTENTION TO TAKE OR RESUME LAND

Rights-of-Way—City of Perth

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 piece or parcel of land described in the Schedule hereto, and being all in the Perthshire District, for the purpose of the following public work, namely, Rights-of-Way—City of Perth, and that the said piece or parcel of land are marked off on Plans L.A., W.A. 1009, 1010, which may be inspected at the office of the Department of Land Administration, Perth. The additional information contained in the Schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description.

Schedule

No. on Plan L.A., W.A. No. 1009, 1010	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
	Charles Worthy Johnson	City of Perth by Notice of Entry	The rights-of-way on Plan 2554 remaining in Certificate of Title Volume 775 Folio 179.	1001 m ² on Plan L A W A 1 0 0 9 530 m ² on Plan 1010

Dated this 6th day of August 1993.

GEORGE CASH, Minister for Lands.

LOCAL GOVERNMENT

LG401

TOWN OF CLAREMONT
Fees, Rents and Other Charges

	Lesser	Main	Lesser and Main
Town Hall			
Night use (6 pm-1 am)—			
Social Functions	\$12.50 per hour	\$21.00 per hour	\$25.00 per hour
Meetings	\$11.50	\$20.00	\$25.00
Classes (Monday-Thursday only)	\$8.50	\$8.50	\$13.50
Day use (8 am-5 pm)—			
Social Functions	\$8.50	\$16.00	\$20.00
Meetings	\$7.50	\$13.50	\$16.00
Classes (Monday-Thursday only)	\$6.50	\$8.50	\$13.50
Setting-up Fees.....	\$6.50	\$8.50	\$11.50
Church Services	\$10.00		
Minimum Bonds	\$100.00	No alcohol	
(May be varied at the discretion of Council Administration)	\$200.00	Alcohol	
	\$500.00	Social functions	
Piano Hire	\$7.00	for 2 hour maximum	
	\$12.50	per day or evening	
Concessions	20% reduction to local organisations (on appli- cation to administration)		
Tennis Courts			
Rowe Park	\$3.50	per hour	
Aquatic Centre			
Adults	\$2.00		
Children	\$0.70		
School Group/Classes	\$0.50		
Concession Tickets	\$12.00		
Vacation Concession	\$7.50		
Professional Fees—Scuba Diving	\$350.00	per season, plus daily adult admittance	
Coaching Rights	\$3 500.00		
Kiosk	\$1 200.00		
Clubrooms	\$100.00	per club	
Other Reserves			
Rowe Park Pavilion—			
Community Groups—			
Day Hire	\$8.00	per day	
Half Day	\$4.00	per half day	
Night Hire	\$5.00	per night	
Commercial Organisations	Double the Community Rates		
Rubbish Removal			
Non Rateable	\$175.00		
Properties—			
Additional/Bulk Rubbish Services—			
240 litre MGB	\$87.00	per removal/per year	
Commercial—			
1.5 m	\$800.00		
3.0 m	\$1 590.00		
Parking			
Royal Show	\$5.00	per entry	
Special Events	\$2.00	per entry	

	Lesser	Main	Lesser and Main
Claremont Museum			
Admissions—			
Adults	Free		
Children	Free		
Seniors	Free		
PAS Services—			
Business Enquiries	\$30.00		
Community Enquiries	\$5.00		
Friends of Museum	Free		
Photographic Orders—			
Private	\$10.00	1st negative or cost of new negative	
		\$6.00 thereafter	
Business	\$30.00	1st negative or cost of new negative	
		\$20.00 thereafter	
Group Bookings—			
Tour Coaches	\$2.00	per adult with guided tour	
Guide for Coach on Local Tour	\$30.00	per hour	
Tea/Coffee	\$1.00	per person with visit only	
Group Booking—Teas	\$4.00	per person with Museum Guide	
Micro Film Reader—			
Business	\$20.00	per hour	
Private	\$10.00	per hour	
Friends of the Museum	Free		
Telephone Calls	\$0.40		

LG402**TOWN OF CLAREMONT**

It is hereby notified for public information that Anthony Stanley has been appointed Parking Inspector/Ranger for the following purposes—

- (1) Local Government Act 1960
- (2) Dog Act 1976
- (3) Litter Act 1979;

and for the purpose of control and supervision of any of the by-laws of council including—

- (1) By-law relating to Parking
- (2) By-law relating to Dogs
- (3) By-law relating to Litter
- (4) By-law relating to Signs
- (5) By-law relating to Reserves.

The previous authorities with respect to the above Acts and by-laws are hereby cancelled, effective as from 17 July 1993.

D. H. TINDALE, Town Clerk.

LG403**DOG ACT***Shire of Boyup Brook*

It is hereby noted for public information that the following people have been appointed as authorised officers under the Dog Act—

Peter Robert Webster
John Andrew Anderson
Leah Holleley
Stacey Denise Twigg
Niel Dyer

Any previous appointments are hereby cancelled.

P. R. WEBSTER, Shire Clerk.

LG501

LOCAL GOVERNMENT ACT 1960

HEALTH ACT 1911

Town of Claremont

Memorandum of Imposing Rates

At a special meeting of Council of the Town of Claremont held on 29 July 1993, it was resolved that the rates and charges specified hereunder shall be imposed on all rateable property within the district of the Municipality in accordance with the provisions of the Local Government Act 1960 and the Health Act 1911.

Dated this 30th day of July 1993.

P. H. WEYGERS, Mayor.
D. H. TINDALE, Town Clerk.

Schedule of Rates and Charges Levied

General Rate: 6.79 cents in the dollar on Gross Rental Values on all rateable property within the district.

Rubbish Removal: (Non Rateable) \$175.00 per annum.

Penalty: A penalty of 10% will be applied to rates outstanding at 31 January 1994 (except of those owed by eligible pensioners).

LG502

LOCAL GOVERNMENT ACT 1960

HEALTH ACT 1911

Shire of Trayning

Memorandum of Imposing Rates 1993/94 Financial Year

To whom it may concern.

At a Meeting of the Council of the Shire of Trayning held on Wednesday, 28 July 1993, it was resolved that the Rates and Charges specified hereunder, be imposed on all rateable property within the District of the Shire of Trayning, in accordance with the provisions of the Local Government Act 1960 and the Health Act 1911 for the period of 1 July 1993 to 30 June 1994.

Dated this 13th day of August 1993.

W. D. COUPER, President.
G. M. PEDDIE, Shire Clerk.

Schedule of Rates Levied

General Rates—

Rural Lands—3.1453 cents in the dollar on the Unimproved Value of Properties.

Townsites of Trayning, Kununoppin and Yelbeni—5.8757 cents in the dollar on Gross Rental Value of Properties.

Minimum Rates—\$50.00 on all rateable land within the district.

Rubbish Removal—

\$75.00 per annum—one weekly service

\$37.50 per annum—second or subsequent service

\$37.50 per annum—Pensioners: one weekly service

Discount: 10 per cent on all current rates paid in full within 35 days of the issue date of assessment. Minimum rates and rates paid by instalments are excluded.

Penalty: A penalty of 10 per cent will be charged on all rates (except eligible pensioners) remaining unpaid at 31 January 1994.

LG701

BUSH FIRES ACT 1954*Shire of Greenough*

Notice to all owners and/or occupiers of land situated in the Shire of Greenough

Pursuant to the powers contained in section 33 of the above Act, you are required on or before the first day of October and thereafter up to and including the first day of May the following year for Rural Land; and on or before the fifteenth day of November for Urban land; or within 14 days of the date of your becoming an owner or occupier of land, to have a firebreak not less than two point four (2.4) metres in width clear of all inflammable material in accordance with the following:

RURAL LAND:

1. Within 20 metres inside and along the whole of the external boundaries of the said lands owned or occupied by you.
2. Around and within 20 metres of the perimeter of each building, haystack, and any standing crop, on such lands so as to completely enclose each thereof with such a firebreak.
3. When any of such lands adjoin a road within such lands and along the common boundary of such land and such roads.
4. Where the area of land is 0.2 hectares or less, all inflammable material on the land shall be removed from the whole of the land.
5. In addition to any firebreaks required in paragraphs (1), (2), (3) and (4) herein, you shall clear of all inflammable material from the whole of the land occupied by drums used for the storage of inflammable liquid, where the drums contain inflammable liquid or not, including any land on which ramps for holding the drums are constructed, and an area outside the land so occupied to a distance of not less than three (3) metres.

URBAN LAND:

Subdivided residential land contained within the following areas:

1. Karloo/Mt. Tarcoola/Tarcoola Beach/Wandina
That land contained within the localities of Karloo, Mt Tarcoola, Tarcoola Beach and Wandina (as outlined on Scheme Map 19/93/082) that is within the Shire of Greenough.
2. Moresby/Strathalbyn/Woorree
That land contained within the localities of Moresby, Strathalbyn and Woorree (as outlined in Scheme Map 19/93/082) that is within the Shire of Greenough.
3. Drummond Cove/Glenfield/Waggrakine/Forrester Park
That land contained within the localities of Drummond Cove, Glenfield, Waggrakine and Forrester Park (as outlined on the Scheme Map 19/93/082) that is within the Shire of Greenough.
4. Deepdale/Utakarra
That land contained within the localities of Deepdale and Utakarra (as outlined on the Scheme Map 19/93/082) that is within the Shire of Greenough.
5. Cape Burney/Narngulu/Walkaway Townsite
That land contained within the localities of Cape Burney, Narngulu and Walkaway Townsite (as outlined on the Scheme Map 19/93/082) that is within the Shire of Greenough.
6. Where the area of the land is 0.2 hectares or less, all inflammable material on the land shall be removed from the whole of the land.
7. Where the land exceeds 0.2 hectares in area, firebreaks at least two point four (2.4) metres wide shall be cleared of all inflammable material immediately inside all external boundaries of the land and also immediately surrounding all buildings situated on the land.

If it is considered impractical for any reason to clear or remove inflammable material from the land in Rural areas as required by this Notice, you may apply to the Council or its duly Authorised Officer, not later than 15 September for permission to provide firebreaks in alternative positions or take alternative action to abate the fire hazards on the land. If permission is not granted by Council or its duly Authorised Officer, you are to comply with the requirements of the Notice. Inflammable material is defined for the purposes of this Notice to include bush, dry grasses, timber, boxes, cartons, paper, and like inflammable materials, rubbish and also any combustible matters, but does not include green standing trees or growing bushes and plants in gardens or lawns.

The penalty for failing to comply with this Notice is a fine not exceeding \$1 000 and a person in default is liable, whether prosecuted or not, to pay the cost of performing the work directed by this Notice if it is not carried out by the owner or occupier by the date required by this Notice. If the requirements of this Notice are carried out by burning, the burning must be in accordance with the relevant provisions of the Bush Fires Act.

By Order of the Council,

W. T. PERRY, Shire Clerk.

LG901**LOCAL GOVERNMENT ACT 1960***Shire of Dundas***NOTICE OF INTENTION TO BORROW**

Proposed Loan No. 75 for \$60 000

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

Loan Number 75 for \$60 000 over a 5 year term at the ruling rate of interest for the purpose of plant purchase (rubbish truck)

Plans, specifications and estimates of costs pursuant to section 609 are open for inspection by ratepayers and electors of the Municipality, at the office of the Council during normal office hours, for a period of 35 days from the date of publication of this notice.

P. W. BROWN, President.
E. A. GILBERT, Shire Clerk.

LG902**LOCAL GOVERNMENT ACT 1960***Shire of Brookton*

Proposed Loan No. 72 of \$25 000

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

Terms

\$25 000 for a period of 15 years at the ruling rate of interest. Repayable at the Office of the Council in 30 half yearly instalments of principal and interest.

Purpose

A self-supporting loan on behalf of the Brookton Tennis Club for the purpose of re-surfacing the tennis courts located on Reserve No. 19397, White Street, Brookton.

Ratepayers Notice

Repayment of the Loan will be made by the Brookton Tennis Club.

Details of the proposal as required by section 609 of the Act are available for inspection at the Council's offices during normal working hours for a period of 35 days after the first publication of this notice.

G. C. MATTHEWS, President.
I. N. CURLEY, Shire Clerk.

PARLIAMENT**PA401****PARLIAMENT OF WESTERN AUSTRALIA**

Bill Assented To

It is hereby notified for public information that His Excellency the Governor has Assented in the name and on behalf of Her Majesty the Queen, on the date shown, to the undermentioned Bill passed by the Legislative Council and the Legislative Assembly during the First Session of the Thirty-Fourth Parliament.

Short Title of Bill; Date of Assent; Act No.

Supply Bill 1993; 25 August 1993; Act No. 7 of 1993.

L. B. MARQUET, Clerk of the Parliaments.

PLANNING AND URBAN DEVELOPMENT

PD301

TOWN PLANNING AND DEVELOPMENT ACT 1928

Shire of Koorda

Interim Development Order No. 1

Ref: 26/4/15/1.

Notice is hereby given that the Honourable Minister for Planning has approved of the extension for twelve months from 22 September 1993, of the Shire of Koorda Interim Development Order No. 1, pursuant to the provisions of section 7B of the Town Planning and Development Act 1928.

SARAH ARTHUR, Secretary,
Committee for Statutory Procedures.

PD402

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Bunbury

Town Planning Scheme No. 6—Amendment No. 143

Ref: 853/6/2/9, Pt. 143.

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 has approved the City of Bunbury Town Planning Scheme Amendment on 21 August 1993, for the purpose of:

1. Rezoning part of Part Lot 184 Mangles Street, Bunbury from "Special Use—Worship" to "Residential R15" as depicted on the Scheme Amendment Map.
2. Rezoning part of Part Lot 184 Mangles Street, Bunbury from "Special Use—Worship" to "Park, Recreation and Drainage".

E. MANEA, Mayor.
G. BRENNAN, Town Clerk.

PD403

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Canning

Town Planning Scheme No. 24—Amendment No. 15

Ref: 853/2/16/20, Pt. 15.

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 has approved the City of Canning Town Planning Scheme Amendment on 22 August 1993, for the purpose of making the following text alteration:

After existing Clause 57, insert the following new Clause 57A:

- " 57A Moneys received by the Council for the benefit of this Scheme, pursuant to the provisions of Clause 47A of the City's Town Planning Scheme No. 30 shall not form part of the general revenue of the Council but shall be used by the Council for improvements which in the opinion of the Council will be of benefit generally to land within the Scheme Area. "

M. S. LEKIAS, Mayor.
I. F. KINNER, Town Clerk.

PD404

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Stirling

District Planning Scheme No. 2—Amendment No. 173

Ref: 853/2/20/34, Pt. 173.

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 has approved the City of Stirling Town Planning Scheme Amendment on 22 August 1993, for the purpose of:

1. Amending Clause 1.1.11.2 by altering the definition of Home Occupation to read—
“ Home Occupation: means an activity conducted within a dwelling unit or curtilage of a dwelling unit in accordance with Clause 2.2.10. ”
2. Amending Clause 2.2.10.1 by—
 - 2.1 deleting sub-paragraph (a)
 - 2.2 Renumbering sub-paragraphs (b) to (j) inclusive to (a) to (i)
 - 2.3 inserting the following sub-paragraph—
“ (j) does not attract customers or regular and frequent deliveries of goods or equipment to the site. ”

A. A. SPAGNOLO, Mayor.

P. A. DUNN, for Town Clerk.

PD405

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Brookton

Town Planning Scheme No. 2—Amendment No. 3

Ref: 853/4/6/2, Pt. 3.

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 has approved the Shire of Brookton Town Planning Scheme Amendment on 21 August 1993, for the purpose of rezoning Lots 82, 83, 84, 85 and 86 Williams Street, Brookton from “Residential” to “Commercial” and amending the scheme maps accordingly.

G. C. MATTHEWS, President.

I. N. CURLEY, Shire Clerk.

PD406

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Greenough

Town Planning Scheme No. 4—Amendment No. 25

Ref: 853/3/7/6, Pt. 25.

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 has approved the Shire of Greenough Town Planning Scheme Amendment on 21 August 1993, for the purpose of making the following modifications to the Scheme Text and Maps:

1. SCHEME TEXT

The following modifications shall be made to the Scheme Text:

(A) General Provisions for Special Rural Zones

Delete the whole of Clause 3.9 (including 3.9.1, 3.9.2, 3.9.3 and 3.9.4) and replace with new Clause:

“ 3.9 Requirements for Special Rural Zones

3.9.1 Lot sizes within Special Rural Zones shall be no less than 1 hectare in size and in accordance with the lot sizes indicated in Appendix III.

- 3.9.2 The principal use of land within Special Rural Zones shall be residential, however opportunities exist for rural/residential and hobby farm lifestyles in accordance with the controls of this Scheme and to such an extent that the activities undertaken within the areas so zoned, maintain a rural character and the areas as a whole do not have a detrimental effect on nearby farming or other uses.
- Ancillary land uses are listed in the Zoning and Development Table and Appendix III. Rural pursuits as defined in Appendix VII are not permitted uses in Special Rural Zones.
- 3.9.3 In addition to a building licence, the Council's prior approval to commence development is required for all development including a single house and such application shall be made in writing to the Council and be subject to the provision of Clause 6.1 of the Scheme.
- 3.9.4 In considering applications for planning consent Council shall ensure that the development proposed will not result in any net export of nutrients from the land to any wetland, water course or underground aquifer and may require no further clearing of remnant native vegetation.
- 3.9.5 As a condition of planning consent for development on each lot, Council shall require the planting and maintenance of at least 20 native or locally acceptable trees capable of growing to a height of at least 5 metres.
- 3.9.6 Applications for planning consent shall clearly indicate the location of existing remnant native vegetation and where necessary, Council may require that the remnant native vegetation be protected.
- 3.9.7 In order to conserve the features of the rural environment, all trees shall be retained unless their removal is authorised by the Council.
- 3.9.8 The use of secondhand building materials is prohibited unless the Council grants special approval in writing.
- 3.9.9 All stormwater shall be retained on site with no direct drainage into water courses or wetlands.
- 3.9.10 Conventional septic systems shall be located at least 100 metres from any water course or wetland with a minimum of 2 metres vertical separation between the base of the leach drain or soakwell and the highest known groundwater level or bedrock.
- 3.9.11 Alternative domestic waste water systems will only be approved once appropriate approvals have been obtained from the relevant State Government agencies.
- 3.9.12 When considering proposals for rezoning of land to Special Rural, Council will have regard to its Local Rural Strategy dated January 1993 and require:
- (a) any watercourses or wetlands on the land to be adequately protected from land uses;
 - (b) the identification of management techniques to reduce existing or potential soil erosion problems;
 - (c) preparation of a detail fire protection strategy which makes provision for firebreaks and fuel reduced areas around buildings, fire vehicle access, fire hydrants or pipe stands and tanks, and adequate fire fighting equipment; and
 - (d) only consider proposals outside those areas identified in the Local Rural Strategy once the Strategy has been reviewed to include the additional land.
- 3.9.13 All land zoned Special Rural will be included within a Development Area unless the land is already subdivided in accordance with an overall subdivisional layout plan.
- 3.9.14 Prior to supporting any subdivision of land within a Special Rural Zone, Council will require the preparation and approval of an overall subdivisional layout plan in accordance with the provisions of Clause 4.2. Once the land has been subdivided, Council will not support the further subdivision of the land.
- 3.9.15 As a condition of subdivision approval, Council may request that the subdivider be required to enter into an agreement with Council for the planting and maintenance of native or locally acceptable trees within specified road reserves in such a manner as to create an avenue of trees within the subdivision.
- 3.9.16 In addition to such other provisions of the Scheme as may affect it, any land which is included in a Special Rural Zone shall be subject to those provisions as may be specifically set out against it in Appendix III.
- 3.9.17 Notwithstanding the provisions of Clause 3.9, Council will have regard to any adopted planning policy or guidelines when considering development and subdivision proposals within Special Rural Zones. "

(B) Provisions for Development Areas

Delete Clauses 4.2.1 and 4.2.2 and replace with the following new Clauses:

- “ 4.2.1 Council shall not recommend approval or support for subdivision or development of land within a development area unless:
- (a) an overall plan and support in respect thereof has been approved by the Council; and
 - (b) the land has been appropriately zoned to accommodate the subdivision or development proposed; or
 - (c) a Town Planning Scheme in respect of the subdivision and development of the land within the development area has been prepared and has come into operation (in this Clause referred to as a ‘development scheme’); nor
 - (d) otherwise than in accordance with the requirements and provisions of the overall plan or the development scheme, as the case may be.
- 4.2.2 An overall plan shall show the following:
- (a) the overall layout of road systems;
 - (b) the location of public services, public open space and community facilities; and
 - (c) the proposed subdivision or development incorporating any staging of development or subdivision (the extent of staging to be agreed to by the Council and prior to adoption of the overall plan), and shall be accompanied by a report in writing giving the details of the proposed subdivision or development. The overall plan and report may form a part of a request for rezoning, however in this instance the report is to be in the form of a Town Planning Scheme amendment report, in accordance with the Town Planning Regulations. ”

(C) Appendix III—Special Rural Zones—Additional Requirements

Delete the whole of Appendix III and replace with the following new Appendix III:

Area	Additional Requirements to Clause 3.9 and the Zoning and Development Table
<p>Moresby/Forrester Park: Portion of Locations 2276 and 2964 as shown on the Scheme Map.</p>	<ul style="list-style-type: none"> (a) Minimum lot size shall be 1 hectare with an average lot size within any subdivision of 2 hectares. (b) As this zone comprises of an area with high landscape value, all buildings on any one lot shall be erected within 25 metres of the outer walls of the dwelling. (c) Notwithstanding (b), where by reason of the nature of materials to be stored in a building, Council is satisfied that it would be undesirable that buildings be clustered it may allow buildings to be separated by such distance as determined by Council. (d) No building or structure with a height exceeding 6 metres above the natural grounds surface shall be permitted. (e) No removal of any remnant native vegetation is permitted without the prior special approval of Council. (f) No development or land use activity shall impede in any way the natural water flow along any creek line or water course. (g) Within this locality, the keeping of stock is permitted with the following restrictions: <ul style="list-style-type: none"> (i) Only one stock option as described in (ii) below or a combination equivalent of one option is permitted. (ii) Maximum stocking rates are: <ul style="list-style-type: none"> 2 Horses/hectare; 2 Cows or Heifers/hectare; 10 Sheep/hectare; or 10 Goats/hectare.
<p>Woorree/Eastlyn: That part of the District generally bounded by Place Road, Chapman River, Polo Road and Geraldton/Walkaway Road as shown on the Scheme Map.</p>	<ul style="list-style-type: none"> (a) Minimum lot size shall be 1 hectare. (b) No building shall be constructed in such a manner or of such materials that it would, in the opinion of Council, impact adversely on the local amenity. (c) Within this locality the keeping of stock is permitted with the following restrictions: <ul style="list-style-type: none"> (i) Only one stock option (as described in (ii) below) or a combination equivalent of one option is permitted;

Area

Additional Requirements to Clause 3.9
and the Zoning and Development Table

Walkaway:

Portion of Lot 2 and Lot 7
Evans Road, as shown on
the Scheme Map

- (ii) Maximum stocking rate options for a 1 hectare lot are:
 - 2 Horses;
 - 2 Cows/Heifers;
 - 10 Sheep; or
 - 10 Goats
- (iii) Where stables, yards and supplementary feeding are provided to the animals, maximum stocking rates of twice the above rates are permitted without the special approval of Council.
- (iv) Where the keeping of animals results in problems due to land degradation, nutrient enrichment/leaching, animal welfare or public nuisance, Council may require restriction of stocking rates to the above rate as described in part (ii).
- (d) All trees and remnant native vegetation shall be protected from grazing by stock, and Council may require fencing to ensure protection is maintained.
- (e) The following uses are not permitted unless special approval is given by the Council after advertising:
 - Horse Training Areas;
 - Dog Kennels (more than 2 dogs);
 - Veterinary Clinic; and
 - Veterinary Hospital.
- (a) Minimum lot size shall be 2 hectares.
- (b) No lot shall have direct road access onto any future major roads except via existing roads.
- (c) Any land required for future major road shall be vested in the Crown as a condition of subdivision.
- (d) A recreation area of approximately 5.8 hectares in the North East corner of the area shall be vested in the Crown free of cost as a condition of subdivision and added to the polo ground.
- (e) Prior to support or approval being given to any subdivision application a comprehensive flood and stormwater drainage system for the entire area must be prepared and approved by the relevant government agencies.
- (f) As a condition of subdivision Council may request, if it is deemed necessary, the subdivider to contribute towards the construction of a drainage system with flood management controls adequate to reduce the impact of flooding and stormwater drainage on the land.
- (g) Within this locality the keeping of stock is permitted with the following restrictions:
 - (i) Only one stock option (as described in (ii) below) or a combination equivalent of one option is permitted:
 - (ii) Maximum stocking rate options for 1 hectare of land are:
 - 2 Horses;
 - 2 Cows/Heifers;
 - 10 Sheep; or
 - 10 Goats
 - (iii) Where stables, yards and supplementary feeding are provided to the animals, maximum stocking rates of twice the above rates are permitted without the special approval of Council.
 - (iv) Where the keeping of animals results in problems due to land degradation, nutrient enrichment/leaching, animal welfare or public nuisance, Council may require restriction of stocking rates to the above rate as described in part (ii).
- (h) All trees and remnant native vegetation shall be protected from grazing by stock, and Council may require fencing to ensure protection is maintained.

Area	Additional Requirements to Clause 3.9 and the Zoning and Development Table
<p>Glenfield: Portion of Location 1713 and being Lots 3, 4, 5, 29-42 inclusive and 114, as shown on the Scheme Map.</p>	<p>(i) The following uses are not permitted unless special approval is given by Council after advertising: Horse Training Areas; Dog Kennels (more than 2 dogs); Veterinary Clinic; and Veterinary Hospital.</p> <p>(a) Minimum lot size shall be 1.5 hectares.</p>
<p>Meru: Portion of Location 1229, as shown on the Scheme Map.</p>	<p>(a) Minimum lot size shall be 1 hectare.</p> <p>(b) No building shall be constructed in such a manner or of such materials that it would, in the opinion of Council, impact adversely on the local amenity.</p> <p>(c) Within this locality the keeping of stock is permitted with the following restrictions:</p> <p>(i) Only one stock option (as described in (ii) below) or a combination equivalent of one option is permitted;</p> <p>(ii) Maximum stocking rate options for 1 hectare of land are: 2 Horses; 2 Cows/heifers; 10 Sheep; or 10 Goats</p> <p>(d) All trees and remnant native vegetation shall be protected from grazing by stock and Council may require fencing to ensure protection is maintained.</p> <p>(e) The following uses are not permitted unless special approval is given by Council after advertising: Dog Kennels (more than 2 dogs); Veterinary Clinic; Veterinary Hospital.</p>
<p>Rudds Gully: That part of the District generally bounded by Rudds Gully Road, Jandanol Road and the future highway, as shown on the Scheme Map.</p>	<p>(a) Minimum lot size to be 2 ha with an average lot size of 4 ha. A minimum lot size of 10 ha for those lots abutting the future highway reserve.</p> <p>(b) No lot shall have direct access to the future highway.</p> <p>(c) The stream and foreshore of Rudds Gully shall be incorporated into a recreation reserve that shall be created at the time of subdivision of the land.</p> <p>(d) No building shall be sited between Rudds Gully and Rudds Gully Road.</p> <p>(e) Within this locality, the keeping of stock is permitted with the following restrictions:</p> <p>(i) Only one stock option (as described in (ii) below) or a combination equivalent of one option is permitted.</p> <p>(ii) Maximum stock rates are: 1 Horse/2 hectares; 1 cow/2 hectares; 5 goats/hectare; or 4 dry sheep/hectare</p> <p>(iii) Where stables, yards and adequate supplementary feeding is provided to the animals, maximum stocking rates of twice the above rates are permitted without the special approval of Council.</p> <p>(iv) Where the keeping of animals results in problems due to land degradation, nutrient enrichment/leaching, animal welfare or public nuisance, Council may require restriction of stocking rates to the above rate as described in Part (ii).</p>

Area

Additional Requirements to Clause 3.9 and the Zoning and Development Table

- (f) All trees and vegetation shall be protected from grazing by stock, and Council may require fencing to ensure protection is maintained.
- (g) The following uses are not permitted unless special approval is given by Council after advertising:
 Dog Kennels (more than 2 dogs);
 Veterinary Clinic; and
 Veterinary Hospital

(D) Zoning Table

Delete the whole Zoning and Development Table for Zone Special Rural and replace with a new Zoning and Development Table as follows:

ZONE SPECIAL RURAL
ZONING AND DEVELOPMENT TABLE
POLICY STATEMENT: It is the intention of the Council to provide a variety of opportunities for rural/residential and hobby farm lifestyles. It is also the intention of Council to ensure that the activities undertaken within the areas so zoned, maintain a rural character and the areas as a whole do not have a detrimental effect on nearby farming and other land uses. The standards and requirements of this table should be read in conjunction with Clause 3.9 and Appendix III.

Permitted Uses	Development Standards									
	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking Space	Minimum Landscaping	Maximum Advertising	Other Requirements
				Front	Rear	Sides				
1. Single House	Refer to Appendix III	50 m	N/A	15 m	7.5 m	5 m	3			Clauses 3.9 & 4.2.1. & Appendix III Apply
2. Residential Building							1 space/bedroom			Only 1 dwelling houses per lot
3. Art & Craft Studio and Sales										
4. Private Recreation										
5. Plant Nursery (not including sale to the public)										
6. Office of Professional persons within a dwelling house									2 m ²	
7. Plant Nursery including sales to the public							6		At Council discretion	Council will require advertising of application prior to consideration for approval. Development to be designed in harmony with locality. Building materials are to be same as residence.
8. Added Accommodation										
9. Corner Store							6		At Council discretion	No direct access to any Important Regional Road.
10. Home Occupation										

NOTE: Unless otherwise specified against a particular use below the standards above will apply to this Zone.

SCHEME MAPPING

The Scheme Map be altered by:

Meru Zoning—delete that portion of the land proposed to be rezoned to Special Rural which is in the 1 km buffer for the Narngulu Industrial Area;

Rudds Gully—delete the mapping which proposes to delete the Rudds Gully Special Rural Zone;

Moresby/Forrester Park—include that area of Moresby which is capable of being further subdivided as a result of this amendment within a development Area; and

Modify the Councils resolution to adopt the amendment for final approval as per previous advice on Amendment mapping.

G. S. GARRATT, President.

W. T. PERRY, Shire Clerk.

PD501

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Busselton

Town Planning Scheme No. 5—Amendment No. 263

Ref: 853/6/6/6, Pt. 263.

Notice is hereby given that the Shire of Busselton has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 1, Bussell Highway, from a "Restricted Use" zone to a "General Farming" zone.

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 12 October 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 12 October 1993.

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

I. STUBBS, Shire Clerk.

PD502

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Chittering

Town Planning Scheme No. 5—Amendment No. 24

Ref: 853/3/4/5, Pt. 24.

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

- (a) Rezoning Muchea Lots 131, 132, 133, 134, 135, 136 and 137 from "Industrial" zone to "Residential" zone and coding the land R10.
- (b) Rezoning Pt. Muchea Lot 121 from "Industrial" zone and "Special Residential" zone to "Parks and Recreation Reserve".
- (c) Rezoning land zoned "Industrial" and "Railway Reserve" to "Parks and Recreation Reserve".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Great Northern Highway, Bindoon, 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 12 October 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 12 October 1993.

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. L. FITZGERALD, Shire Clerk.

PD503

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Harvey

Town Planning Scheme No. 10—Amendment No. 58

Ref: 853/6/12/14, Pt. 58.

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

1. Rezoning portion of Lot 1, Wellington Location 1, Clifton Close, Australind from "General Farming" to "School" and "Additional Use" as depicted on the amending map.
2. Amending the Scheme Text by listing "Church, Presbytery, Hall and Parish Centre" as permitted additional uses in Appendix 6—Schedule of additional Uses.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 102 Uduc Road, Harvey, 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 12 October 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 12 October 1993.

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. J. LEECE, Shire Clerk.

PD504

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

City of Belmont

Town Planning Scheme No. 11—Amendment No. 52

Ref: 853/2/15/10, Pt. 52.

Notice is hereby given that the City of Belmont has prepared the abovementioned scheme amendment for the purpose of amending the Scheme Text by adding additional clauses relating to Planning Consents.

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 October 12, 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before October 12, 1993.

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.

PD505

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENTS AVAILABLE FOR INSPECTION

City of Canning

Town Planning Scheme No. 16—Amendment Nos. 639, 640 and 641

Ref: 853/2/16/18, Pts. 639, 640 and 641.

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

Amendment No. 639: Rezoning 1-3 Hill View Place (Lots 6 and 7), Bentley, from "Service Station" to "Local Shopping".

Amendment No. 640: Rezoning the Footnotes to Tables GR4 and GR4(R) which follow Clause 31 to delete certain lot area limitations.

Amendment No. 641: Rezoning 32-36 Herald Avenue (Part Lot 3), Willetton, from "SR3" to "GR4".

Plans and documents setting out and explaining the scheme amendment 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 September 28, 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before September 28, 1993.

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.

PD506

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENTS AVAILABLE FOR INSPECTION

City of Gosnells

Town Planning Scheme No. 1—Amendment Nos. 412 and 415

Refs: 853/2/25/1, Pts. 412 and 415.

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

Amendment No. 412: rezoning Lot 104 of Canning Location 16 Prince Street, Gosnells from Rural to Residential A (R17.5) and Reserve for Parks and Recreation.

Amendment No. 415: rezoning Lot 196 Wheatley Street, Gosnells, from "Residential A" to "Residential A—Additional Use: Office".

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 12 October 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 12 October 1993.

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.

G. N. WHITELEY, Town Clerk.

PD710

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME

Shire of Quairading

Town Planning Scheme No. 2

Ref: 853/4/26/2.

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 Quairading Town Planning Scheme No. 2 on 30 May 1993—the Scheme Text of which is published as a Schedule annexed hereto.

D. T. STONE, President.
J. A. MARTIN, Shire Clerk.

Shire of Quairading

TOWN PLANNING SCHEME No. 2

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

SCHEME TEXT

Arrangement of Sections

Part 1—Preliminary

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

Part 2—Reserves

- 2.1 Scheme Reserves
- 2.2 Matters to be Considered by Council
- 2.3 Compensation

Part 3—Zones

- 3.1 Zones
- 3.2 Zoning Table
- 3.3 Rural Residential Zone
- 3.4 Farming Zone

Part 4—Development

- 4.1 Development of Land
- 4.2 Development Limited by Liquid Waste Disposal
- 4.3 Discretion to Modify Development Standards
- 4.4 Residential Development—Residential Planning Codes
- 4.5 Special Application of Residential Planning Codes
- 4.6 Development of Lots Abutting Unconstructed Roads
- 4.7 Retention of Vegetation
- 4.8 Rural Residential Zone
- 4.9 Site Requirements
- 4.10 Car Parking
- 4.11 Home Occupation
- 4.12 Town Centre Design Control Area
- 4.13 Subdivision

Part 5—Non-conforming Uses

- 5.1 Non-conforming Use Rights
- 5.2 Extension of Non-conforming Use
- 5.3 Change of Non-conforming Use
- 5.4 Discontinuance of Non-conforming Use
- 5.5 Destruction of Buildings

Part 6—Planning Consent

- 6.1 Application for Planning Consent
- 6.2 Advertising of Application
- 6.3 Determination of Application
- 6.4 Deemed Refusal
- 6.5 Approval of Existing Development
- 6.6 Preservation of Buildings, Objects, or Places

Part 7—Administration

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

SCHEDULES

- 1. Interpretation
- 2. Rural Residential Zone

PART 1—PRELIMINARY

1.1 Citation: This Town Planning Scheme may be cited as the Shire of Quairading Town Planning Scheme No 2 hereinafter called "the Scheme" and shall come into operation on the publication of the Scheme in the *Government Gazette*.

1.2 Responsible Authority: The Authority responsible for implementing the Scheme is the Council of the Shire of Quairading hereinafter called "the Council".

1.3 Scheme Area: The Scheme applies to the whole of the land within the Municipal District of the Shire of Quairading hereinafter called "the Scheme Area".

1.4 Revocation: The Shire of Quairading Town Planning Scheme No 1 published in the *Government Gazette* of 12 January 1968 and all amendments thereto is hereby revoked.

1.5 Contents of Scheme: The Scheme comprises:

- (a) this Scheme Text
- (b) the Scheme Map includes District; Quairading townsite Sheets 1-6; Badjaling townsite and environs; Balkuling, Yoting, and Pantapin townsites.

1.6 Arrangement of Scheme Text: The Scheme Text is divided into the following parts:

- PART 1—PRELIMINARY
- PART 2—RESERVES
- PART 3—ZONES
- PART 4—DEVELOPMENT REQUIREMENTS
- PART 5—NON-CONFORMING USES
- PART 6—PLANNING CONSENT
- PART 7—ADMINISTRATION

1.7 Scheme Objectives: The objectives of the Scheme are:

- (a) to zone the Scheme Area for the purposes described in the Scheme;
- (b) to secure the amenity health and convenience of the Scheme Area and the residents thereof;
- (c) to provide for the concentration of development in the District, and particularly residential development, to be in the Quairading townsite;
- (d) to provide for very limited development in, and in the environs of, small townsites in the District outside the Quairading townsite;
- (e) to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;
- (f) the preservation of places of natural beauty, of historic buildings and objects of historical and scientific interest; and
- (g) to make provision for other matters necessary or incidental to Town Planning and housing.

1.8 Interpretation:

1.8.1 Except as provided in Clauses 1.8.2 and 1.8.3 the words and expressions of the Scheme have their normal and common meaning.

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

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

PART 2—RESERVES

2.1 Scheme Reserves: The land shown as Scheme Reserves on the Scheme Map hereinafter called "Reserves" are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder:

- PUBLIC PURPOSE
- RECREATION AND OPEN SPACE
- RAILWAY
- ROAD

2.2 Matters to be Considered by Council: When an application for planning consent is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the Reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.

2.3 Compensation:

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

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

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

PART 3—ZONES

3.1 Zones:

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

RESIDENTIAL
RURAL RESIDENTIAL
TOWN CENTRE
RURAL TOWNSITE
INDUSTRIAL
FARMING

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

3.2 Zoning Table:

3.2.1 The Zoning Table indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme Area in the various zones, such uses being determined by cross reference between the list of uses on the left hand side of the Zoning Table and the list of Zones at the top of the Zoning Table.

3.2.2 The symbols used in the cross reference in the Zoning Table have the following meaning:

“P” means the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent.

“AA” means the Council may, at its discretion, permit the use.

“SA” means the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.2.

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

3.2.4 Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use which by its more general terms might otherwise include such particular use.

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

(a) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted; or

(b) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.2 in considering an application for planning consent, following which the Council may, at its discretion, permit the use.

3.2.6 Notwithstanding that the use of land is not permitted in a zone in the Zoning Table, the Council may with the prior written authority of the Minister and subject to following the advertising procedures of Clause 6.2, approve of the use of the land for that purpose if the Council is satisfied by absolute majority that:

(a) the proposed development will be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality; and

(b) the use of the land for that purpose will not have any adverse effect upon the occupiers or users of the development or upon property in or the inhabitants of the locality or the likely future development of the locality.

TABLE 1
ZONING TABLE

USES	Residential	Rural Residential	Town Centre	Rural Townsite	Industrial	Farming
1 abattoir						SA
2 aged or dependent persons dwelling	AA					
3 caretaker's dwelling			AA	AA	AA	AA
4 civic building			P	AA		
5 club premises			AA	AA		
6 consulting rooms	SA		P			
7 educational establishment				AA		
8 fuel depot					AA	
9 grouped dwelling	P					
10 home occupation	AA	AA		AA		AA
11 hotel			P			
12 industry—cottage		AA		AA		AA
13 industry—extractive						AA
14 industry—general					AA	
15 industry—light					P	
16 industry—noxious						
17 motel			AA			
18 motor vehicle sales premises			AA		AA	
19 motor vehicle repair station					P	
20 office			P		AA	
21 public recreation	P	P	P	P	AA	
22 public utility	AA	AA	AA	AA	AA	AA
23 public worship—place of	AA	SA	AA	AA		
24 residential building	AA					
25 restaurant			P			
26 rural pursuit		SA		SA		P
27 service station				AA	AA	
28 shop			P	SA		
29 single house	P	P		P		P
30 transport depot					P	
31 veterinary consulting rooms			AA		AA	AA

3.3 Rural Residential Zone

The following provisions shall apply to all land included in a Rural Residential Zone in addition to any provisions which are more generally applicable to such land under the Scheme:

- (a) the objective of the Rural Residential Zone is to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats, and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas;
- (b) before making provision for a Rural Residential Zone, Council will prepare, or require the owner(s) of the land to prepare, a submission supporting the creation of the Rural Residential Zone and such submission shall include:
 - (i) a statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area the subject of the proposed zone;
 - (ii) a plan or plans showing contours at such intervals as to adequately depict the landform of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, creeks, wells and significant improvements;
 - (iii) information regarding the method whereby it is proposed to provide a potable water supply to each lot;
- (c) provisions for development in specific Rural Residential Zones shall be as laid down in Schedule 2; the Scheme provisions for a specific Rural Residential Zone shall specify:
 - (i) any facilities which the purchasers of the lots will be required to provide (e.g. their own potable water supply, liquid or solid waste disposal, etc.);
 - (ii) proposals for the control of land uses and development which will ensure that the purpose of intent of the zone and the rural environment and amenities are not impaired;
 - (iii) any special provisions appropriate to secure the objectives of the zone;

- (d) the minimum lot size for subdivision in the Rural Residential Zone shall be shown in the Scheme Map;
- (e) the Council shall require preparation of an Outline Development Plan before granting and/or recommending approval to any subdivision and the Outline Development Plan shall form the basis for subdivision. The Outline Development Plan shall show amongst other things:
 - (i) the proposed ultimate subdivision including lot sizes and dimensions;
 - (ii) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities, etc. as may be considered appropriate;
 - (iii) those physical features it is intended to conserve;
 - (iv) the proposed staging of the subdivision where relevant;
- (f) the procedures for preparation, adoption, and any departures from or alterations to the Outline Development Plan shall be in accordance with Clause 4.13.2 paragraphs (a) to (e) inclusive of the Scheme.

3.4 Farming Zone The Council supports the continued use of land in the Farming Zone for agricultural production. It will only support application for planning consent where the proposed use is consistent with continued viability of rural use, and will be consistent with rural character and local amenities.

PART 4—DEVELOPMENT REQUIREMENTS

4.1 Development of Land:

4.1.1 Subject to Clause 4.1.2 a person shall not commence or carry out development of any land zoned or reserved under the Scheme without first having applied for and obtained the planning consent of the Council under the Scheme.

4.1.2 The planning consent of the Council is not required for the following development of land:

- (a) the use of land in a Reserve where such land is held by the Council or vested in a public authority;
 - (i) for the purpose for which the land is reserved under the Scheme; or
 - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;
- (b) the erection of a boundary fence except as otherwise required by the Scheme;
- (c) except as provided in Clause 4.8 the erection on a lot of a single house, including ancillary outbuildings, in a zone where the proposed use is designated with the symbol "P" in the cross-reference to the zone in the Zoning Table;
- (d) a development in the Farming Zone outside the townships on sheets 1-6 for a use designated with the symbol "P" or "AA" in the cross-reference to the Farming Zone in the Zoning Table except where the development is on a lot which does not have frontage to a constructed road;
- (e) the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act;
- (f) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building; or
- (g) the carrying out of works urgently necessary for public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

4.2 Development Limited by Liquid Waste Disposal: The Council shall refuse to issue planning consent for any development if in the opinion of the Council adequate provision is not made or cannot reasonably be made for the disposal of liquid wastes from that development.

4.3 Discretion to Modify Development Standards: If a development, other than a residential development or a development on a lot which does not have frontage to a constructed road, the subject of an application for planning consent does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this Clause may only be exercised if the Council is satisfied that:

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

4.4 Residential Development: Residential Planning Codes

4.4.1 For the purpose of the Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto (hereinafter called the "R Codes").

4.4.2 A copy of the R Codes shall be kept and made available for public inspection at the offices of the Council.

4.4.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the R Codes shall conform to the provisions of those Codes.

4.4.4 The R Code density applicable to land within the residential and rural townsite zones shall be determined by reference to the R Code density numbers superimposed on the areas within that zone shown on the Scheme Map as being contained within the outer edges of the black borders or, where such an area abuts on another area having an R Code density, as being contained within the centrelines of those borders.

4.5 Special Application of Residential Planning Codes: Notwithstanding anything elsewhere contained in the Scheme, the Council may consider an application to develop a single house on a lot existing at the gazettal date and which does not comply with the requirements of minimum area of land per dwelling and may grant approval with or without conditions, or may refuse the application.

4.6 Development of Lots Abutting Unconstructed Roads: Notwithstanding anything elsewhere appearing in the Scheme where an application for planning consent is made in respect of land abutting an unconstructed road or a lot which does not have frontage to a constructed road the Council shall either:-

- (a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be;
- (b) grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or
- (c) require such other arrangements are made for permanent access as shall be to the satisfaction of the Council.

4.7 Retention of Vegetation: Not more than 2000 m² including the area of buildings on any lot in the Farming zone shall be cleared of vegetation. If the Council is satisfied upon receipt of a submission the clearing of an area greater than 2000 m² will not adversely affect the amenity, character and landscape qualities of the area it may approve such land to be cleared subject to conditions as may be required by the Council. Where it is proposed to clear in excess of 1 hectare, the consent of the Commissioner of Soil and Land Conservation will be required.

4.8 Rural Residential Zone:

4.8.1 Development in a Rural Residential Zone shall comply with the requirements of the following:

- (a) in addition to a building licence, the Council's prior approval to commence development is required for all development including a single house and such application shall be made in writing to the Council and be subject to the provisions of Clause 6.1 of the Scheme;
- (b) not more than one dwelling per lot shall be erected;
- (c) in order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorized by the Council;
- (d) in order to enhance the rural amenity of the land in areas Council considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the Council;
- (e) any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent dust pollution and soil erosion to the satisfaction of the Council. Where in the opinion of the Council the continued presence of animals is likely to contribute or is contributing to dust pollution or soil erosion, notice may be served on the owner of the land requiring the removal within the time specified in the notice of those animals specified in the notice for a period specified in the notice.

4.8.2 In considering application for planning consent for a proposed development (including additions and alterations to existing development) Council shall have regard to the following:

- (a) the colour and texture of external building materials;
- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;
- (d) architectural style and design details of the building;
- (e) relationship to surrounding development; and
- (f) other characteristics considered by the Council to be relevant.

4.9 Site Requirements: The site building requirements for land in various zones shall be as set out in Table 2.

TABLE 2
Site Requirements—Minimum Setbacks from Boundaries

ZONE	STREET ¹	REAR	SIDE
Residential		As in the R Codes	
Rural Residential	15.0m	10.0m	10.0m
Town Centre	0	Council Discretion	
Rural Townsite		As in the R Codes ²	
Industrial	7.5m	7.5m	0
Farming	15.0m	10.0m	10.0m

NOTES: ¹ Where a lot has frontage to two streets the Council may reduce the minimum setback from one only of those streets to not less than 50% of the distance specified in Table 2.

² For development of other than a dwelling house the Council shall determine the minimum setback from boundaries.

4.10 Car Parking: A person shall not develop or use any land or erect use or adapt any building unless car parking spaces specified by the Council are provided and such spaces are constructed and maintained in accordance with the requirements of the Council.

4.11 Home Occupation:

4.11.1 The Council shall not grant planning consent to a home occupation unless it is satisfied that the use:

- (a) will not prejudicially affect the amenity of the neighbourhood by way of emissions of any nature;
- (b) will not occupy an area greater than 20 square metres;
- (c) 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
- (d) is compatible with the principal uses to which the land in the zone it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area.

4.11.2 If an approval to conduct a home occupation is issued to a specific occupier of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.

4.11.3 If, in the opinion of the Council, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality the Council may rescind the approval.

4.11.4 An approval to conduct a home occupation is issued subject to an annual permit which may be renewed by application to the Council for planning consent.

4.12 Town Centre Design Control Area:

4.12.1 The land in the Town Centre Zone is hereby designated as "Town Centre Design Control Area".

4.12.2 Development within the Town Centre Design Control Area will be subject to the civic and design guidelines contained in this clause and which are for the purpose of ensuring that such development will not affect local amenity and will enhance the character of the land in the Town Centre zone.

4.12.3 Site requirements shall be as set out in Table 2 of the Scheme.

4.12.4 Development shall not exceed 2 storeys in height except where Council considers that particular circumstances may warrant an exception being made and provided the intentions of this Clause are not compromised.

4.12.5 In considering an application for planning consent for a proposed development (including additions and alterations to existing development) in the Town Centre Design Control Area Council shall have regard to the following:

- (a) the colour and texture of external building materials. Council may require the building facade and side walls to a building depth of 3 m to be constructed in masonry;
- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;
- (d) architectural style and design details of the building;
- (e) function of the building;
- (f) relationship to surrounding development; and
- (g) other characteristics considered by the Council to be relevant.

4.12.6 Landscaping shall complement the appearance of the proposed development and the town centre.

4.12.7 Layout of carparking shall have regard for traffic circulation in existing carparking areas and shall be integrated with any existing and adjoining carpark.

4.13 Subdivision:

4.13.1 Farming Zone: There shall be a presumption against the subdivision of land in the Farming Zone unless the Council is satisfied :

- (a) the lots have already been physically divided by significant natural or man-made features (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern of land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);
- (b) the lots are for farm adjustment and the erection of dwelling houses is restricted by memorials on titles;
- (c) the lots are for specific uses such as recreation facilities and public utilities;
- (d) the lots are required for the establishment of uses ancillary to the rural use of the land, are required for the travelling public and tourists (such as service stations and motels), or for homestead lots to be excised from a farming property for residential purposes.

4.13.2 Residential Zone In the Residential Zone the Council may require preparation of an Outline Development Plan before granting and/or recommending approval to any development which involves subdivision or follows subdivision and the Outline Development Plan shall form the basis for subdivision.

(a) the Outline Development Plan shall include :

- (i) the topography of the area;
- (ii) the location and width of proposed roads;
- (iii) the location of recreation, open space, and pedestrian accessways proposed;
- (iv) the layout of comprehensive drainage; and
- (v) such other information as may be required by Council;

(b) if the Council resolves to adopt the Outline Development Plan it shall circulate the Outline Development Plan to all owners of land within the area covered by the Outline Development Plan with an invitation for submissions to be lodged with Council within twenty-one days;

(c) the Council shall consider objections, if any, to the Outline Development Plan and may, if the applicant agrees, amend the Outline Development Plan after such consideration of objections;

(d) the Council may decide not to proceed or may submit the Outline Development Plan to the Commission together with the objections and request the Commission to adopt the plan submitted as the basis for approval of subdivision within the area covered by the plan;

(e) any departures from or alterations to the Outline Development 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 development of the area the subject of the Outline Development Plan.

PART 5—NON-CONFORMING USES

5.1 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 gazettal date; or
- (b) the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorize the development to be carried out, were duly obtained and are current.

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

5.3 Change of Non-conforming Use: Notwithstanding anything contained in the Zoning Table the Council may grant its planning consent to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone.

5.4 Discontinuance of Non-conforming Use:

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

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

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

PART 6—PLANNING CONSENT

6.1 Application for Planning Consent: Every application for planning consent shall be made in the form prescribed by the Council and in accordance with the directions thereon.

6.2 Advertising of Application:

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

6.2.2 Where an application is made for planning consent to commence or carry out development which involves an "AA" use, or for any other development which requires the planning consent of the Council, the Council may give notice of the application in accordance with the provisions of this Clause.

6.2.3 Where the Council is required or decides to give notice of an application for planning consent the Council shall cause one or more of the following to be carried out:-

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

6.2.4 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.

6.3 Determination of Application:

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

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

6.3.3 Where the Council approves an application for planning consent under the Scheme the Council may limit the time for which that consent remains valid.

6.4 Deemed Refusal:

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

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

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

6.5 Approval of Existing Development:

6.5.1 The Council may give approval of a development already commenced or carried out regardless of when it commenced or was carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring Council's approval prior to the commencement of development.

6.5.2 The application to the Council for approval under Clause 6.5.1 shall be made in accordance with the provisions of Clause 6.1.

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

6.5.4 The approval by the Council of an existing development shall not affect the power of the Council to take appropriate action for a breach of the Scheme or the Act in respect of the commencement of the development without approval.

6.6 Preservation of Buildings, Objects, or Places:

6.6.1 If the Council resolves that, in its opinion, a building, object, or place is of historical or architectural interest or of outstanding natural beauty the Council shall, within fourteen days after the passing of that resolution, give written notice thereof to the owner of the building, object, or place. The notice shall set out the terms of this Clause, and require the owner to give prior written notice to the Council of any material alteration or modification proposed to be made to the building, object or place.

6.6.2 No alteration or modification to any building, object, or place which is the subject of a resolution under Clause 6.6.1 shall be commenced or carried out, by any person, without having obtained planning consent.

6.6.3 Where a development the subject of an application for planning consent involves a material alteration to, a material modification of, or the destruction (total or partial) of any building, object, or place the subject of a resolution under Clause 6.6.1, the Council, having regard to the desirability of retaining that building, object, or place, may refuse the application or approve of it subject to such conditions as the Council deems necessary to protect or preserve the building, object, or place.

6.6.4 Where the Council refuses approval for the development of land on any ground set out in Clause 6.6.3 or grants approval subject to conditions that are unacceptable to the applicant, the owner of the land may, if the land is injuriously affected thereby, claim compensation for that injurious affection in accordance with the Act.

6.6.5 Claims for compensation under this Clause shall be lodged at the offices of the Council not later than six months after the date of the decision of the Council refusing approval or granting approval subject to conditions that are unacceptable to the applicant.

6.6.6 In lieu of paying compensation the Council may purchase the land affected by the decision of the Council at a price not exceeding the value of the land at the time of refusal of approval or of the granting of approval subject to conditions that are unacceptable to the applicant.

PART 7—ADMINISTRATION

7.1 Powers of the Scheme: In implementing the Scheme the Council has, in addition to all other powers vested in it, the following powers:

- (a) the Council may enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme;
- (b) the Council may acquire any land or buildings within the District pursuant to the provisions of the Scheme or the Act;
- (c) the Council may deal with or dispose of any land which it has acquired pursuant to the Scheme or the Act in accordance with law and for such purpose may make such agreements with other owners as it considers fit;
- (d) an officer of the Council, authorized by the Council for the purpose, may at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being served.

7.2 Offences:

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

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

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

7.3 Act:

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

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

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

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

7.6 Power to Make Policies:

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

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

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

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

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

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

SCHEDULE 1

INTERPRETATION

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

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

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

- (a) an advertising sign of less than 2m² in an area relating to the carrying out of building or similar work on land on which it is displayed, not being land which is normally used for those purposes;
- (b) an advertising sign of less than 2m² in area announcing a local event of a religious, educational, cultural, political, social or recreational character not promoted or carried on for commercial purposes;
- (c) an advertising sign of less than 2m² in area relating to the prospective sale or letting of the land or building on which it is displayed;
- (d) an advertising sign exhibited upon any land vested in or owned by the Minister for Railways which is directed only to persons upon or entering a railway station or platform or bus station; and
- (e) directional signs, street signs and other like signs erected by a public authority.

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.

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.

civic building: means a building designed, used or intended to be used by a public authority or the Council as offices or for administrative or other like purpose.

civic use: means land and buildings used by a public authority or the Council, for administrative, recreational or other purpose.

club premises: means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises are licensed under the provisions of the Liquor Act, 1970 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

Commission: means the State Planning Commission constituted under the State Planning Commission Act 1985 (as amended).

consulting rooms: means a building (other than a hospital or medical centre) used by practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors or persons ordinarily associated with a practitioner in the prevention 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.

District: means the Municipal District of the Shire of Quairading.

educational establishment: means a school or other educational centre, but does not include a reformatory or institutional home.

fuel depot: means a depot used for the storage or bulk sale of solid or liquid or gaseous fuel, but does not include a service station or the sale by retail into the final users vehicle of such fuel from the premises.

gazettal date: means the date of which the Scheme is published in the *Government Gazette*.

home occupation: means a business or activity carried on with the written permission of the Council within a dwelling or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant.

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, cleaning, packing, or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;
- (c) the generation of electricity or the production of gas;
- (d) the manufacture of edible goods, and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include:
 - (i) the carrying out of agriculture,
 - (ii) site work on buildings, work or land,
 - (iii) in the case of edible goods the preparation of food for sale from the premises,
 - (iv) panel beating, spray painting or motor vehicle wrecking.

industry—cottage: means an industry which produces arts and craft goods which cannot be carried out under the provisions relating to a "home occupation" and that:

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, stream, soot, ash, dust, grit, oil, liquid wastes or waste products.
- (b) where operated in the Residential Zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land.
- (c) is conducted in an out-building which is compatible to the zone and its amenity and does not occupy an area in excess of 55m².
- (d) does not require the provisions of any essential service main of a greater capacity than normally required in the zone in which it is located, and
- (e) does not display a sign exceeding 0.2m² in area.

industry—extractive: means an industry which involves the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substances from the land, and also the storage, treatment, or manufacture of products from those materials when the manufacture is carried out on the land from which any of those materials is extracted or on land adjacent thereto.

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

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

industry—light: means an industry:

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

industry—noxious: means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911-1979 (as amended), but does not include a fish shop, dry cleaning establishments.

land: shall have the same meaning given to it in and for the purpose of the Act.

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

motel: means land and buildings used or intended to be used to accommodate patrons in a manner similar to a hotel or boarding house but in which special provision is made for the accommodation of patrons with motor vehicles.

motor vehicle sales premises: means land and buildings used for the display and sale or hiring of new or second hand motorcycles, cars, trucks, and caravans or any one or more of them and may include the servicing of motor vehicles sold or hired from the site.

motor vehicle repair station: means land and buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis re-shaping.

nett lettable area (NLA): means the area of all floors confined within the internal finished surfaces of permanent walls but excludes the following areas :

- all stairs, toilets, cleaners cupboards, tea rooms and plant rooms, and other service areas;
- areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;

In the case of subdivided floors, measurement is taken to the centre line of inter-tenancy walls or partitions.

office: means a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature.

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

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

potable water: means water in which the level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in "International Standards for Drinking Water—Third Edition, World Health Organization—1971".

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

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

public recreation: means land used for a public park, public gardens, 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: means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential training institution.

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

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

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

- (a) the growing of vegetables, fruit, cereals or food crops;
- (b) the rearing or agistment of sheep, cattle, goats or beasts of burden;
- (c) the stabling, agistment, or training of horses;
- (d) the growing of trees, crops, or pasture for grazing or seed production;
- (e) the sale of produce grown solely on the said land;

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

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

schedule: means a schedule to the Scheme.

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

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 sale of vehicles or for any purpose falling within the definition of industry.

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

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 vehicles used, but not of other vehicles.

veterinary consulting rooms: means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight.

veterinary hospital: means a building used in connection with the treatment of sick animals and includes the accommodation of sick animals.

zone: means a portion of the Scheme area shown on the Scheme Map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land but does not include reserved land.

SCHEDULE 2

RURAL RESIDENTIAL ZONE

PARTICULARS OF LAND

REQUIREMENTS OF THE ZONE

Lots 94 to 105 inclusive, 213 and 214 bounded by Coraling Street, Forrest Street, section of closed road, and Cubbine Road, Quairading

ADOPTION

Adopted by Resolution of the Council of the Shire of Quairading at the meeting of the Council held on the Fifteenth day of April 1993.

D. T. STONE, President.
J. MARTIN, Shire Clerk.

FINAL APPROVAL

Adopted by Resolution of the Council of the Shire of Quairading at the meeting of the Council held on the Fifteenth day of April 1993 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

D. T. STONE, President.
J. MARTIN, Shire Clerk.

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in Clause 1.5 of this Scheme and to which formal approval was given by the Minister for Planning on the date shown below.

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL by the State Planning Commission.

Date 14/5/93.

M. R. ALLEN, for Chairman of the State
Planning Commission.

FINAL APPROVAL GRANTED

Date 30/5/93.

RICHARD LEWIS, Hon. Minister for Planning.

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

Under the provisions of the Police Act 1892, unclaimed Found and Stolen property will be sold by public auction at Department of Services, State Supply Disposal Centre, 21 Pilbara Street, Welshpool on Thursday, October 14, 1993 at 9.00 am.

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

B. BULL, Commissioner of Police.

PE402**POLICE AUCTION**

Under the provisions of the Police Act 1892, unclaimed stolen bicycles will be sold by public auction at Department of Services, State Supply Disposal Centre, 21 Pilbara Street, Welshpool on Tuesday, October 19, 1993 at 9.00 am.

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

B. BULL, Commissioner of Police.

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 C. L. Edwardes, MLA at any time during the period 25-28 August 1993 inclusive—

Acting Attorney General—Hon P. G. Foss, MLC.

Acting Minister for Women's Interests; Parliamentary and Electoral Affairs—Hon N. F. Moore, MLC.

M. C. WAUCHOPE, Chief Executive,
Office of State Administration.

PR402**MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that His Excellency the Governor has approved the following temporary allocation of portfolio during the absence of the Hon C. J. Barnett, MLA for the period 29 August to 11 September 1993 inclusive—

Acting Minister for Tourism—Hon P. G. Foss, MLC.

M. C. WAUCHOPE, Chief Executive,
Office of State Administration.

PR403**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 C. J. Barnett, MLA for the period 29 August to 11 September 1993 inclusive—

Acting Minister for Resources
Development; Energy

Hon N. F. Moore
(30 August-2 September 1993)

Hon S. G. Cash, MLC
(3-11 September 1993).

M. C. WAUCHOPE, Chief Executive,
Office of State Administration.

RACING AND GAMING

RA301

BETTING CONTROL ACT 1954

BETTING CONTROL AMENDMENT REGULATIONS 1993

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Betting Control Amendment Regulations 1993*.

Principal Regulations

2. In these regulations the *Betting Control Regulations 1978** are referred to as the principal regulations.

[*Reprinted as at 10 September 1992.]

Regulation 14 amended

3. Regulation 14 of the principal regulations is amended—
 - (a) in subregulation (5), by inserting after “in the licence itself” the following—

“ or by endorsement on the licence ”; and
 - (b) by adding the subregulation following—

“ (6) A bookmaker’s licence which is endorsed to that effect authorizes the licensee to carry on the business of a bookmaker, in relation to sporting events or contingencies approved under section 4B, by means of on-course telephone betting conducted in accordance with regulation 71. ”

Regulation 71 added

4. After regulation 70 of the principal regulations the following regulation is added.

“ **Telephone betting on sporting events**

71. (1) When betting on a sporting event, or a contingency, is approved under section 4B of the Act a licensee who is so authorized by endorsement on the licence may carry on business as a bookmaker by means of on-course telephone betting in relation to that sporting event or contingency—

 - (a) in accordance with the procedures established and approved by the Board for the conduct of such betting, and not otherwise; and
 - (b) if the committee or other authority controlling the racecourse so permits.

(2) For the purposes of subregulation (1) the Board has established the following procedures—

 - (a) the telephone system to be used shall be of a type approved by the Board;
 - (b) all inward and outward telephone lines used for betting purposes shall have attached securable voice logging equipment of a type approved by the Board;
 - (c) consent to the voice logging of the betting transactions is to be obtained from all telephone bettors;
 - (d) all betting transactions by telephone shall be recorded through the voice logging equipment;
 - (e) the full details of each bet received, including the betting ticket number and account number, shall be confirmed with the bettor by the bookmaker, or an agent or employee of the bookmaker, before the conclusion of the telephone conversation;
 - (f) the tapes used to record betting transactions shall—
 - (i) be held and distributed by stewards;
 - (ii) at the end of each race meeting, be collected by the Betting Steward, together with the duplicate sports betting sheets; and
 - (iii) be maintained as betting records for inspection or audit by any authorized person;

and

 - (g) the voice logging equipment used shall be sealed by, and only accessible by or in conjunction with, a Betting Steward or other authorized person.

(3) The details of all bets received by telephone are to be separately recorded and, for the purposes of section 15 of the Act, included in the returns to be delivered under the Act.

(4) Where an offer of a bet by telephone is not confirmed as required by the procedures established by the Board that betting transaction does not constitute a valid bet. ”

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

WATER AUTHORITY

WA401

**WATER AUTHORITY ACT 1984
LAND DRAINAGE ACT 1925**

Notice is hereby given that His Excellency the Governor has resolved, under section 96 of the Land Drainage Act 1925, to exempt the Albany, Busselton, Harvey, Mundijong, Roelands and Waroona drainage districts from the operation of Part VII, Division 3 of that Act for a period ending 30 June 1994.

W. J. COX, Managing Director,
Water Authority of Western Australia.

TENDERS

ZT501

**MARINE AND HARBOURS
Tenders**

Contract No.	Project	Closing Date	Tender Document from
E124	Bunbury—Casuarina Harbour Spur Groyne	7 September 1993	Administrative Assistant, Technical Services

Tender documents are available from Monday, 16 August 1993, on payment of a non-refundable deposit of \$15.00.

M. J. PAUL, Director Technical Services.

ZT502

**MARINE AND HARBOURS
Tenders**

Contract No.	Project	Closing Date	Tender Document from
E127	Mandurah Ocean Entrance Dredging 1993/94	7 September 1993	Administrative Assistant, Technical Services

Tender documents are available from Monday, 16 August 1993, on payment of a non-refundable deposit of \$15.00.

M. J. PAUL, Director Technical Services.

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Legal Practitioners Act 1893 (available — \$8.40)
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Public Trustee Act 1941
Bulk Handling Act 1967

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Totalisator Agency Board Rules 1961 (available — \$1.80)
Valuation of Land Regulations 1979 (available — \$1.80)
Totalisator Agency Board (Betting) Regulations 1988 (available — \$3.00)
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Copies of the video are available for \$35 from the State Government Bookshop, 815 Hay Street, Perth. Orders can be placed by mail, fax or telephone (note: a \$2 postage charge applies).



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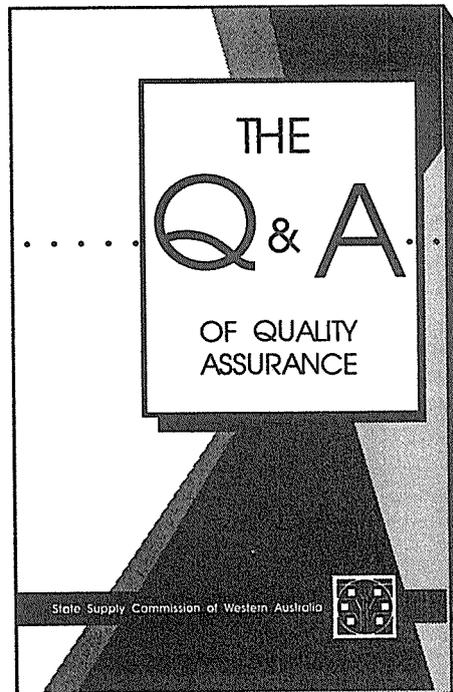
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CONTENTS**REGULATIONS, BY-LAWS, RULES, DETERMINATIONS, ORDERS**

	Page
Betting Control Amendment Regulations	4677

GENERAL CONTENTS

	Page
Employment and Training	4645
Heritage Council	4645
Land Administration	4645-6
Local Government	4647-51
Parliament	4651
Planning and Urban Development	4652-75
Police	4676
Premier and Cabinet	4676
Racing and Gaming	4677
Tenders—Marine and Harbours	4678
Water Authority	4678

