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In all cases notices are published on page 2 and readers are urged to check accordingly prior to contacting State Print.

G. L. DUFFIELD, Director.

PROCLAMATION

AA101

OFFENDERS COMMUNITY CORRECTIONS ACT 1963

PROCLAMATION

WESTERN AUSTRALIA
P. M. Jeffery,
Governor.
[L.S.]

} By His Excellency Major General Philip Michael Jeffery, Officer of the Order of Australia, Military Cross, Governor of the State of Western Australia.

I, the Governor, acting under section 5M of the Offenders Community Corrections Act 1963, and with the advice and consent of the Executive Council, do hereby—

(a) revoke the proclamation made under section 4 (1) of the Community Corrections Centres Act 1988 on 21 February 1989 and published in the *Government Gazette* on 24 February 1989;

(b) revoke the proclamation made under section 5M of the Offenders Community Corrections Act 1963 on 12 November 1991 and published in the *Government Gazette* on 22 November 1991; and

(c) declare the premises and places described in the Schedule to be community corrections centres for the purposes of the Offenders Community Corrections Act 1963,

as from and including the day of publication of this proclamation in the *Government Gazette*.

Schedule

1. Albany Community Corrections Centre,
   346 Middleton Road, Albany.
2. Balcatta Community Corrections Centre,
   Unit 1, Halley Road, Balcatta.
3. Broome Community Corrections Centre,
   Corner Weld Street and Napier Terrace, Broome.
4. Bunbury Community Corrections Centre,
   Court House Building, 65 Wittenoom Street, Bunbury.
5. Fremantle Community Corrections Centre,
   Crane House, 185 High Street, Fremantle.
6. Geraldton Community Corrections Centre,
   2nd Floor, Town Towers, Cathedral Avenue, Geraldton.
7. Halls Creek Community Corrections Centre,
   Corner Bridge Street and Duncan Highway, Halls Creek.
8. Kalgoorlie Community Corrections Centre,
   72 Brockman Street, Kalgoorlie.
9. Karratha Community Corrections Centre,
   Karratha Court House, Bassett Road, Karratha.
10. Kununurra Community Corrections Centre,
    Corner Messmate Way and Bandicoot Drive, Kununurra.
11. Maddington Community Corrections Centre,
    Unit 8, Maddington Trade Centre, 1851 Albany Highway, Maddington.
12. Mandurah Community Corrections Centre,
    Mandurah Court House, Pinjarra Road, Mandurah.
13. Midland Community Corrections Centre,
    Midland Village, 27 Great Northern Highway, Midland.
14. Northam Community Corrections Centre,
    McIver House, Fitzgerald Street, Northam.
15. Northbridge Community Corrections Centre,
    The land and buildings on Reserve Number 40197 (Perth Lot 983) at John Street, Northbridge.
16. Port Hedland Community Corrections Centre,
    1st Floor, Dempster House, Wedge Street, Port Hedland.
17. Rockingham Community Corrections Centre,
    Rockingham Arcade, 17 Rockingham Road, Rockingham.
18. Roebourne Community Corrections Centre,
    Lot 26, Wellard Street, Roebourne.
19. Stirling House Community Corrections Centre,
    The land and buildings on Reserve No. 3109, (North Fremantle Lot 435), North Fremantle.

Given under my hand and the Public Seal of the State on 23 November 1993.

By His Excellency's Command,

CHERYL EDWARDES, Attorney General.

GOD SAVE THE QUEEN !

AGRICULTURE

AG301

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

POISONING OF RABBITS IN PARTICULAR AREAS

Notice under Section 68 (3)

Agriculture Protection Board to use Poison

1. The Agriculture Protection Board and officers of the Department of Conservation and Land Management propose to use sodium Fluoroacetate (1080) in the area specified in the Schedule.

Taking of rabbits for consumption prohibited for a period of time

2. The takings of rabbits for human consumption is prohibited in the area specified in the schedule from 1 February 1994 until this notice is cancelled.

Offence to take rabbits—penalty $1 000

3. Any person who takes rabbits for human consumption in the area specified in the Schedule commits an offence under section 68 (6) of the Act, the penalty for which is $1 000.

WARNING: RABBITS TAKEN FROM THE AREA SPECIFIED IN THE SCHEDULE DURING THE TIME THIS NOTICE IS IN FORCE ARE LIKELY TO ENDANGER OR BE DETRIMENTAL TO HUMAN HEALTH OR LIFE IF HANDLED OR CONSUMED.

Schedule

CALM Reserves C4274, C7634.

"The Rowles Lagoon and Clear and Muddy Lakes Nature Reserves, north of Coolgardie Townsite, approx 68 kms".

Dated 17 January 1994.

M. D. CARROLL, Chairman, Agriculture Protection Board.

BUSH FIRES BOARD

BU401

BUSH FIRES ACT 1954

SUSPENSION OF SECTION 25

Bush Fires Board, Perth.

Correspondence No. S89.1

It is hereby notified that I, Bob Wiese administering the Bush Fires Act, 1954 hereby revoke all previous orders under section 25B of the said Act with relation to the Pinjarra Rubbish Disposal Site situated on Lot 10 Corio Road and pursuant to the powers contained in section 25B of the said Act, approve the suspension of the operations of section 25 that relate to a fire to be lit, or which is lit, for the purpose of destroying garden refuse or rubbish or any like purpose during the declared Prohibited and Restricted Burning Times on land set aside for the purpose in the Municipal District of the Shire of Murray. This notice shall have effect until revoked and is issued subject to the following conditions:

Specified Conditions

Shire of Murray Rubbish Disposal Site, Lot 10 Corio Road Pinjarra

1. Only dry untreated wood, timber and garden refuse may be burnt under this suspension.
2. Burning shall take place in designated areas cleared of all inflammable material, save live standing trees for a radius of 50m minimum around the tip site. The garden refuse site and domestic refuse site will be located a minimum of fifty (50) metres from the site boundary.
3. Waste material for burning shall be arranged in trenches or windows as directed by the Local Authority. This area shall not be sited over a previously land filled site.
4. A firebreak three (3) metres wide, cleared of all inflammable material to be maintained around the total perimeter of the disposal site/location throughout the Prohibited and Restricted Burning Period.
5. The volume of waste to be burnt shall not exceed that which can be safely burnt and declared safe within the hours of 8am and 12pm on any one day.
6. All waste shall be dry before burning.

7. The fire shall be attended by at least two (2) able bodied Council personnel who have had the minimum level of Bush Fire Training as defined by the Bush Fires Board of WA until the fire is declared safe.
8. All garden, timber and wood refuse burns shall be regularly heaped and stoked throughout the duration of the burnt to ensure as far as possible a rapid and complete burn.
9. Fires are only to be lit by Council staff specifically authorised to do so by the Local Authority and only after a local forecast for the day has been obtained from the Bureau of Meteorology and the Chief Bush Fire Control Officer or his designated deputies have been consulted and agree to the Burn taking place.
10. Before any fires are lit for refuse disposal notification must be firstly given to:
    (a) Department of Conservation and Land Management if they have land vestings within the Local Authority.
    (b) West Australian Fire Brigades if the disposal site is located within their gazetted boundary.
11. No fires to be lit on a Sunday or Public Holiday.
12. All burns are to be declared "SAFE" by a designated Council Fire Control Officer or his designated deputies prior to fire fighting equipment and personnel being permitted to depart the area.
13. No fires are to be lit on the site subject to this suspension on a day for which the fire danger forecast issued by the Bureau of Meteorology in respect of that locality is Very High or Extreme (Total Fire Ban).
14. A sign notifying the public of the unauthorised lighting of fires shall be provided by the Local Authority and maintained in good legible order at all times.

    These signs shall be worded and display "Unauthorised Lighting of Fires is Prohibited".

    Specifications:

    Signs shall have letters in capitals, a minimum of five (5) centimetres in height and be black on white background. Signs will be placed at the entrance to the dump site and at the immediate proximity of the disposal sites.
15. A sign directing the public the designated disposal areas shall be provided by the Local Authority and maintained in good legible order at all times.

    These signs shall be worded;

    "Domestic Refuse Only. Dump Here"

    and/or

    "Garden Refuse, Timber & Wood Waste Only. Dump Here"

    Specifications for these signs, see Specifications above.

BOB WIESE, Minister for Emergency Services.

EDUCATION

ED301

EDUCATION ACT 1928

EDUCATION AMENDMENT REGULATIONS 1994

Made by the Minister for Education.

Citation

1. These regulations may be cited as the *Education Amendment Regulations 1994*.

Principal regulations

2. In these regulations the *Education Act Regulations 1960** are referred to as the principal regulations.

[* *Reprinted as at 28 September 1989.*
For amendments to 12 January 1994 see 1992 Index to Legislation of Western Australia, Table 4, pp. 61-2, and Gazettes of 29 January, 19 November and 7 December 1993.]

Regulation 1 amended

3. Regulation 1 of the principal regulations is amended by deleting *"Act"*.

Regulation 222 repealed and a regulation substituted

4. Regulation 222 of the principal regulations is repealed and the following regulation is substituted —

"

Fees

222. (1) Subject to subregulation (2), a student shall pay each fee applicable to the student as is set out in Schedule 2 —

(a) in the case of —

(i) a tuition fee; or

(ii) a fee under item 8, 9 or 14 of the Table to clause 9 of that Schedule,

at the time of making the application for admission to the course; and

(b) in the case of a fee under item 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, or 13 of the Table to clause 9 of that Schedule, in advance,

and the fee shall be paid in full in one payment, except where the Minister, on an application by the student, determines otherwise.

(2) Where the Director, Technical and Further Education is satisfied that a student is under severe financial hardship, the Director may direct that a fee that the student would otherwise have had to pay under subregulation (1) is not to be charged to the student.

".

Schedule 2 amended

5. Schedule 2 to the principal regulations is amended —

(a) by repealing clause 2 and substituting the following clause —

"

Concession fees for tuition in community adult education courses

2. (1) Subject to clause 3, where a person who belongs to a class of persons set out in subclause (2) is admitted to a course classified as a community adult education course, the tuition fee for class instruction in the course is the amount calculated on the basis of $1.55 for each hour, or part of each hour, of instruction in the course but the fee payable by the person is not to exceed $24.40 for each community adult education course to which the person is admitted.

(2) The classes of persons for the purposes of subclause (1) are as follows —

(a) persons holding —

(i) a Health Benefit Card issued by the Commonwealth Department of Social Security;

(ii) a Health Care Card issued by the Commonwealth Department of Social Security;

(iii) a Pensioner Concession Card issued by the Commonwealth Department of Social Security;

(iv) a Veteran's Health Benefits Card issued by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans' Affairs; or

(v) a State Concession Card issued by the Director of the Department for Community Development in this State,

and dependants of such persons; and

(b) persons holding a Senior's Card issued by the Office of Seniors' Interests in this State.

";

(b) by repealing clause 5 and substituting the following clause —

"

Vocational courses — tuition fees

5. (1) Subject to clause 6, the tuition fee for class instruction in a vocational course is the amount calculated on the basis of 80 cents for each hour, or part of each hour, of instruction in the course but the fee payable by a person is not to exceed $272 for each semester in which the person is admitted to a vocational course or courses.

(2) The tuition fee for a vocational course in which instruction is given by a method other than traditional class instruction (namely, the open learning program or correspondence instruction) is the same as the fee calculated under subclause (1) for class instruction in the course.

(3) In this regulation and in regulation 6 **"vocational course"** means a course that is not classified as a course for community adult education, small business management, equity and access, customised training, contracted higher education, a labour market program, traineeship or tertiary entrance examinations.

";

(c) by repealing clause 6 and substituting the following clause —

"

Concession fees for tuition in vocational courses

6. (1) Where a person who belongs to a class of persons set out in subclause (2) is admitted to a vocational course, the tuition fee is the amount calculated on the basis of 50 cents for each hour, or part of each hour, of instruction in the course but the fee payable by the person is not to exceed $170 for each semester in which the person is admitted to a vocational course or courses.

(2) The classes of persons for the purposes of subclause (1) are as follows —

(a) persons holding —

(i) a Health Benefit Card issued by the Commonwealth Department of Social Security;

(ii) a Pensioner Concession Card issued by the Commonwealth Department of Social Security;

(iii) a Veteran's Health Benefits Card issued by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans' Affairs; or

(iv) a State Concession Card issued by the Director of the Department for Community Development in this State,

and dependants of such persons;

(b) persons in receipt of —

(i) a benefit under the AUSTUDY scheme or ABSTUDY scheme described in the *Students Assistance Act 1973* of the Commonwealth; or

(ii) a jobsearch or newstart allowance, an additional family payment or special benefit under the *Social Security Act 1991* of the Commonwealth,

and dependants of such persons;

(c) persons who were enrolled in a secondary education institution (whether a senior college, senior campus or secondary school) on a full-time basis at any time during 1993 or 1994; and

(d) persons who are inmates of a custodial institution for adults or juveniles.

";

(d) by repealing clause 8; and

(e) in clause 9, by deleting the Table and substituting the following Table —

"

Table

		$
1.	Late entry to examinations	25.00
2.	Replacement diploma or certificate	50.00
3.	Special deferred examination — each subject	25.00
4.	Examination only (no tuition, examination in normal examination period) — each subject	10.00
5.	Examination only (no tuition, examination not in normal examination period) —	
	(a) setting of paper by examiner (shared equally between candidates)	148.40
	(b) setting of paper by co-examiner (shared equally between candidates)	49.40

			$
	(c)	marking of paper by examiner (each candidate)	4.65
	(d)	marking of paper by co-examiner (each candidate)	1.55
	(e)	supervision of examination (shared equally between candidates)	9.31 per hour
	(f)	college administration costs (each candidate)	50.00
	(g)	examination administration costs (each candidate)	50.00
6.	Re-marking of examination — each subject		25.00
7.	Report on examination or on re-marking of examination — each subject		50.00
8.	Correspondence course administration —		
	(a)	where lessons are to be sent to a place in Australia but outside Western Australia	20.00
	(b)	where lessons are to be sent to a place not in Australia	50.00
9.	Late enrolment for full-time study in vocational courses		45.00
10.	Change of enrolment preference for full-time study in vocational courses		20.00
11.	Re-issue of academic statement —		
	(a)	results on computer	15.00
	(b)	results on microfiche	25.00
12.	Assessment of overseas qualifications		100.00
13.	Late notification of change of examination venue		10.00
14.	Application for full-time study in vocational courses (persons mentioned in clause 6 (2) (c) are exempt)		20.00

".

GEORGE CASH, Acting Minister for Education.

ED401

PUBLIC EDUCATION ENDOWMENT ACT 1909

Office of the Minister for Education,
Perth, 1993.

His Excellency the Governor in Executive Council, acting under the provisions of section 9A of the Public Education Endowment Act 1909, has been pleased to approve the sale by the Trustees of the Public Education Endowment of land described as—

(a) Meckering Town Lots 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295 and 296 being the whole of the land described in Certificate of Title Volume 556 Folio 28;

(b) Meckering Town Lots 245, 246, 247, 248, 249, 250, 279, 280, 281, 282, 283 and 284 being the whole of the land described in Certificate of Title Volume 556 Folio 29 less portion resumed;

(c) Menzies Lots 549 to 585 inclusive and 646 to 705 inclusive being the whole of the land described in Certificate of Title Volume 558 Folio 5

vested in the Trustees of the Public Education Endowment pursuant to section 4 of the Act, and the transfer of the land to the purchasers free of all trusts.

N. F. MOORE, Minister for Education.
D. G. BLIGHT, Clerk of the Council.

FAIR TRADING

FT301

RETAIL TRADING HOURS ACT 1987

RETAIL TRADING HOURS (MOTOR VEHICLE DEALERS) EXEMPTION ORDER 1993

Made by the Minister for Fair Trading under section 5.

Citation

1. This order may be cited as the *Retail Trading Hours (Motor Vehicle Dealers) Exemption Order 1993*.

Exemption

2. Section 12 (1a) of the Act does not apply in relation to a general retail shop or portion of a general retail shop, as the case requires —

(a) in, on or from which motor vehicles are sold by way of retail sale;

or

(b) in, on or from which spare parts for motor vehicles are sold by way of retail sale in conjunction with the sale of motor vehicles.

PETER FOSS, Minister for Fair Trading.

FT401

FINANCE BROKERS CONTROL ACT 1975

SECTION 5 (2)

I, Peter Gilbert Da Conceicao Foss, Minister for Fair Trading and the Minister for the time being responsible for the administration of the Finance Brokers Control Act, being satisfied that adequate safeguards exist against loss to others by defalcation hereby except from the definition of Finance Broker for the purposes of the Act, the following—

* Alan Bourke & Associates Pty Ltd
(Alan Bourke Real Estate)
* Ryara Holdings Pty Ltd
(Bazzo Real Estate)
* William Henry Dymond
(WH Dymond & Associates)
* Ian Douglas Wheatland
(Peet & Co, Geraldton)

Upon condition that—

1. The said persons continue to hold a licence and current triennial certificate as a real estate and business agent under the Real Estate and Business Agents Act 1978.
2. The said persons continue to be the agents of the Challenge Bank Ltd for the purposes of arranging mortgage loans secured over residential real estate property.
3. This exception is limited to the arranging of mortgage loans with the Challenge Bank Ltd.
4. This exception is limited to such mortgage loans being secured over real estate property listed for sale by the said person or sold by the said person as a conjunctional sale with another real estate agent.
5. No monies advanced by the Challenge Bank Ltd should be held by the said persons on behalf of the borrower.
6. The said persons do not approve loans on behalf of the Challenge Bank Ltd.
7. The said persons disclose to intending borrowers the amount of any commission payable to them by the Challenge Bank Ltd in relation to the intending borrower's loan.

Dated this 12th day of January 1994.

PETER FOSS.

INDUSTRIAL RELATIONS

IR401

INDUSTRIAL RELATIONS ACT 1979

NOTICE

(Section 80X)

I, Cheryl Lynn Edwardes, Acting Minister for Labour Relations, acting pursuant to subsection (5) of section 80X of the Industrial Relations Act 1979, hereby declare that Division 4 of Part IIA of the Industrial Relations Act 1979 Promotion Appeal Boards shall not apply to or in relation to any vacant office covered by the following industrial awards and agreements—

Public Service Salaries Agreement 1985, No. PSA AG of 1985

Government Officers (Social Trainers) Award 1988

Government Officers, Salaries, Allowances and Conditions Award 1989, No. PSA A3 of 1989

Education Department Ministerial Officers Salaries Allowances and Conditions Award 1983, No. 5 of 1983

Hostel Supervisory Staff Agreement 1980, No. AG 15 of 1980

Government Officers (State Government Insurance Commission) Award, 1987 No. PSA A21 of 1986

Electorate Officers Award 1986, No. A 18 of 1986

Community Colleges (Salaried Officers) Award 1989, No. 14 of 1989

Department for Community Welfare Institutional Officers Allowances and Conditions Award 1977

The exemption is granted to 10 October 1994.

CHERYL EDWARDES, A/Minister for Labour Relations.

LAND ADMINISTRATION

LA402

TRANSFER OF LAND ACT 1893

Application F308359

Take notice that Hugh Manning of Mardella has made application to be registered under the Act as proprietor of an estate in fee simple in possession in the land situated at Mardella being Cockburn Sound Locations 52 and 54.

All persons other than the applicant claiming any estate right title or interest in the above land and desiring to object to the application are required to lodge in this office on or before 11th February 1994 a caveat forbidding the land being brought under the operation of the Act.

G. H. SACH, Registrar of Titles.

LA401

LAND ACT 1933

Department of Land Administration.

Declaration that Part 1A does not apply

I declare under Section 27H of the Land Act 1933 that Part 1A of the Act does not apply to the following proposals affecting the land specified.

Proposal	Land	DOLA File
Disposition (Section 118CA)	Pedestrian Accessway Held by the Crown in Certificate of Title Volume 587 Folio 62A	1298/993
Reservation & Disposition Section 29(2)	Bunbury Lot 749	2437/993
Reservation "Recreation, Launching Ramp and Parking" Vesting (with power to lease 21 years)	Bunbury Lot 748	3356/973
Reservation "Drainage & Recreation" Vesting	Bunbury Lot 750	2441/993
Reservation "Sewerage Pumping Station" Vesting	Bunbury Lot 751	2440/993
Reservation "Recreation & Foreshore Management" Vesting (with power to lease 21 years)	Bunbury Lot 752	2439/993
Dedication as a Public Road	That area shown coloured mid brown on Land Administration Plan 18454	408/993
Reservation "Public Recreation" Vesting	Canning Location 3857	2149/993
Reservation "Sewerage, Drainage and Water Supply"	Swan Location 11892	883/993
Reservation "School Site" Vesting	Broome Lot 1773	3358/978
Reservation "Drain" Vesting	Broome Lots 1774, 1855, 2953 and 2954	1958/984
Reservation "Public Utilities Services" Vesting	Canning Location 3856	1557/993
Reservation "Ambulance Sub Centre" Vesting	Gingin Lot 86	3000/976
Reservation "Recreation" Vesting	Onslow Lot 603	2174/969
Reservation "Conservation of Flora and Fauna" Vesting	Fitzgerald Locations 1210 and 1665	764/944
Reservation "Sewage Pumping Station" Vesting	Meckering Lot 407	1945/993
Reservation "Day Care Centre" Vesting	Canning Location 3693	1725/993
Reservation Conservation of Flora and Fauna" Vesting	Sussex Location 4814	2174/981
Vesting (With Power to Lease) "Conservation and Management of Historic Buildings and Ancillary and Beneficial Use Thereto"	Fremantle Lot 2095 (Reserve 24042)	866/944
Vesting "Hallsite"	Merredin Lot 1431 (Reserve No. 26033)	3586/959
Vesting "Radio Transmitter Site"	Wellington Location 5151 (Reserve No. 32292)	1590/973
Vesting "Office Site"	Bunbury Lot 719 (Reserve No. 41722)	633/991
Vesting "Recreation"	Denham Lot 313 (Reserve No. 5650)	3548/898
Vesting "Water Supply"	Northampton Lots 425 and 451 (Reserve No. 30336)	3834/958
Vesting "Road Transport Purposes"	Canning Location 3496 (Reserve No. 39507)	1851/982
Vesting "Water Supply"	Northampton Lot 467 (Reserve No. 40684)	1958/988

Proposal	Land	DOLA File
Vesting "Water and Stopping Place"	Yilgarn Location 66 (Reserve No. 1316)	2358/976
Vesting "Drainage"	King Locations 475 and 576	2007/983
Vesting "Community Housing"	Mount Helena Lot 251 (Reserve No. 20579)	3964/989
Vesting "Depot Site"	Southern Cross Lots 315, 316, 317 and 318	3902/989
Vesting "Depot Site"	Donnybrook Lot 506	1648/980
Amendment of Area (inclusion) Reserve No. 27406 "Caravan Park" Vesting (With Power to Lease)	Jurien Lot 1217	1577/963
Change of Purpose "Water and Stopping Place" to "National Park and Water" Vesting	Plantagenet Location 7733 (Reserve No. 1090)	2448/886
Change of Purpose "Government Requirements" to "Conservation of Flora and Fauna" Vesting	Victoria Location 10000 (Reserve No. 29719)	526/969
Amendment of Area (inclusion) Reserve No. 8320 "Prison Site" Vesting (With Power to Lease)	Boulder Lot 4517	5587/902
Amendment of Area (Inclusion) Reserve 32612 "Church Site" Crown Grant in Trust	Bremer Bay Lot 694	1826/973
Reservation "Extension to Townsite"	Swan Location 11747	2434/993
Change of Purpose "Electricity Power Station Site" to "Government Requirements"	Reserve 36447 (as amended to comprise Swan Locations 11745 and 11746 on Plan 18037)	2648/972
Disposal—Sections 118A(2)	Portion of Road No. 5213 extending through Nelson Location 11255.	659/992
Disposal—Section 118A(3)	Portion of Millard Street now comprised in Office of Titles Diagram 84597.	467/992
Disposal—Section 118A(3)	Portion of Road No. 16423 adjoining Lot 100.	605/979
Disposal—Section 118A(3)	Portion of surveyed road shown bordered blue on Land Administration Diagram 91322.	1915/990
Market Garden & Grazing	Hampton Location 151	1284/1983
Tourist Camp Facility	Wyndham Lots 1702 & 1709	2166/1978 2461/1979
Protection of Residence	Plantagenet Location 7670	2328/1972
Extension of Caravan Park	Gregory Lot 213	1745/1981
Light Industry	Coolgardie Lot 2237	901/1991
Commissioner of Main Roads	Carnarvon Lot 1143	1101/1990
Government Employees Housing Authority	Jerramungup Lot 4	3246/1958
Government Employees Housing Authority	Dwellingup Lot 180	2660/1926
Minister for Works	Leonora Lot 54	1004/1975
Commissioner for Main Roads	Geraldton Lot 1762	2058/1961
Government Employees Housing Authority	Derby Lot 1255 Derby Lot 1240 Derby Lot 1231	2441/1987 2452/1987 2446/1987
East Perth Redevelopment Authority	Perth Lot 1044	495/1945
Morley Shopping Centre Pty Ltd	Swan Location 11939	2399/1985
Shopping Centre Lease	Swan Location 11940	2939/1984

Land	DOLA File
VCL bordered green on DOLA Diagram 91340.	8795/904v2
VCL bordered green on DOLA Diagram 91352.	723/979
Portion of Swan Location 3001 marked pedestrian accessway on Plan 9509.	736/992
Portion of Swan Location 1370 being the land marked pedestrian accessway on Plan 9754	1780/992
Portion of Swan Location 1370 being the land marked pedestrian accessway on Plan 10476.	1780/992

Land	DOLA File
Reserve No. 21375 (Avon Loc. 21705) "Gravel".	289/935
VCL bordered green on DOLA Diagram 89743.	12874/910
Reserve No. 1589 (Kimberley Division) "Watering Place". Reserve No. 1590 (Kimberley Division) "Watering Place". Reserve No. 1591 (Kimberley Division) "Watering Place". Reserve No. 1593 (Kimberley Division) "Watering Place".	565/890
All those rights-of-way now comprised in Port Hedland Lots 5557 to 5560 inclusive, 5563 to 5579 inclusive, 5582 to 5590 inclusive, 5592 to 5594 inclusive, 5596, 5752 to 5754 inclusive as surveyed and shown bordered red on DOLA plans 16527 to 16532 inclusive and Diagrams 87310 to 87317 inclusive, 87319, 87320, 87446 to 87448 inclusive.	1856/993
Portion of Swan Location 2441 being the land marked pedestrian accessway on Plan 10908.	2172/991
Calingiri Lot 141.	3050/977
Reserve No. 8035 (Alma Agriculture Area Lot 14) "Water & Camping".	13302/901v3
Portion of Cockburn Sound Location 561 being the land marked pedestrian accessway on Plan 13054.	2562/992
Portion of Gascoyne Location 29 and being portion of the land marked pedestrian accessway on Diagram 68161 being the truncated north eastern corner of Lot 13 shown bordered green on the Land Administration Diagram 91047.	967/991
Reserve No. 16635 (Avon Loc 9343) "Public Utility" Reserve No. 16636 (Avon Loc 9344) "Public Utility" Reserve No. 16637 (Avon Loc 9345) "Public Utility"	2582/987
VCL bordered green on DOLA Diagram 91150	1901/969
Portion of Canning Location 31 and being the land marked pedestrian accessway on Plan 11146.	1405/993

GEORGE CASH, Minister for Lands.

LA403

LAND ACT 1933

Department of Land Administration

Declaration That Part 1A DOES NOT APPLY

I declare under Section 27H of the Land Act 1933 that Part 1A of the Act does not apply to the following proposals in respect of the land specified.

Proposal	Land	Dola File
Disposition—Section 118A(3)	Portion of Wardie Street comprised in Office of Titles Diagram 85072.	1100/1993
Disposal—Section 118A(3)	Portion of closed road between Pinwerny-ing Lots 23 and 37.	1174/1993
Reservation for Recreation and Drainage. Vested in the Shire of Roebourne with Power to Lease for 21 years.	A 6.62 ha portion of Dewitt Location 96 and being portion of Reserve 30948 as shown blue at page 548 of DOLA File 1197/971v6.	1197/971v6

GEORGE CASH, Minister for Lands.

LA404

LOCAL GOVERNMENT ACT 1960

DECLARATION OF CLOSURE OF STREETS

Made by the Minister for Lands

Under Section 288A

At the request of the local government nominated, the street described in the Notice is now declared to be closed.

NOTICE

City of Fremantle (DOLA File 1100/1993; Closure F. 67) All that portion of Wardie Street now comprised in Office of Titles Diagram 85072.

Public Plan: BG 34 (2) 07.12.

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

LB401

LOCAL GOVERNMENT ACT 1960

DECLARATION OF PUBLIC STREETS

Orders of the Minister for Lands

Made under Section 288

At the request of the local government nominated, the portions of land specified in the Notice are now declared to be absolutely dedicated as a public street.

NOTICE

City of Mandurah (DOLA File 2423/993).

Road No. 9234 (Lakes Road) (Extension). A strip of land varying in width commencing at the northern terminus of the existing road (Original Plan 6532) and the terminus of Road No. 8629 (Bedingfeld Road), extending northwards as depicted on Office of Titles Plans 2086 (1) and 2087 (1) to terminate at the southern side of Road No. 1859 (Palomino Place).

Public Plan: BG33 (10) 2.01.

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

LB601

LAND ACT 1933

DEPARTMENT OF LAND ADMINISTRATION

It is hereby notified that it is intended to Grant a Special Lease over Forrest Location 148 to Brian Keith White and Peter Marer under section 116 of the Land Act 1933 for the purpose of "Agriculture" for a term of 21 years.

A. A. SKINNER, Chief Executive.

LB602

LAND ACT 1933

DEPARTMENT OF LAND ADMINISTRATION

It is hereby notified that it is intended to Grant a Special Lease over Dampier Location 114 to Michael Dignam and Barbara Cole under section 116 of the Land Act 1933 for the purpose of "Cultivation and Grazing" for a term of 21 years.

A. A. SKINNER, Chief Executive.

LOCAL GOVERNMENT

LG301

LOCAL GOVERNMENT ACT 1960

Shire of Busselton

By-law Relating to Eating Areas in Streets and Other Public Places

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Busselton hereby records having resolved on the 26th day of May 1993 to make and submit for confirmation by the Governor, the following By-law:

Citation

1. This By-law may be cited as the Shire of Busselton By-law Relating to Eating Areas in Streets and Other Public Places.

Interpretation

2. (1) In this By-law, unless the context otherwise requires:

"Act" means the Local Government Act 1960 as amended;

"Council" means the Council of the Shire of Busselton;

"district" means the municipal district of the Shire of Busselton;

"eating area" means an area in which tables, chairs and other structures are provided for the purpose of the supply of food or drink to the public or the consumption of food or drink by the public—

(a) a boarding house or lodging house; or

(b) a building or other structure used temporarily for the preparation for service or service of meals to the public, at any fair, show, military encampment, races or other public sports, games or amusements;

"Health Act" means the Health Act 1911 as amended and includes the Food Hygiene Regulations 1973 as amended made pursuant to the provisions of the Health Act;

"licence" means a licence issued by the Council under this By-law to set up and conduct an eating area;

"licensee" means the holder of a licence issued under this By-law;

"proprietor" includes the owner, the occupier, and any person having the management or control of any restaurant;

"public facility" means any structure, item or fitting whether in a street or public place that is the property of or has been provided by a Government department, agency or instrumentality of the Crown or the Council;

"restaurant" means any, or any part of any, land, premises or place on or in which meals are prepared for service, or are served to the public for gain or reward but does not include—

"Shire Clerk" means the Shire Clerk of the Shire of Busselton and includes the Acting Shire Clerk.

(2) Except where—

(a) express provision is made to the contrary; or

(b) the context requires otherwise,

words and expressions used in this By-law have the same meaning as are given to them in the Act and the Health Act.

Application

3. This By-law—

(a) applies and has force and effect throughout the whole of the district; but

(b) does not apply to any eating area set up or conducted in or on a place which is on private property notwithstanding that the public are allowed to use that place.

Prohibition

4. A person shall not set up or conduct an eating area in a street or public place—

(a) other than in a portion of a street or public place adjoining a restaurant;

(b) unless the person is the proprietor of the restaurant referred to in paragraph (a);

(c) unless the person is the holder of a valid and current licence issued under this By-law; and

(d) otherwise than in accordance with the licence plan and any terms and conditions set out in, or applying in respect of the licence.

Application for Licence

5. The proprietor of a restaurant seeking the issue of a licence to set up and conduct an eating area in a street or public place shall make written application and forward the application to the Shire Clerk together with—

(a) the fee and the charge prescribed in Schedule 1;

(b) two copies of a plan and specifications of the proposed eating area on a scale of 1:50 showing—

(i) the location and dimensions of the proposed eating area and the means by which the eating areas are to be separated from the balance of the street or public place; and

(ii) the position of all tables, chairs and other structures proposed to be provided in the eating area and which of such items, if any, are to be retained within the eating area at all times;

(c) two copies of both a plan and specifications on a scale of 1:200 showing the eating area and all land, together with any improvements, public facilities and parking restrictions, within 30 metres of the boundaries of the eating area;

(d) a colour photograph or photographs of the tables, chairs and other structures to be set up in the eating area;

(e) a written statement of the manner in which foodstuffs and other dining accessories are to be conveyed to, and protected from contamination within the eating area;

(f) written particulars of arrangements made in respect of public liability insurance of not less than $2,000,000; and

(g) any other information that the Council considers necessary in the circumstances of the case.

Determination of Application

6. (1) The Council may refuse to consider an application for a licence which does not comply with the requirements of clause 5.

(2) The Council may in respect of an application for a licence—

(a) refuse the application; or

(b) approve the application on such terms and conditions, if any, as it sees fit.

(3) Where the Council approves an application for a licence, it shall—

(a) issue a licence, and

(b) cause to be attached to the licence a licence plan showing the area of a street or public place within which the eating area may be set up and conducted.

(4) For the purpose of this By-law, a licence plan attached to a licence shall be deemed to form part of that licence.

(5) A licence issued by the Council under this clause is valid from the date of issue until 31 December of the year of issue unless it is sooner cancelled under this By-law.

Variation of Licence Conditions

7. (1) A licensee may apply in writing to the Council to vary or remove any of the terms and conditions of the licence.

(2) Without limiting the generality of subclause (1), a licensee who, for the purposes of a function or event, wishes to set up or conduct an eating area on a day or hour not permitted by the licence, shall—

(a) apply in writing to the Council, at least 14 days before the day or time for which approval is sought;

(b) state in the application the nature of the function or event concerned and the day or time for which approval is sought; and

(c) forward with the application the fee prescribed in Schedule 1.

(3) The Council may, in respect of an application made under this clause—

(a) refuse the application; or

(b) approve, in whole or in part, the application on such terms and conditions, if any, as it sees fit.

(4) Where the Council approves an application under this clause, it shall advise the licensee in writing of the variation and the terms and conditions applying in respect of the licence shall be varied accordingly.

Renewal of Licence

8. (1) A licensee may apply in writing to the Council by 1 December in each year for the renewal of the licence and shall submit with the application for renewal—

(a) the fee and the charge prescribed in Schedule 1; and

(b) written confirmation that the public liability insurance required under clause 5 (f) has been or will be effected for the renewal period.

(2) Upon receipt of an application for the renewal of a licence, the Council, subject to subclause (3), may—

(a) refuse the application; or

(b) approve the application on such terms and conditions, if any, as it sees fit.

(3) If an application for the renewal of a licence is not received by the Council by 1 December in the year prior to which the licence has been sought, the Council may refuse to consider the application.

Transfer of Licence

9. (1) An application for the transfer of a licence shall—

(a) be made in writing;

(b) be signed by the licensee and the proposed transferee of the licence;

(c) include any information that the Council may require to enable the application to be determined; and

(d) be forwarded to the Shire Clerk together with the fee prescribed in Schedule 1.

(2) Upon receipt of an application for the transfer of a licence, the Council may—

(a) refuse the application; or

(b) approve the application on such terms and conditions, if any, as it sees fit.

(3) Where the Council approves the application for transfer of a licence, the Council shall transfer the licence by—

(a) an endorsement to that effect signed by the Shire Clerk; and

(b) the issue of its written consent.

(4) Where the Council approves the transfer of a licence it shall not be required to refund any part of the fee or charge paid by the former licensee.

Cancellation of Licence

10. (1) The Council may cancel a licence where the licensee has—

(a) been convicted of an offence against—

(i) this By-law;

(ii) the Health Act; or

(iii) any other law relating to the setting up or conducting of eating areas; or

(b) transferred or assigned or attempted to transfer or assign the licence without the consent of the Council.

(2) Where the Council cancels a licence under this clause—

(a) the Council shall advise the licensee in writing of the cancellation;

(b) the cancellation takes effect on and from the day on which the licensee is served with the cancellation advice; and

(c) the Council shall not be required to refund any part of the fee or charge paid by the licensee in respect of the cancelled licence.

Obligations of the Licensee

11. (1) A licensee shall—

(a) ensure that the eating area is conducted at all times in accordance with the provisions of this By-law;

(b) ensure that the eating area is kept in a clean and tidy condition at all times;

(c) maintain the chairs, tables and other structures, set-up in the eating area in good and serviceable condition at all times;

(d) be solely responsible for all rates and taxes levied upon the land occupied by the eating area; and

(e) display the licence in a conspicuous place in the adjoining eating house and whenever requested by an Environmental Health Officer to do so shall produce to him the licence.

(2) Whenever, in the opinion of the Council, any work is required to be carried out as a result of the setting up or conduct of an eating area, the Council may give notice to the licensee of that eating area to carry out that work within the time limited by the notice.

(3) A licensee who neglects or refuses to comply with a notice given under sub-clause (2) commits an offence.

(4) Where a licensee neglects or refuses to comply with a notice given under sub-clause (2), the Council may do the work required by that notice to be done and recover from the licensee, in a court of competent jurisdiction, the expense incurred by it in so doing.

(5) In this clause, "work" includes the removal, alteration, repair, reinstatement or reconstruction of a street or footpath or any part of a street or footpath arising from or in connection with the setting up or conduct of an eating area.

Offences and Penalties

12. A person who commits a breach of this By-law commits an offence and is liable on conviction to a maximum penalty of—

(a) $1,000 in the case of clause 4(c); or

(b) $500 in the case of a breach of any other clause and;

in addition in either case to a maximum daily penalty during the breach of $50.

Schedule 1

Shire of Busselton

1. Licence Application Fee (clause 5 (a)) $50.00
2. Licence Renewal Fee (clause 8 (1) (a)) $50.00
3. Licence Transfer Fee (clause 9 (1) (d)) $50.00
4. Additional Trading Fee (per day or part thereof (clause 7 (2) (c)) $20.00
5. Charge to be paid in addition to a licence application fee or a licence renewal fee—

   $25.00 for each table and
   $10.00 for each chair for which the eating area has been licensed under this By-law.

The Common Seal of the Shire of Busselton was hereto affixed this 20th day of December 1993 in the presence of—

R. TOGNELA, President.
I. W. STUBBS, Shire Clerk.

Recommended—

RICHARD LEWIS, A/Minister for Local Government.

Approved by His Excellency the Governor in Executive Council on the 18th day of January 1994.

D. G. BLIGHT, Clerk of the Council.

LG302

LOCAL GOVERNMENT ACT 1960

Municipality of the Shire of Greenough

By-laws Relating to Parking Facilities

In pursuance of the powers conferred upon it by the abovementioned Act, and all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on 30 July 1993 to make and submit for confirmation by the Governor the following by-laws:—

Part 1—Definition and Operation

1. All previous by-laws relating to parking in the Shire of Greenough are hereby revoked.
2. These by-laws may be cited as the Shire of Greenough Parking By-laws.
3. In these by-laws unless the context otherwise requires—

   "Act" means the Local Government Act 1960 as amended.

   "Authorised Vehicle" means a vehicle authorised by the Council or an Inspector to stand on a road or on a parking station in a place which is designated by the signs to be used for parking by "Authorised Vehicles Only".

   "Built-up area" means the territory continuous to and including any road—

   (a) on which there is provision for lighting by means of street lamps; or

   (b) which is built up with structures devoted to business, industry or dwelling houses at intervals of less than 100 metres for a distance of one half kilometre or more; or

   (c) beyond a sign indicating "BUILT-UP AREA" erected at the roadside to face drivers approaching a development consisting of dwelling houses, or business or industrial structures;

   "Bus" means an omnibus within the meaning of the Road Traffic Act.

   "Carriageway" means a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders and areas, including embayments at the side or centre of the carriageway, used for standing or parking a vehicle. Where a road has two or more of those portions divided by a median strip, the expression means each of those portions, separately.

"Commercial Vehicle" means a vehicle which comes within the description of a motor wagon in the First Schedule of the Road Traffic Act.

"Council" means the Council of the Municipality of the Shire of Greenough.

"Driver" means any person driving or in control of a vehicle.

"Footway" includes every footpath, lane or other place intended for the use of pedestrians only, or habitually used by pedestrians only, or habitually used by pedestrians and not by vehicles.

"Form" means a form in the Schedule to these by-laws.

"Inspector" means a Parking Inspector or Ranger appointed by the Council under these by-laws and includes a Chief Parking Inspector.

"Motor Cycle" means a motor vehicle designed to travel on two wheels but shall not include a vehicle to which a sidecar is attached.

"Municipality" means the Municipality of the Shire of Greenough.

"No Parking Area" means a portion of a carriageway that lies—

(a) between two consecutive white signs inscribed with words "No Parking" in red lettering, and each with an arrow pointing generally towards the other of them; or

(b) between a white sign, inscribed with the words "No Parking" in red lettering and a dead end; or

(c) in the general direction by an arrow on a sign inscribed with the words "No Parking" in red lettering and which is in an area in which parking is prohibited.

"No Standing Area" means a portion of a carriageway that lies—

(a) between two consecutive white signs inscribed with the words "No Standing" in red lettering, and each with an arrow pointing generally towards the other of them; or

(b) between a white sign inscribed with the words "No Standing" in red lettering and a dead end; or

(c) in the general direction indicated by an arrow inscribed on a sign with the words, "No Standing" in red lettering and which is an area in which standing is prohibited.

"Notice" means a notice in the form of Form 1, Form 2, Form 3 or Form 4 in the Schedule to these by-laws.

"Owner" of a vehicle means the person who is the holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or, if the vehicle is not licensed under that Act, the person who owns or is entitled to its possession.

"Park" means to permit a vehicle, whether attended or not, to remain stationary except for the purpose of—

(a) avoiding conflict with other traffic;

(b) complying with the provisions of any law; or

(c) immediately taking up or setting down persons or goods, "Parking" has a correlative meaning.

"Parking Area" means a portion of a carriageway that—

(a) lies between two consecutive white signs inscribed with the word "Parking" in green lettering and each with an arrow pointing generally towards the other of them; or

(b) extends from a white sign inscribed with the word, "Parking", in green lettering in the general direction indicated by an arrow inscribed on the sign to any other sign inscribed with the words "No Parking" or "No Standing", in red lettering or to a dead end or an area in which the parking or standing of vehicles is prohibited and is that half of the carriageway of the road nearest to the sign.

"Parking Facilities" includes land, parking stalls and other facilities open to the public generally for the parking of vehicles with or without signs notices or facilities used in connection therewith.

"Parking Region" means that portion of the district of the Municipality of the Shire of Greenough that is constituted a parking region pursuant to these by-laws.

"Parking Stall" means a section or part of a street which is marked or defined by painted lines or metallic studs or similar devices for the purpose of indicating where a vehicle may stand or be parked.

"Property Line" means the boundary between the land comprising a street and the land that abuts thereon.

"Reserve" means Public Reserve as defined in the Act.

"Road" means any highway, road, street, lane, thoroughfare or similar place, open to, or used by the public and includes every carriageway, footway, reservation, median strip, traffic island or similar place thereon which is within the parking region.

"Road Traffic Act" means the Road Traffic Act 1974, as amended from time to time or any other Act substituted therefore.

"Sign" means a traffic sign, mark, structure or device placed or erected on or near a road or reserve for the purpose of regulating, guiding or directing the parking of vehicles.

"Stand" in relation to a vehicle means to stop the vehicle and permit it to remain stationary, except for the purpose of—

(a) avoiding conflict with other traffic; or

(b) complying with the provisions of any law, "Standing" has a correlative meaning.

"Street" has the same meaning as road.

"Street Verge" means that portion of a road which lies between the portion of a road that is improved, paved, designed or ordinarily used for vehicular traffic and the nearest property line.

"Taxi" has the same meaning as taxi-car in the Road Traffic Act.

"Vehicle" includes any vehicle which comes within the interpretation of that expression in the Road Traffic Act.

4. (1) The whole of the Municipal district is constituted as a parking region with the exception of—

(a) any roads which come under the control of the Commissioner of Main Roads;

(b) parking restrictions associated with traffic signals based on an approved plan;

(c) prohibition areas applicable to all bridges and subways.

(2) These by-laws apply to the parking region and all parking facilities in the parking region other than a parking facility that—

(a) is not owned, controlled or occupied by the Municipality; or

(b) is owned by the Municipality but is let to another person.

5. For the purpose of these by-laws, vehicles are divided into classes as follows—

(a) buses;

(b) commercial vehicles including any other vehicle (not being a trailer or a vehicle to which a trailer is attached) constructed primarily for conveyance therein or thereon of goods;

(c) motor cycles and bicycles;

(d) taxis;

(e) all other vehicles not otherwise classified.

6. Where under these by-laws the standing or parking of vehicles in a street is controlled by a sign, that sign shall be read as applying to that part of the street which—

(a) lies beyond the sign;

(b) lies between the sign and the next sign beyond that sign or a dead end; and

(c) is the side of the Carriageway of the street nearest to the sign.

Parking Stalls

7. Subject to these by-laws, to sub-section (3) of section 231 of the Act and to any regulations from the time being in force under the Road Traffic Act, the Council may constitute, determine and vary, and indicate by signs for time to time—

(a) parking stalls.

(b) permitted times and conditions of parking in parking stalls depending on and varying with locality.

(c) classes of vehicles permitted to park in parking stalls.

(d) the manner of parking in parking stalls.

8. A Person shall not stand a vehicle in a parking stall in a street otherwise than parallel to the kerb and as close thereto as practicable and wholly within that stall and headed in the direction of the movement of traffic on the side of the street on which the stall is situated. Where a parking stall is set out otherwise than parallel to the kerb the provisions of this by-law (other than the provision that a vehicle shall stand wholly within the stall) shall not apply.

9. A person shall not stand or attempt to stand a vehicle in a parking stall in which another vehicle is standing. This by-law does not prevent the parking of a motor cycle and a bicycle together in a stall marked "M/C" if the bicycle shall be parked in accordance with By-law 11 hereof.

10. (1) A person shall not permit a vehicle to stand in a parking stall which is, at the time, set aside for use by commercial vehicles unless—

(a) the vehicle is a commercial vehicle; and

(b) some person is actively engaged in loading or unloading goods into or from the vehicle,

and in any case, for not more than a period of thirty minutes.

(2) A parking stall is set aside for use by commercial vehicles if there is a sign thereon or adjacent referable thereto marked "Loading Zone".

11. A person shall not stand or permit to stand any motor cycle, or bicycle in a parking stall other than in a stall marked "M/C" and elsewhere in that stall than against the kerb and, in the case of a bicycle parallel to the kerb.

Parking of Commercial Vehicles on Street Verges

12. (a) A person shall not park a commercial vehicle having a tare weight or load capacity three (3) tonnes or more or a caravan, omnibus or trailer designed adapted or used for industrial or commercial purposes on a street verge for more than four (4) hours in a day.

(b) the prohibition in this by-law shall only apply to verge parking within a built-up area;

(c) The prohibition in this by-law shall not apply to a builder or contractor, parking a commercial vehicle or trailer on the street verge where he is currently engaged in building work on land abutting that street verge.

Standing and Parking Generally

13. The Council, subject to the provisions of section 231 (2) of the Act, may constitute, determine and vary, and indicate by signs, from time to time, prohibitions regulations and restriction of parking and standing of vehicles generally or of vehicles of a specified class or of specified classes in all streets or specified streets, or in specified parts of streets or reserves or parts of reserves in the parking region at all times or at specified times.

14. A person shall not stand a vehicle in a street or part of a street or a reserve—

(a) which is by any sign therein adjacent or referable thereto set apart for the standing of vehicles of a different class; or

(b) if by any such sign the standing of vehicles is prohibited or restricted during any period or periods, then during such period or periods; or

(c) if by any sign such the standing of vehicles is permitted for a specified time, for longer than such time.

15. A person shall not stand a vehicle—

(a) in a "No Standing" area;

(b) in a parking area, except in a manner indicated by the inscription on the sign or signs associated with the parking area and parking stalls except as in these by-laws provided with reference to such parking stalls;

(c) in a parking area contrary to any limitation in respect of time, days, periods of the day, classes or persons, or classes of vehicles indicated by the inscription on the sign or signs associated with the area; or

(d) in a defined area marked "M/C" unless it is a motor cycle without a side car, or a bicycle.

16. A person shall not park a vehicle in a "No Parking" area.

17. A person shall not park a vehicle in any portion of a street—

(a) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a road;

(b) if the vehicle is exposed for sale;

(c) to service that vehicle; or

(d) if that vehicle is unlicensed.

18. (a) Subject to sub-bylaw (b) hereunder a person shall not stand a vehicle on a street verge or carriageway if any approved sign prohibits the parking of vehicles on such street verges or carriageway.

(b) Sub-bylaw (a) herein does not apply to the standing of a vehicle on a street verge or carriageway where that may constitute an offence under By-law 11 (1) of the Street, Verge Gardens By-laws.

19. A person shall not, without the permission of the Council or an inspector, stand a vehicle in an area designated by signs "Authorised Vehicles Only".

20. Subject to the provisions of By-laws 22 and 23 of these by-laws, a person standing a vehicle on a carriageway shall stand that vehicle—

(a) on a two-way carriageway, so that the vehicle is as near as practicable to, and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is standing;

(b) on a one-way carriageway, so that the vehicle is as near as practicable to, and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is standing;

(c) not less than 3 metres of the width of the carriageway, between the vehicle and the farther boundary of the carriageway, or between it and a vehicle standing on the far side of the carriageway, is available for the passage of other vehicles;

(d) so that the vehicle is not less than 1.2 metres from any other vehicle, except a motor cycle or a bicycle parked in accordance with these by-laws;

(e) so that the vehicle does not cause undue obstruction on the carriageway; and

(f) so that the vehicle is entirely within the confines of any parking stall marked on the carriageway.

21. A person shall not stand a vehicle partly within and partly outside a parking area.

22. (1) Where the traffic sign or signs associated with a parking area are not inscribed with the words "Angle Parking" then—

(a) where the parking area is adjacent to the boundary of a carriageway, a person standing a vehicle in the parking area shall stand it as near as practicable to, and parallel with, that boundary; and

(b) where the parking area is at or near the centre of the carriageway, a person standing a vehicle in that parking area shall stand it approximately at right angles to the centre of the carriageway, unless a sign associated with the parking area, indicates or marks on the carriageway indicate, that vehicles are to stand in a different position.

(2) (a) Where a traffic sign associated with a parking area is inscribed with the words, "Angle Parking" a person standing a vehicle in the parking area shall stand the vehicle at an angle of approximately 45 degrees to the centre of the carriageway, unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway surface.

(b) Sub-bylaw (2) (a) herein does not apply to a person standing a motor cycle or a bicycle in a parking area.

23. (1) A person shall not stand a vehicle so that any portion of the vehicle is—

(a) between any other standing vehicle and the centre of the carriageway;

(b) adjacent to a median strip;

(c) in front of a right-of-way, passage, or private driveway or so close thereto as to deny any other vehicle reasonable access to or egress from the right-of-way, passage or private driveway;

(d) in front of a footway constructed across a reserve;

(e) alongside or opposite any excavation in, or obstruction on, the carriageway, if the vehicle would thereby obstruct traffic;

(f) on, or within 9 metres of any portion of a carriageway bounded on one or both sides by a traffic-island;

(g) on any footway or pedestrian crossing;

(h) upon a bridge or other elevated structure;

(i) between the boundaries of a carriageway, and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of the carriageway nearer to the continuous line, unless there is a distance of not less than 3 metres clear between the vehicle and the double longitudinal line; or

(j) upon an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway.

(2) The provisions of paragraphs (c), (f) and (h) of sub-bylaw (1) of this by-law do not apply to a bus that stands in a bus stand marked on the carriageway, for the purposes of setting down or taking up passengers.

24. A person shall not stand a vehicle so that any portion of the vehicle is—

(a) within 1 metre of a fire hydrant or fire plug, or any sign or mark indicating the existence of a fire hydrant or fire plug; or

(b) within 3 metres of a public letter box, unless the vehicle is being used for the purpose of collecting postal articles from the pillar box.

25. A person shall not stand a vehicle so that any portion of the vehicle is within 6 metres of the nearer property line of any road intersecting the road on the side on which the vehicle is standing.

26. A person shall not stand a vehicle so that any portion of the vehicle is within 9 metres of the departure side of—

(a) as sign inscribed with the word "Bus Stop", "Hail Bus Here" unless the vehicle is a bus stopped to take up or set down passengers; or

(b) a pedestrian crossing or a children's crossing established on a two-way carriageway.

27. A person shall not stand a vehicle so that any portion of the vehicle is within 18 metres of the approach side of a pedestrian crossing or a children's crossing.

28. The provisions of By-laws 24 to 28 of these by-laws do not apply to a vehicle standing in a parking stall established by the council nor to a bicycle standing in a bicycle rack established by the Council.

29. A person shall not permit a vehicle to stand in any part of a street if any inspector or member of the Police Force directs the driver of such vehicle to move it.

30. An inspector may mark the tyres of a parked vehicle with chalk or any other non-indelible substance for any purpose connected with or arising out of his duties and powers and no person shall remove a mark made by an inspector so that the purpose of the affixing of such mark is defeated or likely to be defeated.

31. A vehicle having been parked in a street or in an area where by any sign the standing of vehicles is permitted for a limited time, a person shall not—

(a) move that vehicle to any position within the same parking area; or

(b) by arrangement with any person either exchange the space used by the vehicle for space in the same or another area by another vehicle or occupy a space in the same or another area previously occupied by another vehicle,

so that the total time of parking shall exceed the maximum time allowed for parking in the space first occupied by that first mentioned vehicle.

32. The Council, or an inspector may permit a person who requires a space in an area where by any sign the standing of vehicles is permitted for a limited time, in order to carry out urgent, essential or official duties to occupy such space with a vehicle for a longer time, from time to time than the maximum period prescribed by the sign and may prohibit the use of such space by any other vehicle during such time.

Miscellaneous

33. An inspector shall be furnished with a certificate of his appointment in a form determined by the Council from time to time.

34. A person who is not an inspector shall not in any way assume the duties of an inspector.

35. No person shall in any way obstruct or hinder an inspector in the execution of his duty.

36. (a) A notice served under sub-section (2) of section 669C of the Act in respect of an offence alleged to have been committed against these by-laws shall be in or to the effect of Form 1 of Schedule 1.

(b) Subject to sub-bylaw (4) of this by-law, an infringement notice served under section 669D of the Act in respect of an offence alleged to have been committed against these by-laws shall be in or to the effect of Form 2 in Schedule 1.

(c) An infringement notice served under sub-section (2) of section 669D of the Act in respect of an offence against these by-laws shall be in or to the effect of Form 2 of Schedule 1.

(d) A notice sent under sub-section (5) of section 669D of the Act withdrawing an infringement notice served under this section in respect of an offence alleged to have been committed against these by-laws shall be in or to the effect of Form 3 in Schedule 1.

37. No person other than the driver of the vehicle shall remove from the vehicle any notice affixed thereto or left therein or thereon by an inspector or a member of the Police Force.

38. No person shall—

(a) without the authority of the Council mark, set up or exhibit any sign purporting to be or resembling a sign marked set up or exhibited by the Council under the authority of these by-laws or attempt to do any of such acts.

(b) remove, deface or misuse any sign or property or any part thereof set up or exhibited by the Council under the authority of these by-laws or attempt to do any of such acts;

(c) without the permission of the Council affix any board, sign, placard, notice or other thing to or paint or write upon any part of a sign.

39. An inscription on a sign operates and has effect according to its tenor and person contravening the direction of a sign commits an offence under these by-laws.

40. (a) A sign marked, erected, established or displayed on or near a road is, in the absence of evidence to the contrary, marked, erected, established or displayed under the authority of these by-laws.

(b) The first three letters of any day of the week when used on a sign indicate that day of the week.

(c) Signs associated with No Parking areas, Parking areas or a sign of a kind referred to in these by-laws, is limited in its operation and effect in respect of days, periods of the day, classes of person, classes of vehicles, circumstances to the extent, if any shown on the sign.

41. An inspector is authorised to—

(a) carry into effect the provisions of these by-laws;

(b) report to the Council on the working effectiveness and functioning of these by-laws;

(c) recommend to the Council the institution of prosecutions;

(d) institute and conduct prosecutions as directed by the Council or the Shire Clerk of the Council from time to time.

Penalties

42. Any person who contravenes or fails to comply with any provision of these by-laws commits an offence and is liable on conviction to a penalty not exceeding the penalties listed in Schedule 2.

43. The Council shall cause adequate records to be kept of all infringement notices served and modified penalties received, under section 669D of the Act in respect of offences against these by-laws.

Schedule 1

Form 1

Shire of Greenough Parking By-laws

Cnr. Geraldton—Mt Magnet Road

and Geraldton—Walkaway Road

Utakarra

NOTICE REQUIRING OWNER OF VEHICLE TO IDENTIFY DRIVER

To the Owner .....Serial No.....
.....
.....
..... Date .....
the owner of vehicle make..... Type.....
Plate No.....
You are hereby notified that it is alleged that on the .....
day of ..... 19..... at about ..... the driver
or person in charge of the above vehicle did .....
.....
.....
in contravention of the provision of By-law No. ..... of the
..... by-laws.

You are hereby required to identify the person who was the driver or person in charge of the above vehicle at the time when the above offence is alleged to have been committed.

Unless within 21 days after the date of the service of this notice you—

(a) inform the Council of the Shire of Greenough or ..... (an inspector of the Council) as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time of the above offence; or

(b) satisfy the Council or inspector that the above vehicle had been stolen or unlawfully taken, or was being unlawfully used at the time of the offence,

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and Court proceedings may be instituted against you.

Signature of Inspector .....
Designation .....

Form 2

Shire of Greenough Parking By-laws

INFRINGEMENT NOTICE

To The Owner ..... Serial No.....
.....
..... Date .....
Plate No..... Make..... C/R.....
Place .....
You are hereby notified that it is alleged that on the.....
day of..... 19..... you did commit a breach of Clause No.....
in contravention of the provisions of the Shire of Greenough Parking Facilities By-laws as indicated hereunder by a cross (x).

Parking By-laws.

☐	$10	Parking not wholly with a parking stall	☐	$30	Standing in a No Parking Area
☐	$20	Standing a vehicle of a different class	☐	$40	Standing on a Footpath
☐	$20	Standing in a Bus Stand	☐	$50	Standing in a No Standing or Restricted Area
☐	$20	Causing an obstruction	☐	$70	Parking of a commercial vehicle longer than permitted in a built up area

If you do not wish to have a complaint of the above offence heard and determined by a Court you may pay the modified penalty within twenty-one days after the date of the service of this notice.

Unless payment is made within 21 days of the date of the service of this notice Court proceedings may be instituted against you.

Payment may be made either by posting this form together with the amount mentioned above, to the Shire Clerk of the Shire of Greenough or by delivering this form and paying that amount at the Council Offices, Cnr. Geraldton—Mt Magnet Road and Geraldton—Walkaway Road, Utakarra 6530 during normal office hours.

Signature of Inspector .....
Designation .....

Form 3

Shire of Greenough Parking By-laws

WITHDRAWAL OF INFRINGEMENT NOTICE

To .....
..... Date .....
Infringement notice No..... Date .....
for the alleged offence of .....
.....
.....
Signature of Inspector.....
Designation.....

Schedule 2

Shire of Greenough Parking By-laws

For an offence against these By-laws if dealt with under section 669D of the Act is Eighty Dollars ($80).

Dated this 30th day of August 1993.

The Common Seal of the Shire of Greenough was affixed hereto in the presence of—

G. S. GARRATT, President.
W. T. PERRY, Shire Clerk.

Recommended—

P. D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of January 1994.

D. G. BLIGHT, Clerk of the Council.

LG303

LOCAL GOVERNMENT ACT 1960

Municipality of the Shire of Mundaring

By-laws Relating to Standing Orders

In pursuance of the powers conferred on it by the above mentioned Act and of all other powers enabling it, the Council of the above mentioned Municipality hereby records having resolved on the 24 August 1993 to make and submit for confirmation by the Governor the following amendment to the By-laws relating to Standing Orders adopted by the municipality of the Shire of Mundaring on 17 March 1977 and published in the *Government Gazette* on 26 August 1977.

(i) By-law 153 is amended in lines 4 and 5 by deleting the words "by authority of a resolution of the Council".

(ii) By-law 155 is deleted and replaced by the following:

"155 If the Act or any other Law requires that the Common Seal be affixed to any document then the Common Seal shall be affixed in accordance with the provisions of the Act or the other Law and if the Common Seal is required to be affixed to a document in respect of which no direction is given in the Act or any other Law as to the circumstances and manner of its affixing the following shall apply:

(a) the Council may from time to time direct either generally in respect of all documents not otherwise provided for or in respect of a class of documents or a specific document not otherwise provided for that the Common Seal shall be affixed to any such document in the manner prescribed by section 189 of the Act without any further resolution of the Council giving authority to do so, and

(b) in the case of any caveat or withdrawal of caveat to be lodged at the Office of Titles in the absence of any direction of the Council to the contrary the Common Seal may be affixed in the manner prescribed by Section 189 of the Act."

Dated this 19th day of October, 1993.

The Common Seal of the Shire of Mundaring was hereunto affixed by Authority of a Resolution of the Council in the presence of:

RON DULLARD, President.

MAX WILLIAMS, Shire Clerk.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of January 1994.

D. G. BLIGHT, Clerk of the Council.

LG304

LOCAL GOVERNMENT ACT 1960

Municipality of the Shire of Mullewa

By-laws Relating to Fencing

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the Eighteenth Day of February, 1992 to make and submit for confirmation by the Governor the following By-laws:

1. Citation

These By-laws apply to the gazetted Mullewa townsite.

2. Interpretation

2.1 In the By-laws unless the context otherwise requires:

"Council" means the Council of the Shire of Mullewa;

"Dangerous" in relation to a fence means a fence in such condition by reason of faulty design, location, construction, deterioration of materials, damage by termites, decay, changes in ground levels, or any other cause, or any fence which is otherwise likely to collapse or fall, or part of which fence is likely to collapse or fall, for any reason whatsoever;

"District" means the District of the Municipality of the Shire of Mullewa;

"Dividing fence" means a fence which separates the land of different owners whether or not the fence is on a boundary line of each allotment of land;

"Fence" means a barrier or wall either—

(a) abutting a road reserve and the boundary line of an adjoining allotment of land whether or not the barrier is on the boundary line of each allotment of land;

(b) within the boundaries of an allotment of land and includes a free standing barrier or retaining wall;

"Height" in relation to a fence means the greatest distance between the top of the fence at any point and the ground immediately below that point but where—

(a) the natural level of the ground cannot be ascertained, the height of the fence shall be measured from a level fixed by Council;

(b) a fence is erected on or adjacent to a retaining wall, the retaining wall is deemed to be part of the fence for the purpose of measuring the height thereof, unless in any particular case, the Council decides otherwise;

"Industrial and Commercial Zone" means any portion of the district that is classified or zoned as Shopping, Office, General Industry, Light Industry, Showroom, Special Use, or any other portion of the district which is zoned principally for industrial or commercial purposes by a Town Planning Scheme in the district;

"Residential Zone" means any portion of the district that is classified or zoned Residential or which is zoned principally for a residential purpose by a Town Planning Scheme in the district;

"Rural Zone" means any portion of the district that is classified or zoned Rural or which is zoned principally for a rural purpose by a Town Planning Scheme in the district;

"Townsite" means any area designated under the provisions of the Town Planning Scheme as gazetted on the 15th August, 1986, by the Council of the Shire of Mullewa.

2.2 Where a fence is erected on a boundary line between land in differing zones then a sufficient fence for the purpose of the Dividing Fences Act 1961 shall be specified in the First Schedule.

3. Approval

3.1 No person shall commence to erect, construct, reconstruct or alter, or erect, construct, reconstruct or alter any fence or any hood or pergola forming part of a fence—

(a) exceeding .75 of a metre in height abutting or within 7.6 metres of a street alignment; or

(b) exceeding 1.8 metres in height on the remainder of any lot boundary or adjacent thereto unless he has lodged with the Council two copies of plans and specifications of the proposed reconstruction or alteration and unless the Council has approved the said plans and specifications.

3.2 (a) Where land is located at the corner of two streets, a fence that intersects at such a corner shall not exceed .75 of a metre in height for the first 6 metres of its length from the corner.

4. Fencing Materials

4.1 Previously used materials shall not be used in the construction of any fence unless approved by Council.

4.2 No person shall erect a fence constructed otherwise than of one or more of the following:

Concrete, masonry, rammed earth, wrought iron, steel link mesh, timber, fibro cement sheeting or such other materials approved by Council.

4.3 No person shall use or cause to be used corrugated galvanised iron as a covering to any fence on properties within a Residential Zone.

4.4 No person shall erect a fence wholly or partly of barbed wire except in accordance with this By-law. A fence may be erected—

(a) wholly of barbed wire in a Rural Zone;

(b) partly of barbed wire in an Industrial and Commercial Zone if no barbed wire is used below a height of 1.8 metres from the ground.

5. Fences in Residential Zones

A fence constructed in a Residential, Industrial or Commercial Zone in accordance with specifications set out in the First Schedule of these By-laws shall be a sufficient fence for the purpose of the Dividing Fences Act 1961 as amended.

6. Specification of Other Fences

A timber or steel link mesh fence constructed in a Residential, Commercial and Industrial Zone, shall be constructed in accordance with specifications set out in the Second Schedule of these By-laws.

7. Maintenance of Fences

7.1 The owner or the occupier of land on which a fence is erected shall maintain the fence in good condition and so as to prevent it from falling into disrepair or becoming dilapidated, neglected, ruinous, unsightly, dangerous or prejudicial to the amenity of the locality.

7.2 The Council may give notice in writing to the owner or the occupier of any land upon which is erected a fence which is dangerous, neglected, ruinous, in bad condition or repair, dilapidated, unsightly or prejudicial to the amenity of the locality or is contrary to the provisions of these By-laws, requiring such owner or occupier to modify, repair, paint or maintain the fence within the time stipulated within the notice.

7.3 Where the owner or occupier of land has been given notice under by-law 7.2 hereof fails to comply therewith the Council may enter upon the land and carry out the work specified in the notice and recover the costs and expenses incurred by the Council in so doing from the owner in a Court of Competent jurisdiction.

8. Penalty

Any person who constructs a fence, or permits a fence to be constructed, otherwise than in accordance with provisions of these By-laws, commits an offence and is liable, on conviction, to a maximum penalty of $500 and a further penalty of $20 for each day the offence continues.

First Schedule—Residential, Commercial and Industrial Zones

1. Corrugated fibro reinforced cement sheet fencing shall have specifications as follows:

1.1 All boundary fences shall be of a height of 1.8 metres, except fences forward of the front building line which shall be .75 metres.

1.2 The total height plus depth of the fence shall consist of a single continuous fibro reinforced cement sheet.

1.3 The sheets to be sunk to a depth of 400mm or 25% of the total length of the sheet whichever is the greater.

1.4 Fibro reinforced cement sheets are to be erected, lapped and capped with extruded "snap-fit" type capping.

Second Schedule—Specifications for Other Fences

1. Timber fences to be erected as follows:

1.1 All boundary fences shall be of a height of 1.8 metres, except fences forward of the front building line which shall be .75 metres.

1.2 First posts and rear corner posts shall be 125mm x 125mm.

1.3 Intermediate posts shall be 125mm x 75mm.

1.4 All posts shall be spaced at 2750mm centres.

1.5 All posts shall be sunk at 460mm into the ground.

1.6 Corner posts shall be strutted two ways with 100mm x 50mm or 75mm x 50mm struts.

1.7 Posts must have two rows of rails.

1.8 Rails shall be 75mm x 50mm double nailed to each post and each rail shall span two bays of fencing with joints staggered.

1.9 All pickets or palings shall be placed 75mm apart and shall be double nailed to each rail.

2. Fences of link mesh construction shall have specifications as follows:

2.1 All boundary fences shall be of a height of 1.8 metres, except fences forward of the front building line which shall be .75 metres.

2.2 Corner steel posts shall be placed at all changes in direction and are to be 50mm nominal bore x 3.5mm; footings 225mm diameter x 600mm.

2.3 Intermediate steel posts to be 37mm nominal bore x 3.15mm spaced 3.5m apart; footings 225mm diameter x 600mm.

2.4 All posts shall be sunk at 600mm into the ground.

2.5 Steel struts to be minimum 30mm nominal bore x 3.15mm fitted at each gate and two at each corner post.

2.6 Cables shall be affixed to the top, centre and bottom of all posts and shall consist of two or more 3.15mm wires twisted together.

2.7 Galvanised steel link mesh wire shall be not less than 1.8m in height and constructed of 50mm mesh 2.5mm galvanised steel wire and shall be strained, neatly secured and laced to the posts and affixed to cables.

Dated this 27th day of September 1993.

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

P. T. FREEMAN, President.
G. S. WILKS, Shire Clerk.

Recommended—

PAUL OMODEI, Minister for Local Government.

Confirmed by His Excellency the Governor in Executive Council this 18th day of January 1994.

D. G. BLIGHT, Clerk of Council.

LG305

LOCAL GOVERNMENT ACT 1960

Municipality of the Town of Albany

Parking Facilities By-laws

In pursuance of the powers conferred by the above Act and all other powers enabling it, Council hereby records having resolved on 24 August 1993, to make and submit for confirmation by the Governor the following amendments to its Parking Facilities By-laws as published in the *Government Gazette* dated 8th November 1974.

1. By-law 2 is amended by:
   (a) Deleting entirely the definition of "Notice";
   (b) Inserting a new definition for Notice with the words "Notice means a Notice issued in a form determined by Council".
2. By-law 47 (1) is amended by—
   Deleting the words "Form 1" and inserting the words "a form determined by Council" after the words "in or to the effect of".
3. By-law 47 (2) is amended by—
   Deleting the words "Form 2" and inserting the words "a form determined by Council" after the words "in or to the effect of".
4. Deleting entirely Form 1 and Form 2 of the Fourth Schedule.

Dated this 19th day of November 1993.

The Common Seal of Town of Albany was hereunto affixed by authority of the Council in the presence of—

A. G. KNIGHT, Mayor.
M. A. JORGENSEN, General Manager/Town Clerk.

Recommended for approval—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council the 18th day of January 1994.

D. G. BLIGHT, Clerk of the Council.

LG306

LOCAL GOVERNMENT ACT 1960

Municipality of the Town of Albany

By-law Relating to Street Trading—No. 16

In pursuance of the powers conferred by the above Act and all other powers enabling it, Council hereby records having resolved on 22 December 1992, to revoke the By-laws Relating to Street Trading as published in the *Government Gazette* dated 30 September 1988 and amended from time to time, and to make and submit for confirmation by the Governor the following:

1. In this By-law unless the context otherwise requires—

   "authorised officer" means any officer authorised by the Council and a Police Officer;

   "Community Association" means an institution, association, club, society or body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled or permitted to receive any pecuniary profit from the transaction thereof;

   "trading" means selling or hiring of goods, wares, merchandise or services, or offering goods, wares, merchandise or services for sale or hire, in a street or other public place and includes displaying goods, wares or merchandise for the purpose of offering them for sale or hire, inviting offers for sale or hire, soliciting orders or carrying out any other transaction therein;

   "licence" means a licence issued under this By-law in a form determined by the local authority;

   "Local Authority" means the Council of the Town of Albany;

   "Public place" includes a street, way or place which the public are allowed to use, whether the street, way or place is or is not on private property.

2. This By-law shall not apply to the selling or offering for sale of newspapers.

3. No person shall carry on trading in any street or public place unless that person—

   (a) is acting in compliance with the requirements, terms and conditions of a current licence and for which all fees and charges have been paid; and

   (b) is the holder of a valid licence or is an assistant specified in a valid licence.

4. An application for a licence shall be in writing and shall—

   (a) include the full name and address of the applicant;

   (b) specify the proposed number and the names and addresses of assistants;

   (c) specify the location for which the licence is sought;

   (d) be accompanied by an accurate plan and description of any proposed stand, table, structure or vehicle which may be used for trading;

   (e) specify the proposed days and hours of trading;

   (f) specify the proposed goods, wares, merchandise or services in respect of which trading will be carried on.

5. The Council may refuse to issue a licence if—

   (a) the applicant has committed a breach of clauses 3, 8, 9 or 10 of this By-law;

   (b) the proposed activity or place of trading is in the opinion of Council undesirable;

   (c) the proposed stand, table, structure or vehicle is in the opinion of Council unsuitable in any respect of the location for which the licence is sought;

   (d) the needs of the district or the portion thereof for which the licence is sought are in the opinion of Council adequately catered for.

6. A licence shall be in the form determined by the local authority, and valid for the period between the date of issue and the 30th day of June next or until its revocation pursuant to this By-law whichever is the earlier.

7. (a) An annual fee payable for the issue of a licence as set out in the First Schedule;

   (b) In addition to the licence fee payable under sub-clause paragraph (a) of this clause a licensee shall before the issue of a licence pay the Council the additional charge specified in the Second Schedule hereto;

8. No licensee or assistant specified in a licence shall—

(a) engage in or permit any trading in any goods, wares, merchandise or services other than those specified in the licence;

(b) cause, permit or suffer any nuisance to exist, arise or continue on or from the permitted place specified in the licence;

(c) deposit, place or store any goods, wares or merchandise on any street or other public place other than on the place to which the licence applies;

(d) create any noise or disturbance to the annoyance of nearby occupants or passer-by;

(e) obstruct the free passage of pedestrians on any footpath or roadway.

9. A licensee shall not transfer, assign or otherwise dispose of his licence.

10. A licensee shall—

(a) unless with the approval of the Council personally attend at the place specified in his licence at all times when trading is conducted on or from that place;

(b) keep the place and any stand, table, structure or vehicle specified in his licence in a clean and safe condition and in good repair;

(c) keep the place and any stand, table, structure or vehicle specified in his licence free from trade refuse and other refuse and rubbish;

(d) on demand produce his licence to any authorised officer of the Council or any police officer;

(e) unless with written approval of the Council to the contrary, removes his stand, table, structure or vehicle and all of his goods, wares, merchandise and signs from the place to which the licence applies and leave that place clean and vacant in all respects—

(i) at the conclusion of the permitted hours of operation specified in his licence; and

(ii) whenever not trading on the place to which the licence applies.

11. The Council may revoke a licence if—

(a) the licensee or assistant specified in a licence commits an offence against clauses 3, 8, 9 or 10 of this By-law; or

(b) the Council or a Crown agency, instrumentality or department requires access to the place to which a licence applies for the purpose of carrying out works, over or under that place.

12. Where a licence is revoked the Council shall if requested provide the licensee with written reasons for the revocation.

13. (a) Where a licence is revoked under clause 12 (a) of this By-law the licensee shall not be entitled to any refund of any fee or charge paid to the Council in respect thereof.

(b) Where a licence is revoked under clause 12 (b) of this By-law the Council shall refund the charge paid in respect thereof having first deducted the charge applicable to the period from the date of issue of the licence to the date of revocation.

14. Any person who contravenes or fails to comply with any provisions of clauses 3, 8, 9 or 10 of this By-law commits an offence and is liable on conviction to—

(a) a maximum penalty of one thousand dollars ($1000.00) or imprisonment for six (6) months;

(b) a maximum daily penalty during the breach of fifty dollars ($50.00) per day.

15. (a) Notwithstanding the provisions of clauses 3 and 7 a licence may be validly issued to a community association notwithstanding that it is exempt from the payment of appropriate fees and additional charges. A community association may validly carry on trading under a valid licence issued under this By-law without having paid all fees and charges for that licence provided that the trading carried on by the community association is for the purpose of that community association and for no other purpose. In the event that the trading is not for those purposes then the community association shall be liable to pay all additional charges and fees which it would have otherwise been liable to pay under this By-law.

(b) The Council has the discretionary power to waive licence fees and/or permit charges for any event.

First Schedule

Licence Fees and Additional Charges

Licence Fee per Annum 1 July-30 June—$20.00

Additional charges will be assessed in accordance with the table below.

Per Day	Per Week	Per Month	Per Annum
$10.00	$50.00	$100.00	$300.00

Dated this 16th day of February 1993.

The Common Seal of the Town of Albany was hereunto affixed by authority of the Council in the presence of—

A. G. KNIGHT, Mayor.
M. A. JORGENSEN, General Manager/Town Clerk.

Recommended for approval—

PAUL OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council the 18th day of January 1994.

D. G. BLIGHT, Clerk of the Council.

LG307

LOCAL GOVERNMENT ACT 1960

The Municipality of the Town of Northam

Repeal of By-laws

In pursuance of the powers conferred upon it by the abovementioned Act, and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on 22nd day of September, 1993, to submit for confirmation by the Governor the Repeal of the following by-laws—

	Government Gazette
Control of Noise and Nuisance	31/8/1970
Parking of Commercial Vehicles on Street Verges	23/11/1971
Street Lawns	12/2/1971

Dated this nineteenth day of November 1993.

The Common Seal of the Town of Northam was hereunto affixed in the presence of—

V. S. OTTAWAY, Mayor.
B. H. WITTBER, Town Clerk.

Recommended—

P. D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of January 1994.

D. G. BLIGHT, Clerk of the Council.

LG308

DOG ACT 1976

The Municipality of the Town of Port Hedland

By-law Relating to Dogs

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on 26 August 1993 to amend and submit for confirmation by the Governor the following By-law amendment relating to Dogs—

The By-law is amended as follows—

1. By-Law Amended

   (i) The By-law amended by deleting the word; "Shire" wherever it appears and substituting the word; "Town".

   (ii) The By-law is amended by deleting the words; "these by-laws" wherever it appears and substituting the words; "this by-law".

2. Clause 1 amended as follows:

   (i) By deleting the words; " "By-Law" means one of these by-laws " and; " "Sub-by-law" means a sub-by-law of the by-law in which the term is used ".

3. Clause 4 amended as follows:

   (i) By deleting in sub-clause (3) the words; "under sub-by-law (1)", and inserting in place the words "under sub-clause (1)".

4. Clause 18 added as follows:

   (i) "18. The land specified in the fifth schedule to this by-law is designated as areas pursuant to section 51 (b) of the Act where dogs are prohibited absolutely. The prohibition of dogs in these areas shall be subject to the provisions of the Act"

5. Fourth Schedule Amended

   (i) The fourth schedule is amended by deleting the following:

   "Port Hedland foreshore—Reserve 30261"
   "Wedgefield Tree and Plant Nursery—Reserve 34591" and inserting in place the following:
   "Spoil Bank Reserve—Reserve 30768—Lot 5758".

6. Fifth Schedule inserted:

   The fifth schedule is inserted as follows:

   "FIFTH SCHEDULE

   (i) Port Hedland Foreshore—Reserve 30261 Cemetery Beach Community Park.

   (ii) Port Hedland Foreshore—Part Reserve 30768: The area of public beach delineated by the eastern boundary of the main spoilbank (unnamed) road to the point where it intersects the northern boundary of Lot 5751 and hence easterly along that boundary to the point where its prolongation intersects the low water mark and thence in a southerly and south easterly direction along the low water mark to the point where it intersects the prolongation of the western boundary of Simpson Street and thence southerly along that boundary until the point where it intersects the northern boundary of Sutherland Street and thence westerly along that boundary to the point where it intersects the eastern boundary of the main spoilbank (unnamed) road.

Dated this fifth day of November 1993. The Common Seal of the Town of Port Hedland was hereunto affixed in the presence of—

A. EGGLESTON, Mayor.
G. W. FITZGERALD, Town Clerk.

Recommended—

PAUL OMEDEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of January 1994.

D. G. BLIGHT, Clerk of the Council.

LG309

LOCAL GOVERNMENT ACT 1960

The Municipality of the City of Geraldton

By-law Relating to Parking Facilities

In pursuance of the powers conferred on it by the abovementioned Act, and all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 13th day of October 1993 to make and submit for confirmation by his Excellency the Governor, the following amendments to the abovementioned By-law as published in the *Government Gazette* on the 14th day of December 1973 and amended from time to time.

The By-law is amended as follows:—

The Third Schedule is amended by deleting the passage "Eighty Cents (80c) for each ten hours, or part there of" and substituting "Forty Cents (40c) for each four hours or part there of" which appears in the line headed "Parking Fees" under the heading "No. 3 Parking Station, Anzac Terrace".

Dated this 18th day of November 1993.

The Common Seal of the Municipality of the City of Geraldton was hereunto affixed in the presence of:

EDWARD J. WHELAN, Mayor.

GRAEME K. SIMPSON, City Manager.

Recommended—

RICHARD LEWIS, Acting Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of January 1994.

D. G. BLIGHT, Clerk of the Council.

LG310

LOCAL GOVERNMENT ACT 1960

City of Rockingham

STREET VERANDAHS BY-LAW 1993

Under the powers conferred upon it by the Local Government Act 1960 the Council of the City of Rockingham resolved on 12th October 1993 to make and submit for confirmation by the Governor, the following By-Law.

Repeal of previous By-Law

1. The By-Law of the City of Rockingham Relating to Verandahs and Awnings over Streets published in the *Government Gazette* on 22 January 1969 is repealed.

Citation

2. This By-law may be cited as the "City of Rockingham Street Verandahs By-law 1993".

Definitions

3. In this By-law, unless the context otherwise requires—

"City" means the municipality of the City of Rockingham;

"Council" means the Council of the City;

"licence" means a licence issued under this By-law;

"Surveyor" means the Principal Building Surveyor of the City and includes an Acting Principal Building Surveyor; and

"verandah" means any structure with a roof, of which any part extends over a street, way, footpath or other public place and includes an awning.

Requirement for a licence

4. A person shall not erect, alter, add to or maintain a verandah, and the owner or occupier of any premises shall not permit a verandah to remain on or attached to those premises—

(a) unless a licence in respect of that verandah has been issued by the Council; and

(b) if that verandah does not comply with any provision of this By-law.

Application for a licence

5. (1) An application for a licence is to be in the form set out in Schedule 1 and is to be forwarded to the Surveyor together with—

(a) two copies of drawings comprising a plan, elevation and section of the verandah or proposed verandah;

(b) a specification showing in detail the construction or proposed construction of the verandah;

(c) a specification of the manner in which the verandah has been secured, or in which it is proposed to secure the verandah, to the building to which it is to be attached;

(d) any other information that the Surveyor considers necessary such as, for example, calculating the stability of the verandah or proposed verandah; and

(e) payment of the application fee of $50.00.

(2) An application for a licence is to be signed by—

(a) the applicant; and

(b) where the applicant is not the owner of the building to which the verandah is or is proposed to be attached—the owner.

Issue of licence

6. (1) The Council may refuse to consider an application for a licence which does not comply with any of the requirements of clause 5.

(2) The Council may, in respect of an application for a licence—

(a) refuse the application; or

(b) approve the application on such terms and conditions, if any, as it sees fit.

(3) Where the Council approves an application for a licence it must issue to the applicant a licence in the form of Schedule 2.

(4) A licence issued under this clause expires if the construction of the verandah to which it applies has not been—

(a) substantially commenced within 12 months of the date of the issue of the licence; or

(b) completed within 14 days of the commencement of construction.

Types of verandahs permitted

7. A verandah is to—

(a) be of a fixed, structurally suspended cantilever form unless otherwise permitted by the Council;

(b) have a fascia which finishes 150mm from the face of the kerb or 3000mm from the building line, whichever is the lesser;

(c) incorporate guttering and downpipes so as to prevent water collected by the verandah from falling or being deposited onto a street;

(d) be finished plumb, true and level; and

(e) be constructed in accordance with the Building Code of Australia 1990.

Verandah ends

8. (1) If a proposed verandah is to abut an existing verandah, it is to be constructed so as to prevent rain falling between the two verandahs.

(2) If the existing verandah is not more than 150mm shorter than the frontage of the building to which it is attached, the proposed verandah is to be extended to the existing one.

(3) If the existing verandah is more than 150mm shorter than the frontage of the building to which it is attached, the owner of the proposed verandah, if required to do so by the Council, is to construct the proposed verandah up to the building line of the existing building.

(4) If the end of a verandah abuts the end of a right of way, street or public place, the fascia is to be returned along that end to the satisfaction of the Surveyor.

Height above pavement

9. Unless otherwise approved by the Council—

(a) subject to paragraph (b), the lower level of a verandah at any point is to be 3300mm above the pavement at the kerb line;

(b) if a proposed verandah is to be constructed adjacent to an existing verandah, the proposed verandah is to be the same height as the existing verandah;

(c) a verandah is to be stepped to conform with the grade of the footpath; and

(d) the steps constructed under paragraph (c) are—

(i) to be equal; and

(ii) not to exceed 600mm in depth.

When a verandah may be constructed

10. (1) The Council may prescribe—

(a) as a term of the licence; or

(b) by written notice to the owner or occupier of the premises on which the verandah is to be constructed, the hours during which the verandah may be constructed.

(2) A person must not construct, or cause or permit to be constructed, a verandah outside the hours prescribed by the Council under subclause (1).

Maintenance

11. (1) An owner or occupier of a verandah is to keep the verandah clean, painted, watertight and in good repair.

(2) The Surveyor may give written notice to the owner or occupier of a verandah to clean, paint or repair the verandah whenever in his or her opinion such cleaning, painting or repairing is required.

(3) An owner or occupier who receives a notice under subclause (2) is to carry out the specified cleaning, painting or repairs within 14 days of receiving the notice.

Blinds and sunscreens

12. (1) In this clause—

"blind" includes a roller type blind; and

"sunscreen" includes a sheet metal or synthetic material sunscreen.

(2) A person must not, without the written authorisation of the Council, erect or cause to be erected a blind or a sunscreen under or near a verandah.

(3) A blind or sunscreen under or near a verandah is—

(a) to be hung from or near the outer edge of the verandah;

(b) to be parallel but not closer than 250mm to the kerb when measured vertically from the kerb line;

(c) not to hang lower than 2100mm above the level of the footway at its lowest point;

(d) to be rigidly fixed in position when down;

(e) not to display any form of advertising, unless approved by Council; and

(f) to be maintained to the satisfaction of the Surveyor in a proper state of repair.

(4) Unless authorised in writing by the Council a blind or sunscreen must not be placed or hung on the side of a verandah.

Alterations to an existing verandah

13. Any alteration or addition to an existing verandah is to be made and maintained in accordance with the provisions of this By-law applying to the erection and maintenance of a verandah.

Advertising

14. Any sign, advertisement or artificial lighting borne by a verandah is to be in accordance with the City's By-law Relating to Signs, Hoardings and Bill Posting.

Penalties

15. A person who fails to comply with any provision of this By-law commits an offence and on conviction is liable to a penalty of not more than $500.00 or a daily penalty not exceeding $50.00 for each day the person fails to comply with that provision.

Schedule 1

CITY OF ROCKINGHAM Clause 5(1)

APPLICATION FOR A STREET VERANDAH LICENCE

Application No.....

To the Principal Building Surveyor
City of Rockingham

I, ...(Full Name)
of .....(Residential Address)
.....
.....(Postal Address)
.....
.....(Occupation)
.....(Telephone Number)
apply for a licence under the City of Rockingham Street Verandahs By-law.

Details of Verandah or Proposed Verandah

1. Location .....
.....
2. Building to which verandah is, or is to be, attached .....
.....
.....
3. Dimensions—

(a) area .....
(b) depth .....
(c) width .....
(d) height .....

4. Estimated cost of construction

.....

5. Details of owner (if applicant not the owner) and/or of the builder (if applicant not the builder)—

(a) Owner

..... (Name)
..... (Address)
..... (Telephone)
..... (Signature of Owner)

(b) Builder

..... (Name)
..... (Address)
..... (Telephone)

Attached are—

1. Two copies of drawings comprising a plan, elevation and section of the verandah or proposed verandah.
2. A specification showing in detail the construction or proposed construction of the verandah.
3. A specification of the manner in which the verandah has been secured, or in which it is proposed to secure the verandah to the building to which it is to be attached.
4. any other information that the Surveyor considers necessary such as, for example, calculating the stability of the verandah or proposed verandah.

I enclose the application fee of $50.00.

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

.....
(Signature of Applicant)

Schedule 2

CITY OF ROCKINGHAM
STREET VERANDAHS LICENCE

Clause 6

This licence is issued to—

..... (Full Name)
of..... (Residential Address)
(the "licensee").

This licence authorises the licensee to construct and/or retain the verandah which was the subject of Application No.. in accordance with the approved drawings, specifications and other information and subject to the provisions of the City of Rockingham Street Verandahs By-law and the following terms and conditions—

This licence lapses if the construction of the verandah has not been—

(a) substantially commenced within 12 months of the date of issue of this licence; or

(b) completed within 14 days of the commencement of construction.

Issued this .....day of .....19.....

.....
Building Surveyor.

Requirement for Licence for Excavation Near and Deposit of Building Material on Street

Pursuant to section 377 of the Local Government Act 1960 the Applicant is required to obtain a licence for excavation near and the deposit of building material on a street. The licence is under Form 6 of the First Schedule to the Building Regulations 1989.

The Common Seal of the City of Rockingham was affixed to this By-law on 16th November 1993 in the presence of:

L. E. SMITH, Mayor, City of Rockingham.
G. G. HOLLAND, Town Clerk, City of Rockingham.

Recommended—

RICHARD LEWIS, Acting Minister for Local Government.

Approved by His Excellency the Governor in Executive Council the 18th day of January 1994.

D. G. BLIGHT, Clerk of Council.

LG311

LOCAL GOVERNMENT ACT 1960

The Municipality of the City of Wanneroo

Amendment to By-laws Relating to Swimming Pools

In pursuance of the powers conferred upon it by the abovementioned Act, and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 13th day of October 1993, to make and submit for confirmation by the Governor an amendment to its By-laws relating to Swimming Pools, as published in the *Government Gazette* on 5 February 1988.

By-law 10 is amended by:

(a) inserting the words "other than a parent teaching his/her children" after the words "A person"; and

(b) deleting the words "for profit".

Dated this 29th day of November 1993.

The Common Seal of the City of Wanneroo was hereunto affixed by authority of a resolution of the Council in the presence of:

G. A. MAJOR, Mayor.
R. F. COFFEY, Town Clerk.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of January 1994.

D. G. BLIGHT, Clerk of the Council.

LG401

TOWN OF ALBANY

Fees and Charges

It is hereby notified for public information that at its meeting held on 21 December 1993, Council set the following fee—

Cancellation of Commercial Refuse Service $20.00

M. A. JORGENSEN, General Manager/Town Clerk.

LG402

DOG ACT 1976

Shire of Wyndham-East Kimberley

DOG REGISTRATION OFFICER

It is hereby notified for public information that Nicola Phelps, Aaron Wooldridge and Beth Pearce have been appointed as Dog Registration Officers for the Shire of Wyndham-East Kimberley and are authorised to effect the registration of dogs pursuant to the Dog Act 1976 and the Dog Amendment Act 1987.

The appointment of Cecilia Gore-Birch and Jacqueline O'Sullivan as Dog Registration Officers is hereby cancelled.

E. G. SNOW, Acting Shire Clerk.

LG403

LOCAL GOVERNMENT ACT 1960

Shire of Wyndham-East Kimberley

POUND KEEPERS

It is hereby notified for public information that Peter Caccioppola and Shane Richards have been appointed as Poundkeepers for the Shire of Wyndham-East Kimberley.

E. G. SNOW, Acting Shire Clerk.

LG404

LOCAL GOVERNMENT ACT 1960

City of Gosnells

Rating Exemption

Department of Local Government,
Perth, 18 January 1994.

LG: GS 5-6.

It is hereby notified for public information that His Excellency the Governor acting pursuant to section 532 (10) of the Local Government Act, 1960, has declared exempt from Municipal Rates the land described as being portion of Canning Location 16 and being Lot 1098 and Lot 1099 on L.T.O. Plan 2566 which is owned by Amaroo Cottages (Inc.)

JOHN LYNCH, Executive Director,
Department of Local Government.

LG405

CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978

Temporary Closure of Part of Permitted Area at Redhill Off Toodyay Road

Pursuant to the powers conferred on me by section 15 (1) of the Control of Vehicles (Off-Road Areas) Act 1978, I, Richard Lewis being the Minister as defined in section 3 of the Act, hereby temporarily close, for a period of six months, portion of the existing permitted site at Red Hill off Toodyay Road. The temporary closure, which is described in schedule A is to enable the Eastern Metropolitan Regional Council to carry out earthworks associated with the adjacent refuse disposal site.

Dated January 14, 1994.

RICHARD LEWIS, Acting Minister for Local Government.

Schedule A

All that portion of land comprising Lot 2 and part of Lot 1 of Swan Location 1317, Lot 82 of Swan Location 1310 and vacant crown land being portion of Lot 11664 of Swan Location 1310.

LG901

LOCAL GOVERNMENT ACT 1960

Shire of Swan

NOTICE OF INTENTION TO BORROW

Proposed Loan (No. 144) of $450 000

Pursuant to section 610 of the Local Government Act 1960, the Shire of Swan hereby gives notice that it proposed to borrow money by the sale of Debentures on the following terms and for the following purposes: four hundred and fifty thousand dollars for a period of 9 years repayable at the office of the Council at Middle Swan by equal quarterly instalments of principal and interest at interest rates as reviewed by the lender. Purpose: Road Construction.

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

Dated this 21st day of January 1994.

M. KIDSON, President.
E. W. T. LUMSDEN, CEO/Shire Clerk.

LG902

LOCAL GOVERNMENT ACT 1960

Shire of Swan

NOTICE OF INTENTION TO BORROW

Proposed Loan (No. 145) of $500 000

Pursuant to section 610 of the Local Government Act 1960, the Shire of Swan hereby gives notice that it proposed to borrow money by the sale of Debentures on the following terms and for the following purposes: five hundred thousand dollars for a period of 9 years repayable at the office of the Council at Middle Swan by equal quarterly instalments of principal and interest at interest rates as reviewed by the lender. Purpose: Community Facilities.

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

Dated this 15th day of January 1994.

M. KIDSON, President.
E. W. T. LUMSDEN, CEO/Shire Clerk.

LG903

LOCAL GOVERNMENT ACT 1960

Shire of Swan

NOTICE OF INTENTION TO BORROW

Proposed Loan (No. 146) of $450 000

Pursuant to section 610 of the Local Government Act 1960, the Shire of Swan hereby gives notice that it proposed to borrow money by the sale of Debentures on the following terms and for the following purposes: four hundred and fifty thousand dollars for a period of 9 years repayable at the office of the Council at Middle Swan by equal quarterly instalments of principal and interest at interest rates as reviewed by the lender. Purposes: Road Construction.

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

Dated this 15th day of January 1994.

M. KIDSON, President.
E. W. T. LUMSDEN, CEO/Shire Clerk.

MINERALS AND ENERGY

MN401

COAL MINES REGULATION ACT 1946
APPOINTMENT

Department of Minerals and Energy,
Perth, January, 1994.

Pursuant to section 38 (4) of the Coal Mines Regulation Act 1946 the Hon Minister for Mines has re-appointed Robert Shaw Ferguson as a member and Chairman of the Board of Trustees of the Collie Coal Mines Accident Relief Fund Trust for a further term expiry on 24 December 1994.

L. C. RANFORD, Acting Director General.

MN402

PETROLEUM (SUBMERGED LANDS) ACT 1982
Notice of Grant of Pipeline Licence

Department of Minerals and Energy.

Pipeline Licence TPL/10 has been granted to BHP Petroleum (Australia) Pty. Ltd. of BHP Plaza, 120 Collins Street, Melbourne Victoria 3000, Mobil Exploration & Producing Australia Pty. Ltd. of 2 City Road, South Melbourne Victoria 3205 and Inpex Alpha Ltd. of Toranomon, 27 Mori Building, 5-1 Toranomon 3-Chome, Minato-Ku, Tokyo Japan 105 for a period of 21 years from 2 November 1993.

KEITH GAMMIE, Acting Director, Petroleum Division.

MN403

MINING ACT 1978
NOTICE OF INTENTION TO FORFEIT

Department of Minerals and Energy,
Perth WA 6000.

In accordance with Regulation 50 (b) of the Mining Act 1978, notice is hereby given that unless the rent due on the undermentioned licences and leases is paid on or before 17 February 1994 it is the intention of the Hon. Minister for Mines under the provisions of Sections 96A (1) and 97 (1) of the Mining Act 1978 to forfeit such for breach of covenant, *viz*, non-payment of rent.

L. RANFORD, Acting Director General.

Number	Holder	Mineral Field
	EXPLORATION LICENCES	
09/554	Menzies, John Charles; Richmond, William Robert	Gascoyne
09/564	Gan, Michael Eng Tean	Gascoyne
36/206	Leonora Equity Pty. Ltd.	East Murchison
45/1294	SIPA Resources Ltd.	Pilbara
45/1295	SIPA Resources Ltd.	Pilbara
46/234	Derne, Jean Francois; Potts, John Samuel	Pilbara
46/310	MacDonald, Stanley Allan; Sabminco NL	Pilbara
46/311	MacDonald, Stanley Allan; Sabminco NL	Pilbara
46/312	MacDonald, Stanley Allan; Sabminco NL	Pilbara
47/465	Golden Eagle Mines NL	West Pilbara
52/698	North Eastern Gold Mines NL	Peak Hill
53/308	Marymia Exploration NL	East Murchison
53/401	Outokumpu Western Australia Pty Ltd	East Murchison
59/408	Bellriver Pty Ltd	Yalgoo
63/328	Fraser Range Granite NL	Dundas
63/353	Fraser Range Granite NL	Dundas
69/164	Zurich Bay Holdings Pty Ltd	Warburton
69/520	Freewide Pty Ltd	Warburton
69/522	Marymia Exploration NL	Warburton
70/1124	Clement, Robert John; Herbert, Christopher Alan	South West
77/444	Barcombe Nominees Pty Ltd; Noretel Pty Ltd; Seathorne Pty Ltd; Standale Pty Ltd	Yilgarn

MINING LEASES

08/107	Rocca, Guiseppe	Ashburton
08/109	Rocca, Guiseppe	Ashburton
08/117	Pioneer Concrete (WA) Pty Ltd	Ashburton
15/161	Alameda Pty Ltd	Coolgardie
15/231	Samantha Gold NL; Trythall, William Thomas	Coolgardie
15/285	Stillman, William James	Coolgardie
15/465	Hargreaves, Mark Denis; Naujoks, Peter	Coolgardie
16/133	Sprigg, David William	Coolgardie
24/333	Centaur Mining & Exploration Ltd.	Broad Arrow
26/406	Mistral Mines NL	East Coolgardie
27/152	Auralia Resources NL	North East Coolgardie
29/84	Cock, Frederick John	North Coolgardie
30/43	Cock, Frederick John	North Coolgardie
31/112	Goddard & Hill Ltd	North Coolgardie
38/69	Hill, Patrick John; Rhodes, Hans John	Mt Margaret
38/254	Aurora Gold (WA) Ltd; Peko-Wallsend Operations Ltd	Mt Margaret
38/255	Aurora Gold (WA) Ltd; Peko-Wallsend Operations Ltd	Mt Margaret
47/193	Bealtie, John Robert; McLintock, Ralph Edward	West Pilbara
47/273	Bryant, Geoffrey Allyn Ian	West Pilbara
52/32	Flint, Warwick John; Renes, Neeltje Elizabeth	Peak Hill
52/243	Duff, James Allan; Peckham, Michael John	Peak Hill
58/196	Trefari Pty Ltd	Murchison
58/197	Trefari Pty Ltd	Murchison
63/229	Asian Construction Pty Ltd	Dundas
70/208	McClean, Jan Maree; McClean, Trevor Gerard	South West
70/361	Mallina Holdings Ltd	South West
70/385	McAndrew, Robert William	South West
70/421	Shire of Nannup	South West
70/470	Pilsley Investments Pty Ltd	South West
70/473	Magic Soil Pty Ltd	South West
70/594	Bennett, Grant Philip; Bennett, William Philip	South West
70/595	Bennett, Grant Philip; Bennett, William Philip	South West
70/714	Bayly, Robert Thomas Lawrence; Palm, Stephen Richard	South West
70/736	Crippen, Phillip Morley	South West
70/741	Dunbar, Robert Desmond; Gamble, Arthur Malcolm; Trott, Laurence Robert; Willis, Malcolm John	South West
77/53	Austfin Resources Pty Ltd	Yilgarn
77/54	Maldon Minerals NL	Yilgarn
77/55	Maldon Minerals NL	Yilgarn
77/56	Maldon Minerals NL	Yilgarn
77/441	Bennetti, Francis Phillip	Yilgarn
80/333	Brown, Martin Christopher	Kimberley

GENERAL PURPOSE LEASES

24/8	Astro Mining NL	Broad Arrow
24/9	Astro Mining NL	Broad Arrow
70/94	Limestone Building Blocks Co. Pty Ltd	South West

PLANNING AND URBAN DEVELOPMENT

PD401

TOWN PLANNING AND DEVELOPMENT ACT 1928

SCHEME AMENDMENT AVAILABLE FOR INSPECTION

City of Armadale

Town Planning Scheme No. 2—Amendment No. 97

Ref: 853/2/22/4, Pt. 97.

Notice is hereby given that the City of Armadale has prepared the abovementioned scheme amendment for the purpose of rezoning a portion of Lot 12 Girrawheen Street and Lot 13 Balanda Place, Armadale from "Shopping" Zone to "Residential R25".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 7 Orchard Avenue, Armadale 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 March 4, 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before March 4, 1994.

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.

J. W. FLATOW, City Manager/Town Clerk.

PD402

TOWN PLANNING AND DEVELOPMENT ACT 1928

SCHEME AMENDMENT AVAILABLE FOR INSPECTION

City of Bunbury

Town Planning Scheme No. 6—Amendment No. 153

Ref: 853/6/2/9, Pt. 153.

Notice is hereby given that the City of Bunbury has prepared the abovementioned scheme amendment for the purpose of rezoning portion of Lot 9, Elizabeth Crescent, Bunbury from "Parks, Recreation & Drainage" to "Residential R15".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 45 Stephen Street, Bunbury 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 February 25, 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before February 25, 1994.

This Amendment is available for inspection in order to provide an opportunity for Public Comment and it should not be construed that final approval will be granted.

G. P. BRENNAN, Town Clerk.

PD403

TOWN PLANNING AND DEVELOPMENT ACT 1928

SCHEME AMENDMENT AVAILABLE FOR INSPECTION

City of Bunbury

Town Planning Scheme No. 6—Amendment No. 156

Ref: 853/6/2/9, Pt. 156.

Notice is hereby given that the City of Bunbury has prepared the abovementioned scheme amendment for the purpose of:

1. rezoning Lot 7 corner Ocean Drive and William Street from "Special Use-Motel" to "Special Use-Flats"; and
2. including suitable land use and development controls in the First Schedule—Special Uses being Appendix No. 4 of the Scheme Text.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 45 Stephen Street, Bunbury 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 4 March 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 4 March 1994.

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

G. P. BRENNAN, Town Clerk.

PD404

TOWN PLANNING AND DEVELOPMENT ACT 1928

SCHEME AMENDMENT AVAILABLE FOR INSPECTION

City of Bunbury

Town Planning Scheme No. 6—Amendment No. 157

Ref: 853/6/2/9, Pt. 157.

Notice is hereby given that the City of Bunbury has prepared the abovementioned scheme amendment for the purpose of:

Rezoning the portion of land, being 4 515 m^2, in the vicinity of the Back Beach Kiosk and Surf Club in Ocean Drive, Bunbury as follows:

(i) Part of Reserve 'A' 9997 adjoining the Back Beach Kiosk from Park, Recreation and Drainage (unrestricted) to Special Use "Public Entertainment".

(ii) Part of the Ocean Drive Road Reserve in the vicinity of the Bunbury Back Beach Kiosk and Surf Club buildings from Road Reserve to Special Use "Public Entertainment".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council House, 45 Stephen Street, Bunbury 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 4 March 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 4 March 1994.

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

G. P. BRENNAN, Town Clerk.

PD405

TOWN PLANNING AND DEVELOPMENT ACT 1928

SCHEME AMENDMENT AVAILABLE FOR INSPECTION

City of Gosnells

Town Planning Scheme No. 1—Amendment No. 421

Ref: 853/2/25/1, Pt. 421.

Notice is hereby given that the City of Gosnells has prepared the abovementioned scheme amendment for the purpose of rezoning Part Lot 100 Dorothy Street, Gosnells from 'Residential B' to 'Special Site—Medical Centre'.

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 4 March 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 4 March 1994.

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

G. WHITELEY, Town Clerk.

PD406

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVE TOWN PLANNING SCHEME AMENDMENT

City of Mandurah

Town Planning Scheme No. 1A—Amendment No. 190

Ref: 853/6/13/9, Pt. 190.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon. Minister for Planning approved the City of Mandurah Town Planning Scheme Amendment on January 15, 1994 for the purpose of:

1. Rezoning portion of Lots 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16 & 17 of Murray Location 897 Wilderness Drive and Gumnut Close, Dawesville from Residential 1, Tourist and Local Recreation to Residential 2 and Local Recreation, and
2. Amending the Residential Planning Code Map with the inclusion of the Residential 2 land within the R17.5 Code.

G. N. SALAMON, Mayor.
S. K. GOODE, Town Clerk.

PD407

TOWN PLANNING AND DEVELOPMENT ACT 1928

SCHEME AMENDMENT AVAILABLE FOR INSPECTION

City of Mandurah

Town Planning Scheme No. 1A—Amendment No. 202

Ref: 853/6/13/9, Pt. 202.

Notice is hereby given that the City of Mandurah has prepared the abovementioned scheme amendment for the purpose of:

i. Rezoning Lot 9 Old Coast Road, Wannanup from Special Rural Zone to Dawesville Channel Development Zone.

ii. Modifying Appendix 9—Interpretation by the inclusion of the following:

"Nursery—means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden decor."

iii. Including the use "Nursery" as a permitted use in the Zoning and Development Table with a minimum lot area of 3 000 m^2.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Mandurah Terrace, Mandurah and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth and will be available for inspection during office hours up to and including March 4, 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before March 4, 1994.

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.

S. K. GOODE, Town Clerk.

PD408

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME AMENDMENTS

City of Stirling

District Planning Scheme No. 2—Amendment Nos 181, 193, 200 and 203

Ref: 853/2/20/34, Pts 181, 193, 200 and 203.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the City of Stirling Town Planning Scheme Amendments on 15 January 1994, for the purpose of:

Amendment No. 181

1. Rezoning Lots 35 and 36 Grand Promenade, Dianella from "Low Density Residential R20/30" to "Special Use Zone—Consulting Rooms—Group Practice".

2. Altering Schedule II of the Scheme by the addition thereto of the following:

Grand Promenade Dianella	Portion of Perthshire Loc. W and Lots 35 and 36 on Diagram 20120	Consulting Rooms Group Practice

Amendment No. 193

1. Rezoning Lot 2 H. N. 46 Scarborough Beach Road, Scarborough from "Medium Density Residential R20/40" to "Special Use Zone—Holiday Units".

2. Altering Schedule II of the Scheme by the addition thereto of the following:

Scarborough Beach Road Scarborough	Portion of Swan Location 1419 and being Lot 2 on Plan 19158	Holiday Units

Amendment No. 200

Rezoning Lot 5, H. N. 835 Beaufort Street, Mt Lawley from "High Density Residential R80" to "Special Use Zone—High Density Residential R80 and Offices".

Beaufort Street	Portion of Swan Loc. Y and being Lot 5 on Diagram 5613	High Density Residential R80 and Offices

Amendment No. 203

1. Rezoning Lots 2 H. N. 11 Manning Street, Scarborough from "Medium Density R20/40" to "Special Use Zone—Holiday Units".

2. Altering Schedule II of the Scheme by the addition thereto of the following:

Manning Street Scarborough	Portion of Swan Location 1419 and being Lot 2 on Plan D46733	Holiday Units

A. A. SPAGNOLO, Mayor.
G. S. BRAY, Town Clerk.

PD409

TOWN PLANNING AND DEVELOPMENT ACT 1928

SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Bridgetown-Greenbushes

Town Planning Scheme No. 3—Amendment No. 31

Ref: 853/6/5/3, Pt. 31.

Notice is hereby given that the Shire of Bridgetown-Greenbushes has prepared the abovementioned scheme amendment for the purpose of introducing a new Clause, 4.11 into the scheme text for the purpose of setting out development provisions and requirements pertaining to the development of Holiday Accommodation.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 1 Steere Street, Bridgetown 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 4 March 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 4 March 1994.

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.

R. I. STEWART, Acting Shire Clerk.

PD410

TOWN PLANNING AND DEVELOPMENT ACT 1928

SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Busselton

Town Planning Scheme No. 5—Amendment No. 277

Ref: 853/6/6/6, Pt. 277.

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

1. Rezoning proposed Lot 1 Sussex Location 4336 and Portion 2877 corner Johnson and Pusey Roads, Wilyabrup from 'General Farming' to 'Restricted Use'; and
2. Amending the Scheme Text by adding to 'Appendix V—Restricted Use Zones' proposed Lot 1 Sussex Location 4336 and Portion 2877 corner Johnson and Pusey Roads, Wilyabrup and imposing land use controls to permit a range of uses including, and complementary to, the production of beer.

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 4 March 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 4 March 1994.

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.

PD411

TOWN PLANNING AND DEVELOPMENT ACT 1928

SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Busselton

Town Planning Scheme No. 5—Amendment No. 281

Ref: 853/6/6/6, Pt. 281.

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

1. rezoning Lot 3 being portion of Sussex location 1 from "Single Residential" to "Restricted Use."
2. amending the scheme text by an addition to Appendix V—Restricted Use Zones.

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 March 4, 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before March 4, 1994.

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.

PD412

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION
Shire of Busselton
Town Planning Scheme No. 5—Amendment No. 282

Ref: 853/6/6/6, Pt. 282.

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

1. modifying the zoning of Lot 3, Hamsley Road, Yallingup by adding an "Additional Use" zone.
2. adding to Appendix IV—"Additional Use Zones" Lot 3 of Location 876, Hamsley Road, Yallingup.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council House, 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 February 18, 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before February 18, 1994.

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.

PD413

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENTS AVAILABLE FOR INSPECTION
Shire of Capel
Town Planning Scheme No. 2—Amendment Nos. 31 & 32

Ref: 853/6/7/2, Pts. 31 & 32.

Notice is hereby given that the Shire of Capel has prepared the abovementioned scheme amendments for the purpose of—

Amendment No. 31

1. Rezoning Portion of Lot 15 being proposed Lot 44 Maynard Parade, Gelorup from "Special Residential" to "Special Use," and;
2. Including Portion of Lot 15 being proposed Lot 44 Maynard Parade, Gelorup in Schedule No. 1 (Special Uses) of the Scheme Text with appropriate land use and development controls.

Amendment No. 32

1. Modifying Appendix No. 2, "Additional Uses" to include portion of Lot 15 and being proposed Lot 43 Maynard Parade, Gelorup, and to introduce "Professional Offices" as a permitted use;
2. Introducing appropriate development controls under the "Conditions of Development" section of Appendix No. 2 of the Scheme Text.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Forrest Road, Capel 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 March 4, 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before March 4, 1994.

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. BONE, Shire Clerk.

PD414

TOWN PLANNING AND DEVELOPMENT ACT 1928

SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Esperance

Town Planning Scheme No. 22—Amendment No. 7

Ref: 853/11/6/21, Pt. 7.

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

1. rezoning Lot 423 Pink Lake Road, Esperance from Additional Use—Fast Food Outlet & Butchers Shop to Shops and Offices.

2. rezoning Lots 420-422 from Residential to Shops and Offices.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Windich Street, Esperance 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 March 4, 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before March 4, 1994.

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.

R. T. SCOBLE, Shire Clerk.

PD415

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Gingin

District Planning Scheme No. 8—Amendment No. 15

Ref: 853/3/8/10, 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 approved the Shire of Gingin Town Planning Scheme Amendment on January 15, 1994 for the purpose of adding in clause 10 (b) Appendix 2 of the Scheme Text, after the words Receival Depot, the words: "and Fuel Depot".

G. F. DREW, President.
A. W. HORTIN, Shire Clerk.

PD416

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Greenough

Town Planning Scheme No. 4—Amendment No. 49

Ref: 853/3/7/6, Pt. 49.

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 Greenough Town Planning Scheme Amendment on January 15, 1994 for the purpose of rezoning Lot 220 of Victoria Location 1945 Oceanside Drive, Wandina from Residential R12.5 to Shop.

G. S. GARRATT, President.
W. T. PERRY, Shire Clerk.

PD417

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME AMENDMENTS

Shire of Murray

Town Planning Scheme No. 4—Amendment Nos. 29 & 38

Ref: 853/6/16/7, Pts. 29 & 38.

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 Murray Town Planning Scheme AmendmentS on January 15, 1994 for the purpose of—

Amendment No. 29

1. Rezoning Lot 93 Richardson Street, Yunderup from "Residential" (R5) to reserve for "Public Recreation/Conservation".
2. Changing Lot 64 Richardson Street, Yunderup from reserve for "Public Purposes (Public Utility)" to reserve for "Public Recreation/Conservation."
3. Rezoning Lot 90 Yunderup Terrace, Yunderup, from "Public Recreation/Conservation" to "Residential" (R5).
4. Amending the Scheme Map accordingly.

Amendment No. 38

Including Part 12 to include reference to the Serpentine River Flood Study and re-positioning reference to the Murray River Flood Plains and other matters related thereto within Part 12.

N. H. NANCARROW, President.
D. A. McCLEMENTS, Shire Clerk.

PD418

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Roebourne

Town Planning Scheme No. 6—Amendment No. 26

Ref: 853/8/5/4, Pt. 26.

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 Roebourne Town Planning Scheme Amendment on January 15, 1994 for the purpose of.

1. Introducing a new Zone to the Scheme and amending the Scheme Text by inserting a new such Clause 3.5.1 by renumbering existing subclause 3.5.1 as 3.5.2 and by renumbering existing subclauses 3.5.1 to 3.5.6 as 3.5.2 to 3.5.7 respectively:

"3.5.1 TOWN CENTRE POLICY AREAS AND ZONES

3.5.1.1 The Town Centre Area is divided into Policy Areas and Zones. Each Policy Area is the subject of Policy Statements relating to the predominant use and objectives for the future development of the Policy Area. Groups of zones make up Policy Areas and a policy statement applies to each Policy Area. The Policy Map is contained in Schedule 6 of the Scheme.

3.5.1.2 Rezoning

Council may from time to time be required to consider requests to rezone land in the Town Centre area, where, in the opinion of Council, the rezoning is consistent with policy or the objective for the future development of the area the Council shall:

(a) not proceed with the rezoning on the grounds that it is inconsistent with Scheme objectives and or policy, or;

(b) amend the Scheme in respect of that Policy Area after review of the implications and desirability of such amendment.

3.5.1.3 Objectives

The following Policies relate to the Areas shown on the Policy Map.

3.5.1.4 Shopping Centre Policy Area

The Objectives within this Policy Area are:

(i) To encourage retail development of a high standard to complement the modern self contained Shopping Centre currently occupying the site;

(ii) To improve access and amenity within the Policy Area in respect to carparking layouts, pedestrian linkages and landscaping.

The provisions that apply to the implementation of the objectives are:—

(a) Site requirements are generally as set out in the Scheme, with the exception that the setback from the front boundary of any lot may be reduced to enable a design which encourages pedestrian linkages that recognize the climatic conditions affecting Karratha, such as continuous verandahs.

(b) In considering a proposed development including additions and alterations to existing development in the Shopping Centre Policy Area, Council shall have regard to, and may impose conditions related to, that development, insofar as they relate to the following considerations of building design:

(i) colour and building materials;
(ii) size height bulk and roof patch;
(iii) setback and location on its Lot;
(iv) architectural style and design details;
(v) function;
(vi) relationship to surrounding development; and
(vii) other characteristics as considered relevant by Council.

(c) landscaping shall be of such a nature as to complement the appearance of the proposed development and the Town Centre, and Council will generally require that native plants be used, where possible.

(d) Design of carparking layouts shall have regard to existing carparking areas in terms of traffic circulation and shall be integrated with existing carparks.

(e) "Amusement Facility" and "Amusement Parlour" shall be permitted use classes within the Policy Area notwithstanding the permissibility listing in Table 3—Zoning Table.

3.5.1.5 Hedland Place and De Grey Place Policy Area

The objective within this Area is:—

(i) To encourage development of office and associated commercial uses to complement established development which is generally well landscaped and accessible.

The provisions that apply to the implementation of the objectives are:—

(a) Notwithstanding the provisions of Clause 2.2 the Council shall encourage predominantly office and associated commercial activities within this Policy Area.

(b) Retail uses shall be restricted to uses which provide personal services with premises less than 100 square metres GLA, and shall be permissible only where the required carparking required for a proposed retail use can be accommodated on site.

(c) Retail tenancies within the precinct shall be confined generally to ground floor premises unless in the opinion of Council premises at a higher storey can be justified on the basis of minimal pedestrian traffic adequate servicing and/or specialised tenancy requirements.

(d) New development within the precinct shall contain high quality landscaping at the street frontage and comply with Council's landscaping and carparking paving policies.

(e) "Betting Agency" shall be a permitted use class within this Policy Area not withstanding the permissibility listing in Table 3—Zoning Table.

3.5.1.6 Barlow Place Policy Area

The Objective within this Policy Area is:—

(i) To locate tourist and civic facilities to service local and regional catchments that complement the existing public swimming, recreation and tourist accommodation facilities.

The provisions that apply to the implementation of the objective are:—

(a) Given that the site is in close proximity to public carparking areas, Council may in its discretion reduce the requirement for onsite carparking bays where appropriate cultural and/or recreation facilities are proposed and are open to the public.

(b) Council shall investigate the possibility of a land transfer to encourage relocation of Centre carparking available to the public into this Policy Area in return for appropriate development of civic, cultural and/or recreational facilities in the existing carparking area between the Karratha City Shopping Centre and the offices adjoining Hedland Place as funding permits.

3.5.1.7 Warambie Road Service Commercial Policy Area

The Objectives within this Policy Area are:—

(i) To locate Showroom and Service Trades development of a high standard in the Policy Area.

(ii) To encourage certain existing light Industrial uses to relocate in the Policy Area.

(iii) To improve the visual amenity of the Service Trades Area located in Sherlock Crescent, MacRoy Street and Mallina Street.

The provisions that apply to the implementation of the objectives are:

(a) Council shall not permit any light industrial activities or new development in the "Service Commercial" zone unless the development provides onsite landscaping in the front setback and buildings are of masonry and/or similar materials of construction.

(b) Service Trades development of non masonry construction may be permitted in Sherlock Crescent, MacRoy Street and Mallina Street where such development does not front Warambie Road or Sharpe Avenue.

(c) Council shall encourage Showroom development along the western side of Balmoral Road and Warambie Road frontages and shall discourage such development in the Sherlock Crescent service trades area.

(d) Council may when funds are available embark on a civic improvement programme to extensively plant prominent sites and verge areas within the service trades area to remove the impression of a light industrial estate.

(e) Within the service commercial area north of Warambie Road, Council shall encourage showrooms accommodating bulky goods retailing and shall be seeking high quality designs and encourage extensive use of landscaping.

(f) "Car Wash Station" and "Plant Nursery" shall be permitted use classes within this Policy Area notwithstanding the permissibility listing in Table 3—Zoning Table."

2. Amending the Scheme Text by:—

(a) Adding the "Town Centre Zone" to subclause 2.2.2 and to Table 3—Zoning Table between the Residential Development Zone and the Retail Zone in the Commercial Zones Category.

(b) Amending Table 3 Zoning Table by applying permissibility designations to use classes in the "Town Centre" Zone as follows:—

"AA USES": Amusement Facility: Amusement Parlour; Betting Agency; Carpark; Car Wash Station; Cinema/Theatre; Civic use Club Premises; Consulting Room; Day Care Centre; Hotel; Indoor Sports Arena; Motel; Museum; Night Club; Public Assembly; Plant Nursery; Public Utility; Public Worship; Radio Equipment Service Station; Tavern and Trade Display.

"P USES": Banking Premises; Beauty Parlour; Dry Cleaning Premises; Eating House; Fast Food Outlet; Fish Shop; Garden Centre; Hairdressing Salon; Licensed Restaurant; Lunch Bar; Offices; Professional Suite, and Retail Outlet.

"—" All uses not listed above (to be not permitted).

3. Modifying the permissibility of uses within the Service Commercial Zone being as follows in Table 3—Zoning Table:

- Banking Premises from "X" to "AA"
- Light Industry from "IP" to "AA"
- Offices from "IP" to "AA"
- Professional Suites from "X" to "AA"
- Warehouse from "P" to "AA"

4. Adding an asterisk at the Use Classes: Amusement Facility, Amusement Parlour, Betting Agency, Car Wash Station and Plant Nursery and the following notation at the foot of Table 3—Zoning Table "* Refer to Clause 3.5.1 Policy Statements".

5. Modifying subclause 3.5.2 Site Requirements Table as follows:—

Zone	Use	Plot Ratio	Maximum Site Cover	Setbacks (2) ST	Side	Rear	Minimum Landscaping (3) (% of Site)
Town Centre	Retail	0.8	70%	2.5	3	6	10%
	Office	0.5(1)	50%	2.5	3	6	10%
Service Commercial	—	0.75	60%	6	3	7.5	10%
Retail	—	0.8	70%	2.5	3	6	10%
Offices	—	0.5-1.5 (See subclause (3.5.2)	50-80% (See subclause (3.5.2)	2.5	3	6	10%

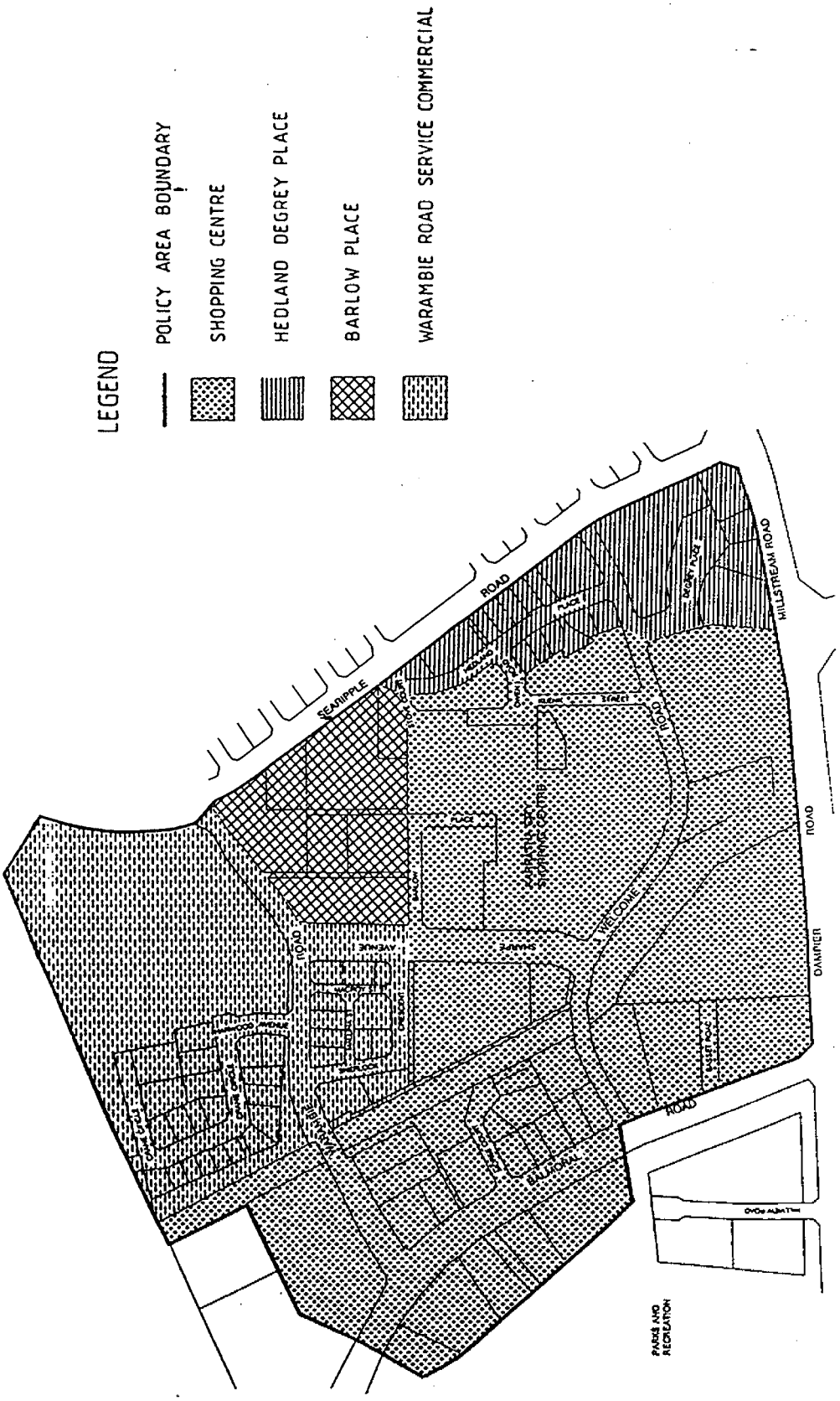
(1) Does not apply to Lots fronting De Grey Place and Hedland Place—refer Clause 3.5.3.

(2) May be reduced to the "Town Centre" zone requirement subject to Council consideration based on the merits of the proposal.

(3) Landscaping shall where possible be provided at the front of the site in a minimum 2 metre wide strip. Council may permit at its discretion less than 10% of the site to be landscaped where the design of the development or individual circumstances warrant or justify a reduced landscaping area.

6. Adding a new Schedule to the Scheme "Schedule 6—Policies Map" as depicted below:—

SCHEDULE 6—POLICIES MAP



7. Changing portions of the Scheme Text Table of contents as follows:—
   — adding "2.2.7 Additional Uses" below the listing for 2.2.6.
   — adding "2.3.12 Delegation of the Power to Issue Planning Approvals" below the listing for 2.3.11.
   — adding "2.5.11 Temporary Caravan Parking"
   "2.5.12 Duration of Operation of Clause 2.5.11" below the listing for 2.5.10.
8. Inserting a new definition into Schedule 1—Interpretations of the Scheme Text as follows:
   "Personal Services Premises"—means a shop in which services are provided to the public and includes a hairdresser's salon, an art, craft or photographers studio used for exhibition or instruction, a travel agency and a ticket agency".
9. Adding the Use Class "Car Park" to Table 3—Zoning Table—and listing it as an "AA" use in the Industrial Accommodation, Retail Service Commercial, Offices, Service Industry, Light Industry General Industry, Mixed Industry and Noxious or Hazardous Industry Zones and as a "—" (not permitted) use in all other zones.
10. Changing the Scheme Maps by rezoning:—
   (a) Lot 50 Welcome Road from "Commercial-Retail" and "Public Purposes-Carpark" to "Town Centre" Zone.
   (b) Lots 1541, 3876 and 2627-2630 De Grey Place, Lots 1454, 3811, 3810, 1450, 1449, 1093, 1092, 1128, 1132, 1144 and 2631-2633 Hedland Place from "Commercial-Offices" to "Commercial-Town Centre" Zone.
   (c) Lots 3780 and 1441 MacRoy Street Lots 1982, 3912 and 1435, 1438 Mallina Street, Lots 1981, 4238 and 3918 Sherlock Crescent, Lots 2617, 3917 and 1 Warambie Road, Lots 3844, 2644, 2642, 4771, 2639, 2638, 4551 and 1952 Balmoral Road, Lots 3747, 3883, 3882 and 2661 Morse Court Lot 2608 Sharpe Avenue from "Commercial-Service Commercial" to "Commercial-Town Centre" Zone.
   (d) Lots 3915 Owen Road, Lots 1089, 3743, 3744, 1122 and 1946 Balmoral Road, Lot 1091 Welcome Road from "Public Purposes" Reservation to "Commercial-Town Centre" Zone.
   (e) Lots 1135 and 3880 Barlow Place, Lot 1083 Welcome Road from "Civic and Cultural" Reservation to "Commercial-Town Centre" Zone.
   (f) Lots 1076, 3815 and 1432 Welcome Road, Lots 1085, 1950 and 1953 Balmoral Road, Lot 1975 Warambie Road, Lot 4212 Barlow Place, Lot 2609 Sharpe Avenue, Lot 2 and 1145 Searipple Road, and Lot 4555 Basset Road from "Special Uses" to "Commercial-Town Centre" Zone and deleting reference to these Lots in Schedule 2-Designated Uses of Special uses Zone Sites in the Scheme Text.
   (g) Lots 4475-4480, 4482-4487 Crane Circle, 4513-4521 Crane Circle from "Special Uses" to "Service Commercial" Zone; and deleting reference to the Lot in Schedule 2-Designated uses of Special uses Zone Sites in the Scheme Text.
11. Adding a new zone to the legend on the Scheme Maps. The new zone shall be called "Commercial-Town Centre" and be placed at the beginning of the "Commercial" zones category. The zone shall be designated by dark blue colouring on the Scheme Map.

R. MUNDY, President.
F. GOW, Shire Clerk.

PD419

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME AMENDMENTS

Shire of Swan

Town Planning Scheme No. 9—Amendment Nos. 136, 193 & 207

Ref: 853/2/21/10, Pts. 136, 193 & 207.

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 Swan Town Planning Scheme Amendments on January 15, 1994 for the purpose of—

Amendment No. 136

Amending the Scheme Maps to alter the Residential Codings on the following lots (as shown on the amending maps):

1. R12.5 to R20:

   Lots 5, 6 and 7 Victoria Street, Guildford

2. R12.5 to R10:

   Lots 8, 26, 27, 28, 29 of Town Lot 17, Swan Street, Guildford
   Lots 11, 12, 13, 14 of Town Lot 18, Swan Street, Guildford
   Lots 1, 2, 3, 4 of Town Lot 19, Swan Street, Guildford
   Lots 3, 4 of Town Lot 20, Swan Street, Guildford
   Lot 16 of Town Lot 21, Swan Street, Guildford
   Lots Pt 17, 18, 19 of Town Lot 21, Johnson Street, Guildford

3. R20 to R10

North-east portion of Lot 52, Swan Street, Guildford
Lot 7, Bridge Street, Guildford
Lots 50, 100, 3, 2, 1, 10, Town Lot 175, Market Street, Guildford
Lots south of Helena Street, north of Helena River, Guildford
Lots 3, 1, 164, East Street, Guildford
Lot 600 and Portion of Town Lots 58, 59, Swan Street, Guildford
Street No's 25, 27, 29, Portion of Town Lot 56, Meadow Street, Guildford
Lot 20, Hill Street, Guildford
Pt Lot 181 Martha Street, Guildford

4. R60 to R20

Lots 15, 16, 8 & 7 Market Street, Guildford
Lots 12, 13, 14, 15, 16, 17, 18, 19, Johnson Avenue, Guildford
Lots 504, 505, 506, 507, 2, 3, 6, 7 Sweeting Street, Guildford
Lots 14, 15, 16, East Street, Guildford
Lots 1, 3, 29, 70 Helena Street, Guildford
Lots 5, 6, 28, 31 Helena Street, Guildford
Lots 19, 20, 21, 22 East Street, Guildford
Lots 34, 25, 26, 27, 30, Sweeting Street, Guildford
Lots 33, 32, 3, 11, 12, 13, 14 Attfield Street, Guildford
Lots 5-13 and 18-26 Hugh Street, Guildford
Lots 5-9, 16-27 & 203, Bertie Street, Guildford
Lots 51, 50, 3-6, 71 East Street, Guildford
Lots 1, 3, 29 Swan Street, Guildford

5. R60 to R40

That area bounded by Helena Street, Johnson Street, Shenton Avenue and James Street, excluding Lot 18, Johnson Street
Lots 5, 22 (Strata Lots 1-6) Johnson Avenue, Guildford
Lots 5 & 6 Bank Street, Guildford
Lots 3 & 5 of Town Lot 145, Meadow Street, Guildford
Lot 17 of Town Lot 142, Guildford
Pt Lot 69 and Lot 4 East Street, Guildford
Lots 38, 217, 40, 41, 42 James Street, Guildford
Lots 7, 30-34, 3 Fauntleroy Street, Guildford
Lots 4, 23, Helena Street, Guildford
Those lots fronting Sutherland Close, north and south
Lots 2, 3, 4, Stirling Street, Guildford

6. R20 to R40

Pt Lot 6, Market Street, Guildford

7. R20 to Residential Development R20

Town Lot 6, Market Street, Guildford
Lots 19, 20, James Street, Guildford
Lots 1, 2, ST46, Helena Street, Guildford
Town Lot 49, NP49, RT49, EP49, Helena Street, Guildford
Lot 18, James Street, Guildford
Town Lot 52, Lots 15, 14, 11, 6, 5, 4, James Street, Guildford
Lots A, B, C, D, O, P, Q, R, S, Scott Street, Guildford

8. Residential Development to Residential 1 R20

Lot 9-13 Wellman Street, Guildford

9. "Local Reserve—Public Purpose" to "Residential Development"

Pt Town Lot 46, Meadow Street.

Amendment No. 193

Amending the Subdivisional Guide Plan with respect to Special Rural Zone No. 4C—Henley Brook whereby Lot 14 West Swan Road, West Swan can be divided into two lots, each being 2 hectares.

Amendment No. 207

Amend Appendix 6 of the Shire Town Planning Scheme No. 9 Scheme Text as follows:

Deleting the words "clubhouse inc" in:

(i) 2nd paragraph relating to permissible uses and replacing them with "Resort Centre Facilities inc restaurants etc".

(ii) Deleting from Condition 2 the word "Clubhouse" and replacing it with "Members' Facilities".

(iii) Delete Condition 6 adopted by Council, yet not inserted into the Scheme:

"No person shall, without the permission of the Council or the recommendation of the Club, clear or plant vegetation requiring irrigation outside the area designated for development"; and replace with

"No person shall, without the permission of the Council, clear or plant vegetation requiring irrigation outside the area designated for development".

(iv) Deleting from Condition 8a the words "club house", deleting all of Condition 8c and 8f and modifying Condition 8e by deleting the words "and the Articles of association of the Club".

(v) Deleting Condition 7 and replacing it with:

"Owners of the land within the resort area may form and be financial Members' of a tourist and recreation club with a constitution approved by the Council"

M. C. KIDSON, President.
E. W. LUMSDEN, Shire Clerk.

PD420

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Wyndham-East Kimberley

Town Planning Scheme No. 4—Amendment No. 27

Ref: 853/7/5/6, Pt. 27.

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 Wyndham-East Kimberley Town Planning Scheme Amendment on January 15, 1994 for the purpose of rezoning Kununurra Lot 2398 from "Parks and Recreation" to Residential.

The proposed rezoning is depicted on the Scheme (Amendment) Map.

M. MIDDAP, Deputy President.
E. SNOW, Acting Shire Clerk.

PD421

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME AMENDMENT

Town of Narrogin

Town Planning Scheme No. 1A—Amendment No. 32

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Town of Narrogin Town Planning Scheme Amendment on January 15, 1994 for the purpose of adding the designated Zone "Special" to Narrogin Town Lot 234 South Part Havelock Street and amending the Special Use Table by the addition of a new special listing classification as follows:—

Code No.	Particulars of land (As shown on Scheme Map)	Base/Zone Area	Special Use	Conditions
18	The South Part of Narrogin Town Lot 234 Havelock Street	Single and Group Housing	Ballet Teaching Studio	Nil

J. W. PARRY, Mayor.
S. D. TINDALE, Town Clerk.

PD422

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME AMENDMENT

Town of Port Hedland

Town Planning Scheme No. 4—Amendment No. 14

Ref: 853/8/4/5, Pt. 14.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the Town of Port Hedland Town Planning Scheme Amendment on January 15, 1994 for the purpose of rezoning Port Hedland Lot 5824, Reserve 41351 from Rural zone and Special Rural zone to Reserve for Public Purposes (Community Welfare).

A. EGGLESTON, Mayor.
G. FITZGERALD, Town Clerk.

PD601

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

METROPOLITAN REGION SCHEME

Notice of Major Amendment

East Wanneroo, City of Wanneroo

File No: 809-2-30-7
Amendment No: 948/33

1. It is hereby notified for public information that the State Planning Commission at its meeting held on December 21, 1993, resolved in accordance with the provisions of Section 33 of the Metropolitan Region Town Planning Scheme Act 1959, to propose an amendment to the Metropolitan Region Scheme and the Hon Minister for Planning has consented to public submissions being sought in respect of the proposed amendment outlined in the First Schedule hereunder.

2. Copies of the maps that form part of the Metropolitan Region Scheme that are proposed to be amended will be available from Monday January 17, 1994 to Friday April 22, 1994 for public inspection free of charge during normal office hours, at each of the places mentioned in the Second Schedule hereunder.

3. Any person who desires to make a submission either supporting or objecting to any provisions of the proposed amendment may do so on the prescribed Form 6A. Submission forms are available on request from the display locations and must be lodged with the Secretary, State Planning Commission, c/- Department of Planning and Urban Development, 469-489 Wellington Street, Perth WA 6000, on or before 4.30 pm Friday April 22, 1994.

GORDON G. SMITH, Secretary.

First Schedule

The Metropolitan Region Scheme is amended pursuant to section 33 of the Metropolitan Region Town Planning Scheme Act 1959, by substituting Amendment Map Sheet Numbers 4/2 m, 7/42 m, 8/4 m, 11/50 m and 12/49 m for those parts of Map Sheet Numbers 4, 7, 8, 11 and 12.

The amendment proposes to transfer land in the City of Wanneroo between the Rural Zone, the Private Recreation Zone, the Industrial Zone, the Urban Zone, the Urban Deferred Zone, the State Forest Reservation, the Parks and Recreation Reservation, the Important Regional Roads Reservation, the Controlled Access Highways Reservation and the Other Major Highways Reservation.

The purpose of the amendment is to give statutory effect in the Metropolitan Region Scheme to planning proposals for the East Wanneroo area in the North-West Corridor.

The amendment is depicted on State Planning Commission Plan Number SP 433/1 and in more detail on Plan Numbers 1.2957-1.2964, 1.2970-1.2973, 1.2976-1.2980, 1.2981/1, 1.2982-1.3005, 1.2630/1, 1.2631/1, 1.2632/1, 2.0724, 2.0725/1, 2.0726/1, 2.0727, 3.0745 and 4.1277.

Second Schedule

Public Inspection (during normal office hours)

The Amendment Plan Number SP 433/1 and detail Plan Numbers 1.2957-1.2964, 1.2970-1.2973, 1.2976-1.2980, 1.2981/1, 1.2982-1.3005, 1.2630/1, 1.2631/1, 1.2632/1, 2.0724, 2.0725/1, 2.0726/1, 2.0727, 3.0745 and 4.1277 will be available for inspection from Monday January 17, 1994 to Friday April 22, 1994 at each of the following places:

(a) Department of Planning and Urban Development
1st Floor Albert Facey House
469-489 Wellington Street
Perth WA 6000

(b) Council Offices of the municipalities of:

(i) City of Perth
27 St George's Terrace
Perth WA 6000

(ii) City of Fremantle
Corner Newman and William Street
Fremantle WA 6160

(iii) City of Wanneroo
Boas Avenue
Joondalup WA 6027

(c) J S Battye Library
Alexander Library Building
Cultural Centre
Francis Street
Northbridge WA 6003

PD704

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME

Shire of Wyndham-East Kimberley

Town Planning Scheme No. 6—Wyndham Townsite

Ref: 853/7/5/8.

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 Wyndham-East Kimberley Town Planning Scheme No. 6—Wyndham Townsite on 3 December 1993—the Scheme Text of which is published as a Schedule annexed hereto.

M. MIDDAP, President.
M. CHEVERTON, Shire Clerk.

Schedule

SHIRE OF WYNDHAM-EAST KIMBERLEY

Town Planning Scheme No. 6

Wyndham Townsite

The Wyndham-East Kimberley Shire Council, under and by virtue of the powers conferred upon it by the Town Planning and Development Act 1928 (as amended), hereinafter referred to as "The Act", hereby makes the following Town Planning Scheme for the purposes laid down in the Act.

SCHEME REVIEW TEXT

Contents

Part I—Preliminary

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

Part II—Reserves

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

Part III—Zones and Policies

3.1 Zones and Policy Statements
3.2 Zones
3.3 Policies

Part IV—Non-Conforming Uses

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

Part V—Development Requirements

5.1 Development of Land
5.2 Land Subject to Inundation
5.3 Discretion to Modify Development Standards
5.4 Residential Development: Residential Planning Codes
5.5 Residential Zone
5.6 Town Centre Zone
5.7 Industrial Zones
5.8 Rural/Pastoral Zone
5.9 Special Rural Zone
5.10 Special Site Zone

Part VI—Amenity Control

6.1 Untidy Sites
6.2 Vehicles, Caravans, Boats, Trailers in Residential Areas
6.3 Transportable Homes
6.4 Temporary Accommodation
6.5 Derelict Vehicles
6.6 Home Occupation/Cottage Industries
6.7 Outbuildings
6.8 Rear Access and Loading Docks

Part VII—Car Parking
7.1 Car Parking Requirements
7.2 Conditions of Planning Consent
7.3 Off-Street Parking
7.4 Shared or Combined Parking
7.5 Standards
7.6 Landscaping, Construction and Maintenance
7.7 Town Centre Zone

Part VIII—Control of Advertising
8.1 Power to Control Advertisements
8.2 Existing Advertisements
8.3 Consideration of Applications
8.4 Exemptions from the Requirement to Obtain Consent
8.5 Discontinuance
8.6 Derelict or Poorly Maintained Signs
8.7 Notices
8.8 Scheme to Prevail
8.9 Enforcement and Penalties

Part IX—Conservation and/or Preservation of Places of Heritage Value
9.1 Places of Heritage Value
9.2 Amendment to Schedule of Places of Heritage Value
9.3 Notice of Amendment to Schedule of Places of Heritage Value
9.4 Development Control
9.5 Policies
9.6 Waiver of Scheme Provisions and Building Code of Australia
9.7 Arbitration
9.8 Purchase of Land
9.9 Agreements

Part X—Planning Consent
10.1 Application for Planning Consent
10.2 Advertising of Applications
10.3 Determination of Applications
10.4 Deemed Refusal

Part XI—Administration
11.1 Powers of the Scheme
11.2 Offences
11.3 Notices
11.4 Claims for Compensation
11.5 Appeals

TABLES

Table 1—Zoning Table
Table 2—Town Centre Zone Requirements
Table 3—Industrial Zone
Table 4—Rural Zones
Table 5—Exempted Advertisements

APPENDICES

Appendix No. 1—Interpretations
Appendix No. 2—Special Rural Zone
Appendix No. 3—Special Sites Schedule
Appendix No. 4—Car Parking Requirements
Appendix No. 5—Information Sheet for Advertisement Approval
Appendix No. 6—Application Form for Planning Consent
Appendix No. 7—Notice of Advertisement of Development Proposal
Appendix No. 8—Decision on Application for Planning Consent
Appendix No. 9—Schedule of Places of Heritage Value

PART I—PRELIMINARY

1.1 Citation

This Town Planning Scheme may be cited as the Shire of Wyndham-East Kimberley Town Planning Scheme No. 6—Wyndham, 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 Wyndham-East Kimberley hereinafter called 'the Council'.

1.3 Scheme Area

The Scheme applies to part of the Shire of Wyndham-East Kimberley as shown on the Scheme Map by the broken black border and which area is hereinafter called the Scheme Area.

1.4 Revocation of Previous Scheme

The Shire of Wyndham-East Kimberley Town Planning Scheme No. 5—Wyndham, which was published in the *Government Gazette* on the Twelfth day of October, 1984 and amended from time to time, is hereby revoked.

1.5 Contents of Scheme

The Scheme comprises:

(a) The Scheme Text

(b) The Scheme Maps

(c) The Policy Statements—which form part of the Scheme Review Report.

1.6 Arrangement of Scheme Text

The Scheme Text is divided into the following parts:—

Part I—Preliminary
Part II—Reserves
Part III—Zones and Policies
Part IV—Non-Conforming Uses
Part V—Development Requirements
Part VI—Amenity Control
Part VII—Car Parking
Part VIII—Control of Advertising
Part IX—Conservation and/or Preservation of Places of Heritage Value
Part X—Planning Consent
Part XI—Administration

1.7 Scheme Objectives

The broad objectives of the Scheme are as follows:

(a) to set aside land for the continued development of the town in areas appropriate for urban development,

(b) to limit the development of land considered inappropriate for urban uses because of the adverse affects of inundation and other physical constraints,

(c) to reserve land for public purposes,

(d) to zone the balance of the land within the Scheme Area for the various purposes described in the Scheme,

(e) to provide development policies and controls for the purpose of securing land, maintaining an orderly and properly planned use and development of land within the Scheme Area,

(f) to set policies for the preservation of sites and places of historic and heritage value.

1.8 Interpretations

1.8.1 Except as provided in Clause 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 Appendix 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 II—RESERVES

2.1 Scheme Reserves

The lands 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:—

Major Road
Public Purposes (as marked)
Parks and Recreation

2.2 Matters to be Considered by Council

Where an application for Planning Consent is made with respect to land within a Reserve, the Council shall have regard to the ultimate purposes 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 the purposes shown on the Scheme Map, or grants consent subject to conditions that are unacceptable to the applicant the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

2.3.2 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 III—ZONES AND POLICIES

3.1 Zones and Policy Statements

The Scheme Area is divided into Zones and Policy Areas. Each Policy Area is the subject of a Policy Statement relating to the predominant use and strategy for future development of that Policy Area.

3.2 Zones

3.2.1 Creation of Zones

There are hereby created the zones set out hereunder:—

Town Centre Zone
Residential Zone
Industrial Zone
Rural/Pastoral Zone
Special Rural Zone
Special Site Zone (as marked)

These Zones and the development provisions relating to them shall be read in conjunction with the Policy Statements as adopted by the Council pursuant to this Part.

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

3.2.2 Zoning Table

The Zoning Table indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme Area in the various zones, such uses being determined by cross reference between the list of Use Classes on the left hand side of the Table 1 and the list of Zones at the top of the Zoning Table.

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

'P' means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting Planning Consent;

'IP' means a use that is not permitted unless such use is incidental to the predominant use of the land as determined by the Council;

'AA' means that the Council may, at its discretion, permit the use;

'SA' means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with Clause 10.2.

TABLE 1
ZONING TABLE

USE CLASSES	Zones: Town Centre	Residential	Industrial	Special Rural	Rural/Pastoral	Special Site
Commercial						Predominant uses to be limited to that specifically marked on the Scheme Map.
Amusement Facility	AA					
Car Park	P	AA	P	AA	AA	
Dry Cleaning Premises	AA		P			
Fast Food Outlet	P					
Funeral Parlour	SA		AA			
Health Studio	AA		AA			
Home Occupation	AA	AA	AA	AA	AA	
Hotel	AA					
Laundromat	AA		P			
Motel	AA					
Night Club	AA					
Motor Vehicle or Marine Sales Premises	AA		P			
Motor Vehicle Hire	AA		P			
Office	P	AA	IP	IP	IP	
Office—Professional	P					
Reception Centre	P					
Restricted Premises	AA		AA			
Restaurant	P					
Service Station	SA		AA			
Shop	P	SA	AA			
Showroom	P		P			
Tavern	AA					
Warehouse	AA		P			

ZONING TABLE—*continued*

USE CLASSES	Zones					
	Town Centre	Residential	Industrial	Special Rural	Rural/Pastoral	Special Site
Residential						
Single House	AA	P		P	P	
Grouped Dwelling	P	AA				
Multiple Dwelling	P	AA				
Aged and Dependent Persons Dwelling	AA	AA				
Caretaker's Dwelling	IP		IP	IP	IP	
Residential Building	AA	AA				
Community						
Ambulance Depot	P		AA			
Civic Building	P	AA				
Club Premises	AA		SA	AA	AA	
Consulting Rooms	P	SA	SA	AA		
Day Care Centre	P	SA		SA		
Educational Establishment	P		AA			
Fire Brigade Depot	P		P	P		
Hospital	SA	SA				
Kennels/Cattery			AA	SA	SA	
Kindergarten	P	SA				
Medical Centre	P	SA				
Public Utility	P	P	P	P	P	
Public Worship	P	SA				
Radio and TV Installation	SA	P	AA	AA	AA	
Veterinary Consulting Rooms or Hospital	SA		AA		AA	
Industrial						
Fuel Depot			P			
Industry—						
General			P			
Light	SA		P			
Service	SA		P			
Extractive					SA	
Hazardous			SA			
Cottage	AA	AA	AA	AA	AA	
Motor Vehicle Repair	SA		P			
Motor Wrecking			AA			
Salvage Yard			P			
Transport Depot			P			
Recreation						
Equestrian Centre				P	P	
Private Recreation	AA		SA	AA	AA	
Public Amusement	AA					
Public Recreation	P	P	P	P	P	
Rural						
Rural Pursuit				P	P	
Stables				P	AA	

Predominant uses to be limited to that specifically marked on the Scheme Map.

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

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

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

(a) determine that the use is not consistent with the objectives and purpose of the Policy Statement and 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 Policy Statement and Zones and thereafter follow the advertising procedures of Clause 10.2 in considering an Application for Planning Consent.

3.3 Policies

3.3.1 Power To Make Policies

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.

The Policy Statements in the Scheme Review Report shall be deemed to be the Policy Statements prepared pursuant to this section.

3.3.2 Procedure of Policy Making

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

(a) The Council having prepared and resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft Policy may be inspected, in what form, and during what period (being not less than 21 days) representations may be made to the Council;

(b) The Council shall review its draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft Policy with or without amendment, or not proceed with the draft Policy;

(c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme documents for inspection during normal office hours.

3.3.3 Policy Amendment

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

(a) preparation and final adoption of a new Policy pursuant to this Clause, specifically worded to supersede an existing Policy,

(b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.

3.3.4 The Scheme Shall Prevail

A Town Planning Scheme Policy shall not bind the Council in the respect of any Application for Planning Consent but the Council shall take into account the provisions of the Policy and Objectives which the Policy was designed to achieve before making its decision.

3.3.5 Policy Statements Shall be Consistent with the Scheme

The Policy Statements prepared pursuant to this Part shall be consistent with the intent of the Objectives, Zones and general provisions of the Scheme.

PART IV—NON-CONFORMING USES

4.1 Non-Conforming Use Rights

No provision of the Scheme shall prevent:

(a) the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or

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

4.2 Extension of Non-Conforming Use

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

4.3 Change of Non-Conforming Use

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

4.4 Discontinuance of Non-Conforming Use

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

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

4.5 Destruction of Buildings

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

PART V—DEVELOPMENT REQUIREMENTS

5.1 Development of Land

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

5.1.2 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 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;

(c) the carrying out of any 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;

(d) the carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services;

(e) the erection of a boundary fence except as otherwise required by the Scheme;

(f) the erection on a lot of a single dwelling house, including the ancillary outbuildings, in a zone where the proposed use is designated with the symbol 'P' in the cross-reference to that zone in the Zoning Table;

(g) the erection of an outbuilding of an area less than 60 m^2.

5.2 Land Subject to Inundation

A building, except with the approval of Council, shall not be constructed upon any land within an area considered by Council as being liable to flooding.

On approving any building within the Scheme Area, the Council may set minimum levels for any floor or appurtenant area of the building.

5.3 Discretion to Modify Development Standards

If a development, other than a residential development, 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 preservation of the amenities of the locality;

(b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality;

and

(c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.

5.4 Residential Development: Residential Planning Codes

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

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

5.4.3 In the event of there being any inconsistency between the Residential Planning Codes identified by Clauses 5.4.1 and 5.4.2, the provisions in the document identified in Clause 5.4.1 shall prevail.

5.4.4 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those codes and the schedules to those codes.

5.4.5 The Residential Coding of the land shall be in accordance with that shown on the Scheme Map (as bordered).

5.4.6 Any Application for Planning Consent of any residential building other than a single dwelling shall be accompanied by a plan showing the proposed landscaping on the site.

The landscape plan shall show:

(a) the location and general nature of planted areas;

(b) the location and nature of materials to be used on non-planted areas;

(c) the location and size of any outbuildings or other minor proposed structures.

The applicant shall commence the implementation of the approved landscape plan within six calendar months of the completion of all other approved works and shall complete the works no later than six calendar months following approval to occupy any building.

5.5 Residential Zone

5.5.1 Objectives

The Council's objectives are:

(a) for the allocation and density coding of the Residential zone throughout the Scheme Area to be designed to provide for the development of the Scheme Area in such a way as will:—

(i) provide sufficient land in appropriate locations for residential development to meet the needs of the Scheme Area's anticipated growth and population without unduly restricting the choice of sites;

(ii) promote and safeguard health, safety, convenience, the general public welfare and the amenity of the residential areas.

(b) Notwithstanding that a proposed development conforms in all other respects with the requirements of the Scheme, Council may at its discretion refuse to grant approval if in its opinion such development would by its siting or construction result in significant deterioration of the amenity or landscape quality of the town.

5.5.2 Structure Plan

It is the intention of the Council to ensure that the subdivision and development of land within the future residential areas as shown on the Policy Map takes place only after comprehensive planning ensures the maximum possible benefits of urban design and servicing.

In this regard the Council, before supporting or approving any proposal for rezoning, subdivision or development of any land within the future residential areas, shall require the preparation of a Structure Plan for the whole of the area or for any particular part or parts as considered appropriate by the Council.

Subdivision of the land shall be approved in accordance with the adopted Structure Plan providing the land is zoned Residential.

5.5.3 The Structure Plan shall show:

(i) the topography of the area,

(ii) existing road system,

(iii) location and standards of any future roads,

(iv) location of shopping, community amenities and recreation areas,

(v) proposed population and residential densities,

(vi) existing and proposed services,

(vii) staging of the development,

(viii) any other information as shall be requested by the Council.

5.6 Town Centre Zone

5.6.1 Objectives

The Council's objectives for controlling development within the Town Centre Zone are:

(a) to zone adequate land for the continued development of a main commercial and community facility centre for the town;

(b) to prepare an overall Town Centre Strategy Policy to guide and promote development;

(c) to apply appropriate development and land use controls to ensure the development is to a satisfactory standard.

5.6.2 Upper Floors

Where the ground floor of a two-storey building is used for the purpose of commerce, the upper floors of such building may be used for such purposes as may be permitted by Council and may include shops, offices or residential development.

Residential uses in such circumstances are to be confined to the upper storey only.

5.6.3 Site Coverage

The site coverage of up to 200% may be permitted subject to the satisfaction of the Council on matters relating to access, car parking, rear access and loading docks and any other matters the Council shall consider relevant.

5.6.4 Conditions and Standards

The development conditions and standards shall be in accordance with Table 2.

TABLE 2

TOWN CENTRE ZONE—SITE REQUIREMENTS

Land Use	Min. Lot Area (m^2)	Min. Frontage (metres)	Min. Setbacks Front	Rear
Church	1500	30	9	6
Clinic	850	20	9	6
Consulting Rooms	250	6	0	6
Hall	2000	30	9	6
Hotel	5000	50	10	10
Motel	2500	40	10	10
Residential Building	1000	25	6	6
Office	250	6	0	6
Service Industry	1000	25	0	9
Service Station	1500	40	10	10
Petrol Filling Station	1500	40	10	10
Shop	250	6	0	6
Showroom	250	6	0	0
Tavern	2000	25	0	9
Warehouse	250	10	6	9

*On a corner lot frontage may comprise that length facing either street.
*Side setbacks shall be in accordance with the provisions of the Building Code of Australia

5.6.5 Loading and Unloading

Where areas for the loading and unloading of vehicles carrying goods and commodities to and from the premises are to be provided they shall be constructed and maintained in accordance with an approved plan relating thereto.

5.6.6 Residential Development in the Town Centre Zone

Residential development within the Town Centre Zone may be permitted in accordance with the provisions of the R 50 Code.

5.7 Industrial Zones

5.7.1 Objective

The Council's objective is to contain industrial uses and development in specific areas.

The port area is specifically set aside for the use and development of activities related to bulk storage, cargo handling, and any other industry applicable to the area.

The industry zone shall be designated to accommodate smaller industries such as localised general, light industry and service trades uses where there is the maximum benefit and access by the public and the minimum detrimental effect to the residential areas and the town centre precinct.

5.7.2 Development Standards

Development and site requirements shall be in accordance with the following provisions:

TABLE 3

INDUSTRIAL ZONE

Zone	Min. Lot Area	Effective Frontage	Building Setbacks Front–Side–Rear			Maximum Site Coverage
Port Industry	—	—	—	—	—	—
Industry	1000m^2	15m	9m[1]	5m[2]	7.5m	75%

[1] Front Setbacks

In the case of a service trade or industry in the Town Centre Zone, where there is proposed a shop front, the Council may approve a front setback of zero.

[2] Side Setbacks

(a) 5 metres on any one side to permit access to the rear of the lot,

(b) a minimum of 1.2 metres on any other side,

or

(c) depending upon the building height and material as prescribed in the Building Code of Australia,

or

(d) zero in the case of a parapet wall with a satisfactory fire rating in accordance with the Building Code of Australia.

5.7.3 Factory Unit Development

The development of factory tenement buildings, for the purpose of providing multiple factory units in one lot, shall not be permitted unless the following requirements are complied with:—

(i) no factory unit shall have a floor area of less than $100m^2$;

(ii) each factory unit shall have a service yard appurtenant to it which shall be a minimum of 50% of the unit floor area;

(iii) access to the office attached to the factory unit and the major access to the unit itself shall not be through the service yard;

(iv) off street parking may be provided as an overall area on site and shall provide for all employees with a minimum staff parking requirement of four bays per unit;

(v) Customer parking shall be provided as an additional figure of one bay per unit.

5.7.4 Residential Uses in the Industrial Zone

Council may permit the development and occupancy of a single house upon a lot for the purposes of caretaker's dwelling for security and management providing the occupants of that residential unit are directly related to the operations of the predominant permitted use.

5.7.5 Landscape Treatment

Where a building is approved upon a lot and is set back from the front boundary of that lot Council shall require the provision of landscape treatment between the frontage of any building and the front boundary.

Such landscape treatment may include a car parking area. Implementation of an approved landscaped plan shall occur within six calendar months of:

(a) the completion of any other approved works,

or

(b) the date of occupancy, if occupancy commences prior to the completion of the development.

5.7.6 Storage of Materials

No dumping, storage of waste or materials, or construction, servicing or maintenance shall be carried out between the front building line and the street frontage but shall not prohibit the display of finished goods or goods for sale or ready for delivery.

5.7.7 Loading and Unloading

Areas for loading and unloading of vehicles, particularly road trains, carrying goods and commodities to or from premises shall be provided and maintained in accordance with the approved plan relating thereto.

5.7.8 Vehicle Wrecking

The wrecking or storage of wrecked vehicles or parts thereof shall not be permitted in front of the building setback.

5.7.9 Carports/Pergolas

Council may approve the construction of a carport or pergola or like structure between the building line and the front boundary providing:

(a) that any such structure remains open sided and not in-filled with any material which would ordinarily prevent the free passage of light and air, but may include lattice, battens or mesh as approved by Council;

(b) that any activity beneath the structure does not include any industrial use and is only used for car parking, landscaping, display purposes or any other uses the Council may deem fit.

5.7.10 Transient Accommodation

Council may permit the construction and occupation of a Residential Building on an Industrial Zoned lot providing:

(i) that any occupant is directly related to the business or industrial activity carried out on the lot;

(ii) that there shall be a limit of seven days of occupation by any such transient worker.

5.8 Rural/Pastoral Zone

5.8.1 Objectives

The Council's objectives for this Zone are:

(a) to maintain the rural character of the land;

(b) to prohibit the use of any land which may be incompatible to the existing uses or which may adversely affect the expansion of the urban area;

(c) to prohibit the erection of any structure other than a fence on the land subject to inundation.

5.8.2 Building Setbacks

Setbacks of buildings shall be in accordance with Table 4.

TABLE 4—RURAL ZONES

Zone	Building Setbacks (m) Front	Side	Rear
Rural/Pastoral Zone	30	10	10
Special Rural Zone	10	10	10

5.8.3 Transient Accommodation

Council may permit the construction and occupation of a Residential Building on a lot zoned Rural/Pastoral Zone providing:

(i) that any occupant is directly related to the business or activity carried out on the lot;

(ii) that in the case of seasonal activity the duration of occupation shall be limited to not more than thirty days without consent of Council.

5.9 Special Rural Zone

5.9.1 Objectives

The Council's objectives for this Zone are:

(a) to provide for the provision of land for people wishing to reside on a small rural holding;

(b) to prohibit the use of any land which may be incompatible to or adversely affect the amenity of the surrounding land uses;

(c) to maintain the rural/residential character of the land.

5.9.2 Building Setbacks

Setbacks of any buildings shall be in accordance with Table 4.

5.9.3 Permitted Uses

Council shall permit development and land uses as specified in Appendix 2.

5.10 Special Site Zone

5.10.1 Special Sites Schedule

The Special Sites Schedule in Appendix No. 3 shall be in accordance with the Scheme Maps.

5.10.2 Application of Development Standards

Land within the Special Sites Zone may be used for the purposes specified on the Scheme Map and the schedule in Appendix No. 3 as applicable to that site and for no other purpose except for a use that Council deems is incidental to the predominant use.

Council may apply such development standards to a proposal as it thinks fit providing such standards are not less than pertaining to similar uses permitted under the Scheme.

PART VI—AMENITY CONTROL

6.1 Untidy Sites

To maintain an acceptable standard of amenity the Council may, by written notice as provided for in Clause 11.3 require the owner, occupier, or lessee of any land to undertake such works as may be necessary to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity.

6.2 Vehicles, Caravans, Boats and Trailers in Residential Areas

Except as hereinafter provided, no person within any lot zoned Residential Zone may without the written approval of the Council:

(a) allow any commercial vehicle or truck to remain or be parked for a period of more than forty eight hours consecutively;

(b) repair, maintain, service or clean a commercial vehicle or truck;

(c) keep, park, repair or store any boat, trailer, caravan or any material not specifically for the immediate use by the occupant in front of the building setback line.

6.3 Transportable Homes

Council may permit the erection or placement of any new transported, transportable or prefabricated home on a lot providing that the design of the building is to the satisfaction of the Council and in its opinion does not adversely affect the amenity of other properties in the vicinity.

6.4 Temporary Accommodation

Where a caravan or other temporary accommodation is proposed or used in the establishment of an industry or in any zone or for the accommodation of a seasonal or otherwise temporary workforce, Council may grant approval for the establishment and occupancy of such temporary accommodation for a period not exceeding three calendar months.

Extensions to this period may be granted where the applicant can show cause, to the satisfaction of the Council why such extension of a similar period should be granted.

Occupancy of such temporary accommodation shall only be permitted to persons directly engaged in the development or industry or development of that lot upon which the accommodation stands or in employment related to the industry specified on an Application for Planning Consent as approved by Council in accordance with Clause 10.3.

6.5 Derelict Vehicles

Council shall not permit the storage and/or wrecking of any vehicle on any street verge or on any lot between the front boundary and the front setback line within any Zone.

6.6 Home Occupation/Cottage Industries

6.6.1 Council shall not permit any Home Occupation or Cottage Industry unless:

(a) Planning Consent is granted in accordance with Part X of the Scheme. The Council may limit the period of validity of a permitted Cottage Industry and shall review the register from time to time as the Council deems fit;

(b) the applicant provides the following information;

(i) location of the home occupation/industry;

(ii) the area of the floor space to be devoted to the activity;

(iii) the times and conditions of the operation;

(iv) demonstrate that there is a demand for the goods and services.

6.6.2 Nothing in the Scheme shall prevent the Council from implementing any by-law which it may amend from time to time to control any home occupation or cottage industry and where any conflict between those by-laws and this Scheme the by-laws shall prevail.

6.7 Outbuildings

No outbuilding exceeding 60 m^2 in area shall be erected on any lot without the consent of the Council in accordance with Part X of the Scheme and:

(a) no part of any outbuilding shall be within 0.75 metres of any side or rear boundary; or

(b) as required under the Residential Planning Codes (as amended); and

(c) any additional setback as required by any servicing authority; and

(d) as otherwise stated in any other part of the Scheme.

6.8 Rear Access and Loading Docks

When considering any application for Planning Consent the Council shall have regard to and may require the provision of loading docks and/or rear access. In particular, the Council may impose conditions concerning:

(a) the size of loading docks;

(b) the means of providing rear access of adequate width and design so as to ensure that transport vehicles shall be able to proceed in a forward direction.

PART VII—CAR PARKING

7.1 Car Parking Requirements

Any person shall not develop or use land or erect, use or adapt any building for any purpose unless car parking spaces of the number specified in Appendix 4 are constructed and maintained in accordance with the provisions of the Scheme.

Where an application is made for Planning Consent and the purposes for which the land or building is to be used is not specified in Appendix 4 the Council shall determine the number of car parking spaces to be provided on the land having regard to the nature of the proposed development, the number of employees likely to be on the site, the prevention of the obstruction of roads and streets, and the orderly and proper planning of the locality and the preservation of its amenities.

7.2 Conditions of Planning Consent

When considering an application for Planning Consent the Council shall have regard to, and may impose conditions on the number and location of the car parking spaces to be provided.

In particular the Council shall have regard to:—

(a) the means of access to each parking space,

(b) the location of the spaces on the site and their affect upon the amenity of any adjoining properties,

(c) the extent to which the spaces are located within the building setback areas,

(d) the location of the spaces other than on the lot if such spaces are to be provided in conjunction with a public car park,

(e) the location of the proposed public footpaths, vehicular crossings, and the effect of both pedestrian and vehicular traffic movements and safety.

7.3 Off-Street Parking

Where public off-street parking facilities are located or are proposed to be located in the near vicinity of land or building being the subject of an application for Planning Consent the Council may approve such application notwithstanding that the required number of car parking spaces are not to be provided on site subject to :

(a) the Council being satisfied that off street parking facilities are sufficient to cater for the requirements of the land or buildings,

(b) the applicant entering into an agreement with the Council to pay for the cost of providing and maintaining the required number of spaces as required.

7.4 Shared or Combined Parking

Where the number of car parking spaces proposed to be provided on land or in a building is subject to an application for Planning Consent is less than the number required to be provided pursuant to the Scheme, the Council may approve the application if it can be demonstrated that off street parking facilities in the near vicinity are available to cater for the requirements of the proposal and that arrangements to the satisfaction of the Council have been made to enable those facilities to be used for that purpose.

7.5 Standards

The dimensions of car parking spaces, parking angles, driveway widths and landscaping detail shall be in accordance with Appendix 4.

The Council may vary the dimensions specified:

(a) by up to 10% where obstructions, site dimensions or topography result in the loss of a car parking space in any run of car parking spaces;

(b) when the provisions of a car parking space dimensions are enlarged to accommodate wider vehicles. In such cases the area set aside shall not be less than if the standards specified in Appendix 4 were applied.

7.6 Landscaping, Construction and Maintenance

The owner or occupier of premises on which car parking spaces are provided shall ensure that the parking area is landscaped with shade trees, the car parking is laid out, drained and maintained in accordance with the approved plans relating thereto.

7.7 Town Centre Zone

In the Town Centre Zone, if the Council is satisfied that adequate constructed car parking is to be provided in close proximity to a proposed development, notwithstanding the provisions of Appendix 4 it may accept a cash payment in lieu of the provision of car parking spaces but subject to the following requirements:—

(a) a cash-in-lieu payment shall not be less than the estimated cost to the owner of providing and constructing the parking spaces required by the Scheme, plus the value, as estimated by the Valuer General of Western Australia, of that area of land which would have been occupied by the parking spaces;

(b) before the Council agrees to accept a cash payment in-lieu of parking spaces, the Council must have already provided a public car park nearby, or must have firm proposals for providing a public car park within a period of not more than eighteen months from the time of agreeing to accept the cash payment;

(c) payments made under this Clause shall be paid into a special fund to be used to provide public car parks in the near vicinity.

PART VIII—CONTROL OF ADVERTISING

8.1 Power to Control Advertisements

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

8.1.2 Applications for Council's Consent to this Part shall be submitted in accordance with the provisions of Part X of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 5 giving details of the advertisement(s) to be erected, placed or displayed on the land.

8.2 Existing Advertisements

Advertisements which:

(a) were lawfully erected, placed or displayed prior to the approval of this Scheme,

or

(b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme, hereinafter in this Part referred to as 'existing advertisements', may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

8.3 Consideration of Applications

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

8.4 Exemptions from the Requirement to Obtain Consent

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 8.1.1, the Council's prior consent is not required in respect of those advertisements listed in Table 5 which for the purpose of this Part are referred to as 'exempted advertisements'.

The exemptions listed in Table 5 do not apply to buildings, conservation areas or landscape protection zones which are either:

(i) listed by the Heritage Council;

(ii) listed on the register of the National Estate;

(iii) included in the local authority town planning scheme because of their heritage or landscape value.

8.5 Discontinuance

Notwithstanding the Scheme objectives and Clause 8.4, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Part, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt or otherwise modify the advertisement within a period of time specified in the notice.

8.6 Derelict or Poorly Maintained Signs

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

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

or

(b) remove the advertisement.

8.7 Notices

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

8.7.2 Any notice served in exceptional circumstances pursuant to Clause 8.5 or pursuant to Clause 8.6 shall be served upon the advertiser and shall specify:

(i) the advertisement(s) the subject of the notice,

(ii) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice,

(iii) the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.

8.7.3 Any person upon whom a notice is served pursuant to this Part may, within a period of 60 days from the date of the notice, appeal to the Hon. Minister for Planning or the Town Planning Appeal Tribunal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.

TABLE 5

EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 8.4

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Sign
Dwellings	One professional name-plate as appropriate.	$0.2m^2$
Home Occupation	One advertisement describing the nature of the home occupation.	$0.2m^2$
Places of Worship, Meeting Halls and Places of Public Assembly.	One advertisement detailing the function and/or the activities of the institution concerned.	$0.2m^2$

EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 8.4—*continued*

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Sign
Cinemas, Theatres and Drive-in Theatres.	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed $5m^2$
Shops, Showrooms and other uses appropriate to a Shopping Area.	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs, Hoarding and Bill Posting By-laws.	Not Applicable
Industrial and Warehouse Premises.	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.	Total area of any such advertisements shall not exceed 15 m^2
	A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Maximum permissible total area shall not exceed $10m^2$ and individual advertisement signs shall not exceed $6m^2$.
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	N/A
Public Places and Reserves.	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	N/A
	(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a municipality, and	N/A
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A
Railway Property and Reserves.	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed $2m^2$ in area.
Advertisements within Buildings.	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings.	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	$0.2m^2$

EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 8.4—*continued*

Temporary Signs	Exempted Sign Type and Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Sign
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows:		
(i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	$2m^2$
(ii) Multiple Dwellings, Shops Commercial & Industrial projects.	One sign as for (i) above.	$5m^2$
(iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (i) above. One additional sign showing the name of the project builder.	$10m^2$ $5m^2$
Sales of Goods or Livestock.	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	$2m^2$
Property Transactions. Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows:		
(a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of $2m^2$.
(b) Multiple dwellings, shops Commercial & Industrial Properties.	One sign as for (a) above.	Each sign shall not exceed an area of $5m^2$.
(c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.	One sign as for (a) above.	Each sign shall not exceed an area of $10m^2$.
Display Homes.		
Advertisement signs displayed for the period over which homes are on display for public inspection.	(i) One sign for each dwelling on display. (ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	$2m^2$ $5m^2$

8.8 Scheme to Prevail

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

8.9 Enforcement and Penalties

The offences and penalties provisions specified in Clause 11.2 of the Scheme apply to the advertiser in this Part.

PART IX—CONSERVATION AND/OR PRESERVATION OF PLACES OF HERITAGE VALUE

9.1 Places of Heritage Value

The places described in the Schedule of Places of Heritage Value (Appendix 9) and shown on the Scheme Map are considered by Council to be components of the natural and cultural environment of the town of Wyndham, which have aesthetic, historic, scientific or social value for future generations as well as for the present community and therefore are worthy of conservation and/or preservation.

9.2 Amendment to Schedule of Places of Heritage Value

The Council may by amendment to the Scheme in accordance with the Act and Regulations made thereunder:—

(a) delete from Appendix 9 a place of heritage value described therein;

(b) insert, subject to the provisions of the following clauses in Appendix 9 a place of heritage value as described in the Amendment.

9.3 Notice of Amendment to Schedule of Places of Heritage Value

If the Council resolves to amend the Scheme by inserting in Appendix 9 a place of heritage value, it shall forthwith give written notice of that resolution to:—

(a) the owner of the land on which the plan is situated;

(b) the occupier of the land, if such person is not the owner;

(c) all other persons whose names appear on the Certificate of Title to the land as having an interest therein.

In addition to these notices the Council may give notice of a resolution to one or more of the following bodies:—

(a) Department of Planning and Urban Development;

(b) Heritage Council of Western Australia;

(c) National Trust of Australia (WA);

(d) Registrar of Aboriginal Sites;

or

(e) any other person or body who in the opinion of the Council has an interest in the object, place or thing or could give to Council information to assist in arriving at a decision whether or not to proceed with the proposed amendment.

9.4 Development Control

Notwithstanding the provisions of any part of this Scheme Text expressing a contrary intent, no development at or on a place of heritage value or within a lot or lots upon which such a place exists may be commenced without the Planning Consent of the Council.

Without limiting the generality of the foregoing, development in this context includes the following:—

(a) alteration (whether internal or external), the demolition, the adaption or modification of any building or structure;

(b) works resulting in a change in the external appearance of a building or structure, including the treatment of the external surfaces thereof;

(c) erection of any new building or structure;

(d) removal of vegetation whether indigenous or exotic or the felling, lopping or topping of trees other than the normal maintenance of lawns or gardens or where the building or place is under threat of damage by such vegetation or classified noxious weed;

(e) erection or display of any advertisement sign.

9.5 Policies

The Council may in accordance with the provisions of the Scheme make and adopt a policy or policy plan or code with respect to the places of heritage value described in Appendix 9 generally or with special reference to any one or more of them. No such policy or code or any part thereof shall conflict with the provisions of the Scheme.

9.6 Waiver of Scheme Provisions and Building Code of Australia

9.6.1 In the interests of conserving or preserving places of heritage value, the Council may, subject to the provisions of Part X of the Scheme, grant approval to proposals for the maintenance and repair, reconstruction or restoration of any building or place notwithstanding that the proposal may not comply with either the other provisions of the Scheme or with the Building Code of Australia.

9.6.2 Where, in the interests of conserving or preserving places of heritage value, it is not appropriate, in the opinion of the Council to grant Planning Consent to a particular development proposal but that alternative arrangements can be made to accommodate the required development in a better form and/or at a different location, the Council may, notwithstanding non-compliance with the Building Code of Australia, the Residential Codes or any other provision of the Scheme, approve the alternative development or may permit the transfer of part or all of the development potential from the lot concerned to one or more of the nearby lots provided that the overall general objectives of the Scheme will not be jeopardised thereby.

9.6.3 Where in the interests of conserving a place of heritage value, it is appropriate in the opinion of the Council to grant Planning Consent to the use of a building so classified for a purpose for which it may be suited, the Council may approve any such use notwithstanding that it may not comply with the zoning and/or development provisions of the Scheme.

9.7 Arbitration

If the parties cannot agree upon the amount of compensation which may become payable pursuant to the Scheme it shall be determined by arbitration in accordance with the Arbitration Act, 1895.

9.8 Purchase of Land

The Council may purchase or, subject to the Act, resume the land on which a place of heritage value described in Appendix 9 is situated or so much thereof as is in the opinion of the Council necessary for the conservation of that place. The Council may, in lieu of paying compensation pursuant to Clause 9.7 above, elect to purchase or resume the property concerned.

9.9 Agreements

The Council may enter into agreements:—

(a) with the owners or occupiers of land on which the places described in Appendix 9 are situated or the subject of a proposed amendment to the Scheme for the inclusion thereof in that Appendix for the conservation of the place of heritage value;

(b) with any person or organisation for the conservation of a place of heritage value described in Appendix 9 or, if the owner therefore agrees, for the conservation of an object, place or thing which in the opinion of the Council is worthy of conservation even though it is not described in that Appendix;

(c) relating to the determination and setting of compensation.

PART X—PLANNING CONSENT

10.1 Application for Planning Consent

10.1.1 Every application for Planning Consent shall be made in the form prescribed in Appendix 6 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

10.1.2 Unless Council waives any particular requirement every application for Planning Consent shall be accompanied by:—

(a) A plan or plans to a scale of not less than 1: 500 showing:

(i) street names, lot number(s), north point and the dimensions of the site;

(ii) the location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the site;

(iii) the existing and proposed means of access for pedestrians and vehicles to and from the site;

(iv) the location, number, dimensions and layout of all car parking spaces intended to be provided;

(v) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;

(vi) the location, dimensions and design of any landscaped, open storage or trade display area and particulars of the manner in which it is proposed to develop the same;

(vii) the location of any underground services;

(b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;

(c) any other plan or information that the Council may reasonably require to enable the application to be determined.

10.2 Advertising of Applications

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

10.2.2 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.

10.2.3 Where the Council is required or decides to give notice of an application for Planning Consent which involves an 'SA' use 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.

10.2.4 The notice referred to in Clause 10. 2.3 (a) and (b) shall be in the form contained in Appendix 7 with such modifications as circumstances require.

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

10.3 Determination of Applications

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

10.3.2 The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the 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.

10.3.3 The Council shall issue its decision in respect of an application for Planning Consent in the form prescribed in Appendix 8 to the Scheme.

10.3.4 Where the Council approves an application for Planning Consent under this Scheme the Council may limit the time for which that consent remains valid.

10.4 Deemed Refusal

10.4.1 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 10.2 the application may be deemed to have been refused.

10.4.2 Where the Council has given notice of an application for Planning Consent in accordance with Clause 10. 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.

10.4.3 Notwithstanding that an application for Planning Consent may be deemed to have been refused under Clauses 10.4.1 or 10.4.2 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.

PART XI—ADMINISTRATION

11.1 Powers of the Scheme

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

(a) the Council may enter into an 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 in the district pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with law and for such purpose may make such agreements with other owners as it considers fit;

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

11.2 Offences

11.2.1 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 granting and issue of any consent required by the Scheme have been and continue to be complied with;

(d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that land or building of that part have been and continue to be complied with.

11.2.2 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.

11.3 Notices

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

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

11.4 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*.

11.5 Appeals

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

-Appendix No. 1

INTERPRETATIONS

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

Absolute Majority: shall have the same meaning as is given to it in and for the purposes of the Local Government Act 1960 (as amended).

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

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

(a) an advertising sign of less than $2m^2$ in 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 $2m^2$ 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 $2m^2$ 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.

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

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

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

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

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

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

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

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

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

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

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

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

Camping Area: means land used for the lodging of persons in tents or other temporary shelter.

Caravan: means a vehicle as defined under the Road Traffic Act 1974-82 maintained in condition suitable for licence under that Act all times and being designed or fitted or capable of use as a habitation or for a dwelling or sleeping purposes.

Caravan Park: means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.

Caretaker's Dwelling: means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

Car Park: means land and buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.

Cattery: means the use of an approved out-building constructed in accordance with the Health Act Model By-laws Series 'A' Part One—General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months.

Civic Building: means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council for administrative, recreational or other purpose.

Civic Use: means land and buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.

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

Commission: means the State Planning Commission constituted under the State Planning Commission Act 1985.

Community Service Depot: means land and buildings used for the garaging of vehicles and equipment used to provide a community service such as a fire brigade, ambulance and the like.

Consulting Rooms: means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors, and persons ordinarily associated with a practitioner, in the prevention or treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combination of professions or practices.

Convenience Store: means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 200m^2 gross leasable area.

Day Care Centre: means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended).

Development: shall have the same meaning given it in and for the purposes of the Act.

Display Home Centre: means a group of two or more dwellings which are intended to be open for public inspection.

District: means the Municipal District of the Shire of Wyndham-East Kimberley.

Dog Kennels: means land and buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.

Drive-In Theatre: means land and buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.

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

Dry Cleaning Premises: means land and buildings used for the cleaning of garments and other fabrics by chemical processes.

Eating House: means any house, building or structure or any part thereof in which meals are served to the public for gain or reward and the expression includes a restaurant or cafe. The term does not include—

(a) any premises in respect of which an hotel licence, tavern licence, a restaurant licence or winehouse licence has been granted under the Liquor Act;

(b) any residential building;

(c) any building or structure used temporarily for serving meals to the public at any fair, show, military encampment, races or other sports, games or amusements.

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

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

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

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

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

Equestrian Centre: means land and buildings used for the stabling and exercise of horses and includes facilities for events of a competitive nature.

Factory Unit Building: means an industrial building designed, used or adapted for use as two or more separately occupied production or storage areas.

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

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

Fish Shop: means a building where wet fish and similar foods are displayed and offered for sale.

Floor Area: shall have the same meaning given to it and for the purposes of the Building Code of Australia.

Frontage: means the boundary line or lines between a site and the street or streets upon which the site abuts.

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

Funeral Parlour: means land and buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.

Garden Centre: means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of pre-fabricated garden buildings.

Gazettal Date: means the date on which this Scheme is published in the *Government Gazette*.

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

Harbour Installations: means land and buildings used for and incidental to the purposes of loading, unloading and maintaining ships.

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

Health Studio: means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.

Hire Service: means land and buildings used for the storage and hire of machinery and other bulky equipment.

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

(a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interferences, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding or the land on which the business is conducted;

(b) does not entail employment of any person not a member of the occupier's family;

(c) does not occupy an area greater than twenty square metres;

(d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;

(e) does not display a sign exceeding 0.2 m^2 in area;

(f) in the opinion of the Council it is compatible with the principal uses to which land in the zone in which it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area;

(g) does not entail the presence, use or calling of a vehicle of more than two tonnes tare weight;

(h) does not entail the presence of more than one commercial vehicle and does not include provision for the fuelling or repairing of motor vehicles within the curtilage of the dwelling house or domestic out-building;

(i) does not entail the offering for sale or display of motor vehicles machinery or goods (other than goods manufactured or serviced on the premises); and

(j) does not entail a source of power other than an electric motor of not more than 0.373 kilowatts (0.5 h.p.).

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

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

Hotel: means land and buildings providing accommodation for the public the subject of a Hotel Licence granted under the provisions of the Liquor Act, 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, finishing, cleaning, packing or canning or adapting, 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, 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.

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

(a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products,

(b) where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land,

(c) is conducted in an out-building which is compatible to the zone and its amenity and does not occupy an area in excess of $55m^2$,

(d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located, and

(e) does not display a sign exceeding 0. $2m^2$ in area.

Industry Extractive: means an industry which involves:

(a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the storage, treatment or manufacture of products from those materials is extracted or on land adjacent thereto; or

(b) the production of salt by the evaporation of sea water.

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

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

Industry Light: means an industry:

(a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products, and

(b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.

Industry Noxious: means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911-1979 (as amended), but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, piggery or poultry farm.

Industry Rural: means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

Industry Service: means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold, or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.

Kindergarten: means land and buildings used as a school for developing the intelligence of young children by object-lessons, toys, games, singing and similar methods.

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

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

Liquor Store: means a building the subject of a Store Licence granted under the provisions of the Liquor Act, 1970 (as amended).

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

Marine Collector's Yard: means land and buildings used for the storage of marine stores under the provisions of the Marine Stores Act, 1902 (as amended) and Marine Dealer's Yard and Marine Store have the same meaning.

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

Market: means land and buildings used for a fair, a farmers' or producers' market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stall holders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

Medical Centre: means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretations of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.

Milk Depot: means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.

Mobile Home: means any vehicle or similar relocatable structure having been manufactured with wheels (whether or not such wheels have been removed) and having no footings other than wheels, jacks or skirtings, and so designed or constructed as to permit independent occupancy for continuous dwelling purposes incorporating its own facilities including bathroom and toilet facilities.

Mobile Home Park: means land upon which two or more mobile homes, occupied for dwelling purposes, are located regardless of whether or not a charge is made for such accommodation.

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

Motor Vehicle and Marine Sales Premises: means land and buildings used for the display and sale of new or second hand motorcycles, cars, trucks, caravans and boats or any one or more of them and may include, the servicing of motor vehicles sold from the site.

Motor Vehicle Hire Station: means land and buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.

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

Motor Vehicle Wash Station: means land and buildings where vehicles are washed and cleaned by or primarily by mechanical means.

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

Multiple Occupancy: means the use and occupation of a rural holding at a residential density higher than normally associated with traditional rural living and which may be characterised by the following:—

(a) an approved agreement for management of and responsibility for the whole or parts of the holding;

(b) more than one separate dwelling unit for use by families or unrelated groups of persons;

(c) a defined area for separate occupation for residential and ancillary uses.

Museum: means land and buildings used for storing and exhibiting objects illustrative of antiquities, natural history, art, nature and curiosities.

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

Nursery: means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden decor.

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

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

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

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

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

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

Park Home: means a movable dwelling, not being a vehicle as defined under the Road Traffic Act 1974-1982 but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilised by jacks and provided with skirtings and so designed and constructed as to permit independent occupancy for dwelling purposes.

Park Home Park: means an area of land set aside exclusively for the parking of park homes occupied for residential purposes whether for short or long stay purposes, but includes the provision of buildings and uses incidental to the predominant use of the land, including ablution blocks, recreation areas, office and storage space and, as approved by Council, a shop or kiosk and refuelling facilities, but the term shall be interpreted to exclude the parking of caravans, camper trailers and the erection of tents.

Petrol Filling Station: means land and buildings used for the supply of petroleum products and motor vehicle accessories.

Piggery: shall have the same meaning given to it in and for the purposes of the Health Act, 1911-1979 (as amended).

Plot Ratio: except for a single house, attached house, grouped dwelling or multiple dwelling where it shall have the same meaning given to it in the Residential Planning Codes, plot ratio means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries, and in calculating the gross total of the areas of all floors the areas shall be measured over any walls provided that lift shafts, stairs, toilets and amenities, external wall thicknesses, plant rooms and the gross floor area of any floor space used for the parking of wheeled vehicles including access to and from that space within the building shall not be included.

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

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

Prison: shall have the same meaning given to it in and for the purposes of the Prisons Act, 1981 (as amended).

Private Hotel: means land and buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Act 1970 (as amended).

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

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

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

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

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

Public Mall: means any public street or right-of-way designed especially for pedestrians who shall have the right of way and vehicle access shall be restricted to service vehicles at times specified by the Council.

Public Recreation: means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are normally open to the public without charge.

Public Utility: means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

Public Worship—Place Of: means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education or a residential training institution.

Radio and T.V. Installation: means land and buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.

Reception Centre: means land and buildings used by parties for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes.

Reformatory: means land and buildings used for the confinement or detention in custody of juvenile offenders against the law with a view to their reformation.

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

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

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

Residential Planning Codes: means the Residential Planning Codes, set out in Appendix 2 to the Statement of Planning Policy No. 1 together with any amendments thereto as published in the *Government Gazette* on December 13, 1991.

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.

Restricted Premises: means any premises, part or parts thereof, used or designed to be used primarily for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of:

(a) publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902 (as amended); or

(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.

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

(a) the growing of vegetables, fruit, cereals or food crops;

(b) the rearing or agistment of goats, sheep, cattle or beasts of burden;

(c) the stabling, agistment or training of horses;

(d) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;

(e) the sale of produce grown solely on the lot;

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

(i) the keeping of pigs;

(ii) poultry farming;

(iii) the processing, treatment or packing of produce;

(iv) the breeding, rearing or boarding of domestic pets.

Salvage Yard: means land and buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

Sawmill: means land and buildings where logs or large pieces of timber are sawn but does not include a joinery works unless logs or large pieces of timber are sawn therein.

Schedule: means a schedule to the Scheme.

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

Shared Dwelling: means a building used primarily for living purposes by not more than five persons residing therein as a single household; the term also includes such outbuildings and recreational uses and gardens as are ordinarily used therewith, but does not include a private hotel, motel or boarding house.

Shop: means a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yard or land and buildings used for the sale of vehicles or for any purpose falling within the definition of industry.

Showroom: means a building wherein goods are displayed and may be offered for sale by wholesale and/or by retail of: foodstuffs, liquor or beverages; items of clothing or apparel, magazines, books or paper products; medical or pharmaceutical products; china, glassware or domestic hardware; and items of personal adornment.

Special Rural Use: means uses carried out under the interpretation of Rural Pursuit, but does not include:

(a) any commercial production;

(b) any use which involves ground water consumption greater than the allowance determined by the Western Australian Water Authority;

(c) piggeries or other intensive animal husbandry;

(d) except with the consent of the Council, the stabling, agistment, or training of horses;

(e) other uses considered by Council to be detrimental to the public health or amenity of the area.

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

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

Storey: means for other than residential development, that portion of a building which is situated between the top of the floor next above it: and if there is no floor above it, that portion between the top of the floor and the ceiling above it.

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

Temporary Accommodation: means any habitable building not permanently affixed to the ground and includes any caravan, transportable dwelling, or any structure used for habitation for the purposes of accommodation for a period not exceeding six months.

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

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

Transportable Home: means any structure designed for human habitation that is partly or wholly prefabricated at any place other than on the lot upon which it is to be erected.

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

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

Video Sales and /or Hire: means premises used for the sale or hire of video equipment or tapes used in video recorders.

Warehouse: means a building wherein goods are stored and may be offered for sale by wholesale.

Waterway: means an artificial channel, lake, harbour or embayment, for the navigational, irrigational, ornamental, and recreation purposes, or for any of those purposes; and includes any addition to or alteration of a waterway as so defined.

Wayside Stall: means a building situated on private land which offers for sale to the general public produce or any commodity which is produced on the land upon which the buildings are located.

Wholesale: means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant' for Sales Tax purposes under the provisions of the Sales Tax Assessment Act No. 1 1930, (as amended).

Wine House: means land and buildings the subject of a Wine House Licence granted under the provisions of the Liquor Act 1970, (as amended).

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

Zoological Gardens: means land and buildings used for the keeping, breeding or display of fauna and the term includes Zoo but does not include kennels or keeping, breeding or showing of domestic pets.

Appendix No. 2

SPECIAL RURAL ZONE

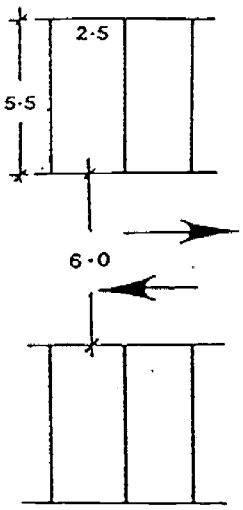
Specified Area of Locality	Special Provisions Referring to
Six Mile Wedge Drive Lots 1278-1280 Lots 1298-1231 Cole Avenue Lots 439 and 588	(1) Subdivision of lots to be in accordance with the a plan approved by the Commission. (2) Permitted Uses Agriculture, horticulture and other intensive agriculture, agistment of horses, cattle, sheep and goats, but excluding pigs and kennels. Recreational uses. Equestrian Centre.
Gt. Northern Highway Lots 1268, 1294, 1297, 1288-1293, 467, 1271, 1364, 1365, 1370, 1371 and 1368.	A dwelling and ancillary buildings for the development and maintenance of the predominant use.
Bastion Boulevarde Lots 1281-1287, 1295 and 1296	(3) Uses Not Permitted Any industrial use, including the wrecking of motor vehicles and the storage of derelict machinery. Any extractive industry. (4) Uses Not Permitted unless Special Approval is Granted by Council (AA). Home Occupation or Home Industry not related to the predominant use. (5) Uses Incidental to the Predominant Use (IP) (6) Building Setbacks No structure other than a fence shall be permitted within: 10 metres from the front boundary 10 metres from a side boundary 10 metres from a rear boundary (7) Caravans/Temporary Accommodation Occupation of temporary accommodation shall be in accordance with Clause 6.4 of the Scheme.

Appendix No. 3

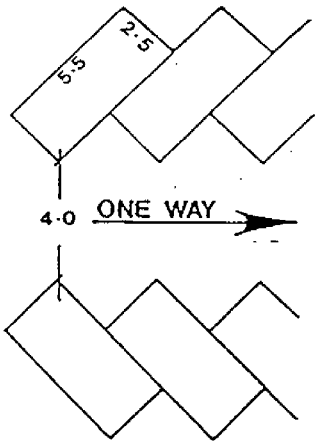
SPECIAL SITES SCHEDULE

Lot No.	Location	Purpose	Development Provisions
1	Great Northern Highway	Service Station/ Roadhouse	As determined by Council
472	Great Northern Highway	Club	As determined by Council
475	Great Northern Highway	Service Station	As determined by Council
728, 722, 1300, 721	Great Northern Highway	Motel	As determined by Council
Res. 22538 55, 412	Cable Street	Caravan Park	As determined by Council
1372	Great Northern Highway	Service Station	As determined by Council
1371	Great Northern Highway	Alcohol & Drug Rehabilitation Centre	As determined by Council

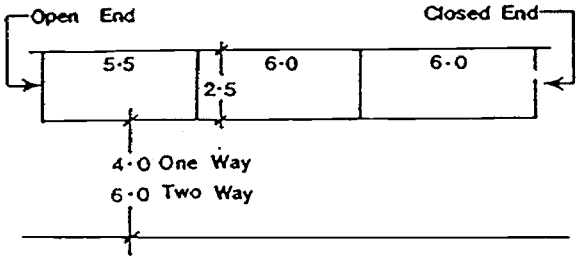
Appendix No. 3



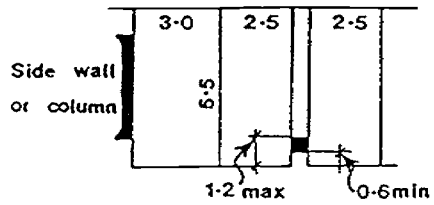
90° Parking



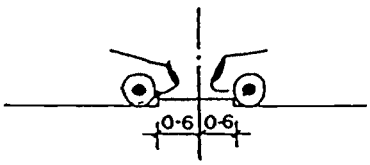
45° Parking



Parallel Parking

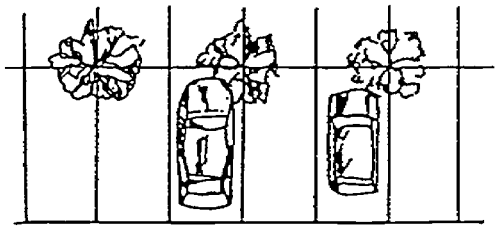


Obstructions



Wheel Stop Modifications

Not to affect drainage



Shade Tree Landscaping

Kerb ring not to exceed 900mm diam

90° & 45° Parking - 5·5m x 2·5m
Parallel Parking - 6·0m x 2·5m
OR - 5·5m x 2·5m where Open Ended
Driveway Widths 90° - 6·0m access
45° - 4·0m one way access
Parallel - 4·0m one way "
- 6·0m two way "

CARPARKING LAYOUTS

Appendix No. 4

CAR PARKING REQUIREMENTS

Use	No Car Parking Spaces
Single House Attached House Grouped Dwelling	As prescribed within the provisions of the Residential Planning Codes
Shop	1 for every 15m^2 floor area
Office	1 for every 40m^2 floor area
Warehouse/Showroom	1 for every 100m^2 floor area
Industry—Service	1 for every 20m^2 floor area & 1 for every 50m^2 service area
Industry—Light	1 for every 50m^2 floor area
Industry—General	1 for every 50m^2 floor area
Factoryette	4 for every unit & 1 for customer parking
Licensed Hotel	1 for every bedroom & 1 for every 4m^2 of public bar/lounge floor area
Motel	1 for every bedroom & 1 for every 25m^2 gross floor area of service building
Tavern	1 for every 4m^2 public floor area
Residential Building	1 for every bedroom & 1 for every staff member
Eating House/Restaurant	1 for every 4 seats
Private Club	1 for every 4 persons accommodated
Church	1 for every 4 persons accommodated
Hospital	1 for every 4 beds provided & 1 for every person employed
Medical Centre	3 for every consulting room
Motor Repair Station/Service Station	2 for every working bay & 1 for each employee
Library/Museum	1 for every 35m^2 floor area
Take-Away Food Outlet	1 for every 10m^2 floor area
T.A.B.	1 for every 10m^2 floor area

Appendix No. 5

SHIRE OF WYNDHAM-EAST KIMBERLEY

CONTROL OF ADVERTISEMENTS

ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL

(to be completed in addition to Application for Approval to Commence Development)

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

   .....

   .....

2. Address in Full: .....

   .....

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

   .....

   .....

   .....

4. Details of Proposed Sign:
   Height: ..... Width: ..... Depth: .....

   .....

   Colours to be used: .....

   .....

   .....

   Height above ground (top level of Advertisement: .....

   .....

   ..... to underside) .....

   Materials to be used: .....

Illuminated: Yes/No

If Yes, state whether steady, moving, flashing alternating, digital, animated or scintillating, etc.

.....

If Yes, state intensity of light source: .....

.....

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

.....

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

.....

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

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

Date: .....

Appendix No. 6

SHIRE OF WYNDHAM-EAST KIMBERLEY
APPLICATION FORM FOR PLANNING CONSENT

1. Surname of Applicant ..... Given Names .....
   Full Address .....
2. Surname of Landowner
   (If different from above) ..... Given Names .....
   Address .....
3. Submitted by .....
4. Address for Correspondence .....
5. Locality of Development .....
6. Title Details of Land .....
7. Name of Road Serving Property .....
8. State Type of Development .....
   Nature and size of all buildings proposed .....
   .....
   Materials to be used on External Surface of Buildings .....
   .....
   General Treatment of Open Portions of the Site .....
   .....
   Details of Car Parking and Landscaping Proposals .....
   .....
   Approximate Cost of Proposed Development .....
   Estimated Time for Construction .....

....
Signature of Owner Signature of Applicant or Agent

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

Date ..... Date .....

NOTE: This form should be completed and forwarded to the Wyndham—East Kimberley Shire Council together with 2 COPIES of plans showing complete details of the development, including a site plan showing the relationship of the land to the area generally.

In areas where close development exists, or is in the course of construction, plans shall show the siting of buildings and uses on lots immediately adjoining the subject land.

All applications shall be accompanied by:

(a) a location plan showing the land and the subject of the application and its relationship to surrounding lots and streets;

and in the case of an application for the erection of new buildings:

(b) a site plan or plans showing:

(i) the position, type and use of all existing buildings and improvements on the land; indicating those to be removed as part of the proposal;

(ii) the position, type and use of any new buildings and improvements proposed on the land;

(iii) the position of any trees on the site showing those to be removed and those to be retained;

(iv) areas to be landscaped, surfaced for parking or developed for any other purpose within the site;

(v) contours and any earthworks to be undertaken as a part of the development;

(vi) the location and description of any buildings, places or objects (see Section 2.4);

(vii) the method by which stormwater run-off is to be contained on the site or discharged from the site;

or in the case of an application for a change in the use of land and/or buildings;

(c) a site plan and, where applicable, floor plan(s) of the existing building(s) indicating the uses to be made of the land and the respective buildings or portions of the building(s).

Appendix No. 7

SHIRE OF WYNDHAM-EAST KIMBERLEY

NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL

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

LAND DESCRIPTION

LOT No. ..... STREET .....

PROPOSAL .....

.....

.....

.....

.....

Details of the proposal are available for inspection at the Council Office. Comments on the proposal may be submitted to the Council in writing on or before the ..... day of .....19.....

.....

SHIRE CLERK

.....

DATE

Appendix No. 8

SHIRE OF WYNDHAM-EAST KIMBERLEY

DECISION ON APPLICATION FOR PLANNING CONSENT

The Council or its delegated officer having considered the application dated .....

.....

submitted by .....

on behalf of .....

hereby advise that it has decided to:

REFUSE/GRANT APPROVAL: TO COMMENCE DEVELOPMENT

TO DISPLAY AN ADVERTISEMENT

subject to the conditions for the following reasons:—

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

SHIRE CLERK .....

DATE .....

Appendix No. 9

SCHEDULE OF PLACES OF HERITAGE VALUE

Lot No.	Location	Land Use
Reserve 34340	Barytes Road (Port area)	Protection of Ruins (The Residency)
Multiple	Port Town Centre Precinct O'Donnell Street	Multiple uses incl. shops, residential, public purposes
Reserve 17291	Great Northern Highway One Mile	Pioneer Cemetery (1886-1922)
Reserve 20359	Reginald Street (Gully)	Cemetery (1922-1968)-
Reserve 19746	Three Mile	Old Cemetery (Afghan)
Reserve 33684	Great Northern Highway Nine Mile	Preservation of Historic Relics Round Stone Storeroom
Lot 58	Connor Street	Ruins of Three Mile Hotel

ADOPTION

Adopted by resolution of the Council of the Shire of Wyndham-East Kimberley at the Ordinary Meeting of the Council held on the 19th day of March 1992.

D. CHAPMAN, President.

Date 26 March 1992.

M. CHEVERTON, Shire Clerk.

Date 26 March 1992.

FINAL APPROVAL

(1) Adopted by Resolution of the Council of the Shire of Wyndham-East Kimberley at the Ordinary Meeting of the Council held on the 18th day of February 1993 and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

M. MIDDAP, Deputy President.
M. CHEVERTON, 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 Hon. Minister for Planning on the date shown below.

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

M. R. ALLEN, Chairman,
State Planning Commission.

Dated 29 November 1993.

(3) Final approval granted

RICHARD LEWIS, Minister for Planning.

Dated 3 December 1993.

POLICE

PE401

ROAD TRAFFIC ACT 1974

I, Robin John Devlin, Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a Bicycle Time Trial by members/entrants of the Australian Time Trials Association on January 30th, 1994 between the hours of 0830 and 1130 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Mundijong Rd, Paterson Rd, Baldivas Rd, Karnup Rd, Richardson Rd, Wright Rd and return to start.

All participants to wear approved head protection at all times.

Dated at Perth this 18th day of January 1994.

R. J. DEVLIN, Commander (Metropolitan Traffic).

ROAD TRAFFIC ACT 1974

I, Robin John Devlin, Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a Bicycle Time Trial by members/entrants of the Australian Time Trials Association on January 23rd, 1994 between the hours of 0830 and 1030 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Chittering Rd, Muchea Rd East, Grt. Northern Hwy, Chittering Rd, Bullsbrook.

All participants to wear approved head protection at all times.

Dated at Perth this 18th day of January 1994.

R. J. DEVLIN, Commander (Metropolitan Traffic).

PE402

ROAD TRAFFIC ACT 1974

I, Robin John Devlin, Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a Car Rally by members/entrants of the Ascot Motor Club on March 26th and 27th, 1994 between the hours of 1200 and 0400 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to—Cliff, Crest, Crevasse, Arete, Stallard, Delta, Neve, Spur, Morain, Gorge, Milward, Pine, Bishop, Contour, Kilarney, Agg, Hewitt, Dugite, Boomer, River, Quokka, Ridge, Kinky, Ferndale, Stobus, Radiata, Sabiniana, Balsam, Juniper, Kauri, Alba, Pinea, Resinous, Larix, Coultori, Sylvestros, Lewana, Cedar, Slash, Ellis Creek Roads, Balingup Area.

All participants to wear approved head protection at all times.

Dated at Perth this 18th day of January 1994.

R. J. DEVLIN, Commander (Metropolitan Traffic).

PE403

ROAD TRAFFIC ACT 1974

I, Robin John Devlin, Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a Mountain Bike Race by members/entrants of the Leederville Chamber of Commerce on March 13th, 1994 between the hours of 0700 and 1800 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Oxford St (Between Vincent St and Aberdeen St, Newcastle St from Oxford to Carr Sts)

All participants to wear approved head protection at all times.

Dated at Perth this 18th day of January 1994.

R. J. DEVLIN, Commander (Metropolitan Traffic).

PE404

ROAD TRAFFIC ACT 1974

I, Robin John Devlin, Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a Cycle Races by members/entrants of the Avon Valley Cycling Club on February 2nd, 9th, 16th 23rd, 1994 between the hours of 1730 and 1830 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Victoria Oval, Wellington St, Spencers Brook Rd for 8klm and return to Victoria Oval Northam.

All participants to wear approved head protection at all times.

Dated at Perth this 18th day of January 1994.

R. J. DEVLIN, Commander (Metropolitan Traffic).

PE405

ROAD TRAFFIC ACT 1974

I, Robin John Devlin, Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of an Off Road Race by members/entrants of the Western Australian Off Road Racing Association on March 5th and 6th 1994 between the hours of 0800 and 2000 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Rifle Range Road, Dumbleyung/ Nyabing Rd, Dumbleyung.

All participants to wear approved head protection at all times.

Dated at Perth this 7th day of January 1994.

R. J. DEVLIN, Commander (Metropolitan Traffic).

PE406

ROAD TRAFFIC ACT 1974

I, Robin John Devlin, Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a Triathlons by members/entrants of the Esperance Triathlon Association on February 6th, 20th and March 6th and 27th, 1994 between the hours of 0830 and 1030 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—James St Jetty, The Esplanade, Goldfields Rd, Fisheries Rd, Norseman Rd, Esperance.

Dated at Perth this 18th day of January 1994.

R. J. DEVLIN, Commander (Metropolitan Traffic).

ROAD TRAFFIC ACT 1974

I, Robin John Devlin, Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a Triathlon by members/entrants of the Albany Triathlon Club Inc. on February 27th, 1994 between the hours of 0900 and 1130 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Holling Rd, Inlet Dve, Ocean Beach Rd, South West for 5klm and return to start.

All participants to wear approved head protection at all times.

Dated at Perth this 18th day of January 1994.

R. J. DEVLIN, Commander (Metropolitan Traffic).

ROAD TRAFFIC ACT 1974

I, Robin John Devlin, Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a Triathlon by members/entrants of the Triathlon W.A. on April 14th, and 15th, 1994 between the hours of 0900 and 1200 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Burke Dve, Hurst St, Warragoon Cres, Mottley St, Attadale.

Dated at Perth this 18th day of January 1994.

R. J. DEVLIN, Commander (Metropolitan Traffic).

TRANSPORT

TR401

BUNBURY PORT AUTHORITY ACT 1909

(Section 20)

I, Sir Francis Burt, AC KCMG QC, Governor of the State of Western Australia, do hereby in pursuance of the powers enabling me in that behalf, and under and by virtue of the provisions of section 20 (a) of the Bunbury Port Authority Act 1909; direct that all that portion of land and harbour bed shown delineated in black and bordered red on Department of Land Administration Miscellaneous Diagram Number 352 shall vest in and be held by the Bunbury Port Authority for the purposes of the Bunbury Port Authority.

(This Notice hereby supersedes Notice LA402 Published in the *Government Gazette* of September 14, 1993, page 5011.)

Given under my hand, at Perth this 31st day of August 1993.

FRANCIS BURT, Governor.

WATER AUTHORITY

WA401

WATER SUPPLY IMPROVEMENTS

Shire of Harvey

Australind

Notice of Intention to Upgrade Water Treatment Plant

To improve the water supply in the Australind area the Water Authority proposes to upgrade the existing Groundwater Treatment Plant by constructing the following—

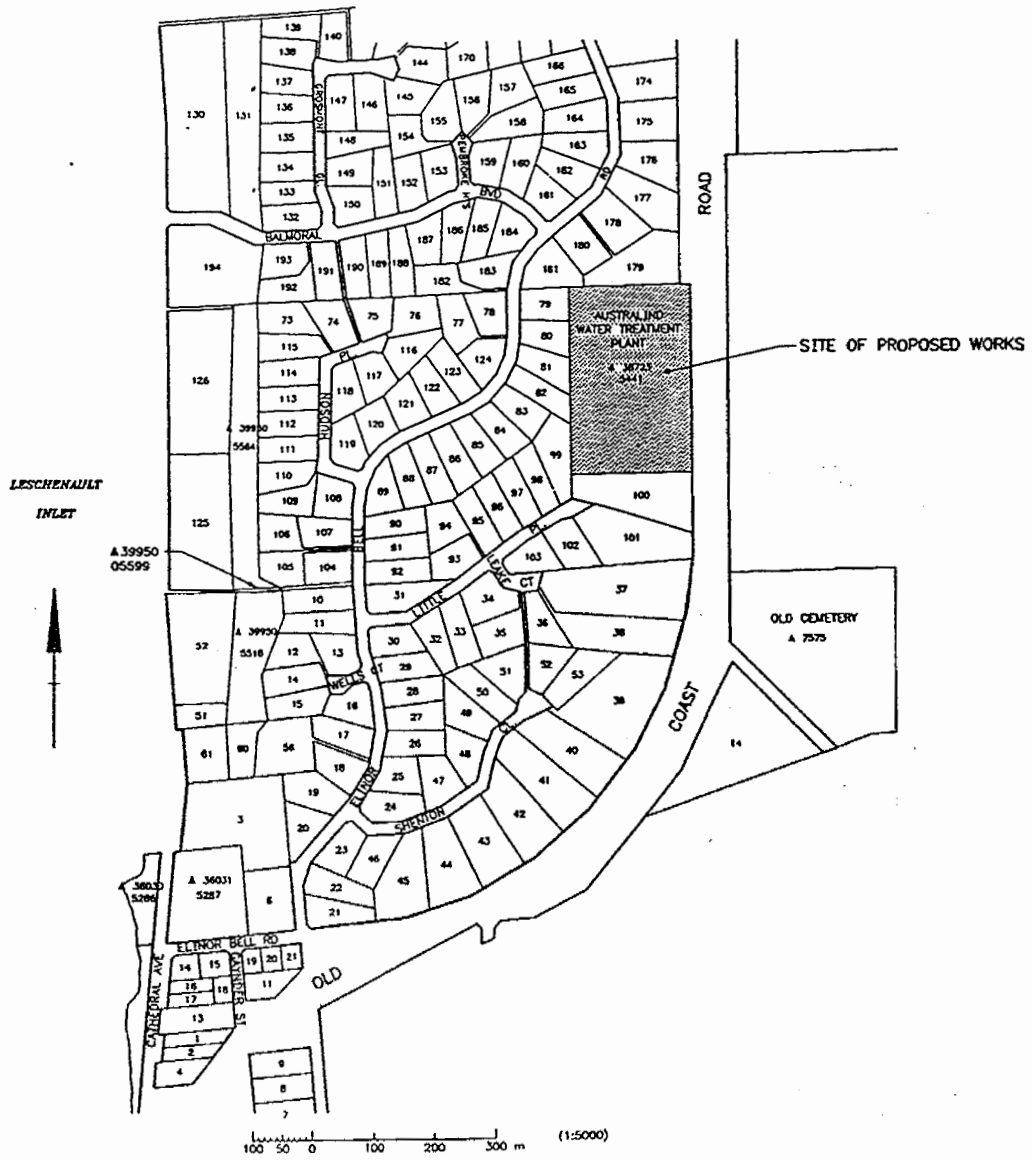
- A brick building with a floor area of approximately 70 square metres (to house chlorine and dosing equipment).
- 5 above ground water filters approximately 7 metres high and 2 metres diameter with associated pipework.
- A below ground rectangular concrete tank approximately 14.5 metres x 5 metres (to collect filter backwash water for recycling) with associated pipework and pumps.
- 3 additional below ground sludge drying beds approximately 30 metres x 15 metres each with associated pipework.

Construction of the proposed works will be within the existing groundwater treatment plant site.

The location of the proposed works is as shown on the plan below.

Further information and inspection of the plan (referred to as CV53-0-1) is available at the Authority's Customer Enquiries counter, John Tonkin Water Centre, 629 Newcastle Street, Leederville, and the Water Authority Regional Office, Victoria Street, Bunbury, during office hours. Information may also be obtained by contacting Mr T. Rigden, telephone (097) 91 0426.

Objections to the proposed works will be considered if lodged in writing at any of the above Water Authority offices within one month after the date of publication of this notice.



TENDERS

ZT201

MAIN ROADS

Acceptance of Tenders

Contract No.	Description	Successful Tenderer	Amount
			$
89/93	Sealing and resealing various roads, Albany Division.	Boral Asphalt	491 018.75
96/93	Supply and delivery of one (1) only Mobile Lifting System. (Vehicle)	Vector Lifting	32 260.00
100/93	Supply and delivery of one (1) only Skid Mounted Conference Room to Main Roads, Northam.	Armadillo Building Co Pty Ltd	16 409.25
126/93	Purchase, demolition and removal of improvements at 47 Orrong Road, Rivervale.	PB & KA Brajkovich Pty Ltd	1 360.00
93Q20	Supply and delivery of one (1) only Plasma Cutting Machine.	Burnback Welding Equipment Services	8 220.00

D. R. WARNER, Director, Corporate Services.

ZT301

STATE SUPPLY COMMISSION

Tenders Invited

Tender forms and full particulars of the Schedule hereunder may be obtained on application at the State Supply Commission, 815 Hay Street, Perth, 6000.

TELEPHONE No. 222 8491 FACSIMILE No. 321 7918

Date of Advertising	Schedule No.	Description	Date of Closing
1993/94			1994
December 17	102A1993	Groceries—including tinned fruits to various Government Departments	Jan. 27
January 14	413A1994	School Bus (to seat 29-30 adults) for the Gnowangerup Agricultural College—Ministry of Education	Jan. 27
January 14	415A1994	Installation & Commissioning of Equipment to upgrade the Video Conferencing/Video Production Equipment—Ministry of Education	Feb. 3
January 14	416A1994	Front End Loader for Swan River Trust	Feb. 3
January 14	411A1994	Electronic Messaging Software for a Network Functional Trial—Ministry of Education	Feb. 10
January 14	412A1994	Hardware & Software required for a Network Functional Trial—Ministry of Education	Feb. 10
January 21	414A1994	Corrugated Roof Sheeting, Mouldings and Purlins as per the specification for Homeswest	Feb. 10
January 21	421A1994	Supply, Delivery, Installation and Commissioning of a Fully Automated Haematology Analyser for the Princess Margaret Hospital for Children	Feb. 10
January 1	012A1994	Certain Classes of Motor Vehicles to various Government Departments within W.A.	Feb. 24
January 21	130A1994	Supply of Diagnostic Medical Imaging Film and Processing Chemicals to meet a Whole of Health Requirement	Feb. 24
December 17	504A1993	Supply, installation and implementation of Hardware and Software Solutions for a Comprehensive Library and Information System for the Library and Information Service of WA	extended to March 10

STATE SUPPLY COMMISSION—*continued*

Tenders Invited—continued

Date of Advertising	Schedule No.	Description	Date of Closing
1993/94			1994
		Invitation to Register Interest	
January 14	ITRI 17/93	Provision of Communications Bandwidth for Health Department of Western Australia. Note: This is the first step in a two-phase process. Tenders will subsequently be sought only from a short list drawn from respondents to this ITRI	Jan. 27
January 14	EOI 1/94	For the Sale of Commercial Operations/Business of State Print, Western Australia Note: This is the first step in a two-phase process.	Feb. 3
January 14	ITRI 2/94	Supply of a Computer System to supplement the facilities provided by the Government Accounting System (GAS) for the Department of State Services. Note: This is the first step in a two-phase process. Tenders will subsequently be sought only from a short list drawn from the respondents to this ITRI	Feb. 3
January 21	ITRI 3/94	Provision of Document Reprographic and Finishing Services to the Building Management Authority	Feb. 3
		Service	
January 1	066A1994	Provision of Information Technology Services for the Analysis and Reporting of Student Enrolment Data for the Department of Training for a Twelve (12) Month Period	Jan. 27
December 17	002A1993	Provision of Training and Awareness Services for Electronic Trading for the Western Australian Government for a three (3) year period with two (2) successive twelve (12) month options	Jan. 27
January 14	417A1994	Design and Delivery of a Training Program for Accrual Accounting for the Health Department of WA	Feb. 3
January 21	172A1994	Photographic Services for the Department of Land Administration for an initial period of twelve (12) months with the option to extend the Contract for a further twelve (12) months	Feb. 10
January 21	229A1994	Supply and Service of Sanitary Napkin, Incontinent Napkin and Medical Waste Disposal Units for the Education Department	Feb. 10
January 7	259A1993	Charter of Passenger Aircraft	Feb. 10
January 21	409A1994	Consulting Service for Pilbara Heavy Industry Site Studies for Department of Resources Development	Feb. 10
January 14	203A1994	Provision of Voice/PABX Communication Support Services for the Department of Land Administration	Feb. 17
January 21	110A1994	Provision of Information Technology Services (Analyst/Programmer—Data Base Administrator) to Support the Department of Training's Labour Market Data System for a six (6) month period with an option of a further six (6) months	Feb. 24
		For Sale	
December 17	505A1993	1970 Bosich Tri-Axle Low Loader (MR 1447) (6QT 120) for Main Roads, Welshpool	Jan. 27
December 17	506A1993	1981 Isuzu Flat Top Truck (MR 5590) (XQO 032) Main Roads, Welshpool	Jan. 27
January 8	402A1994	1991 Toyota HJ80 Landcruiser Station Wagon (Diesel) (7QE 449), 1991 Toyota HJ80 Landcruiser Station Wagon (Diesel) (7QF 929) and 1988 Mazda 4WD Two Tonne Tray Body Drop Sides Truck (Diesel) (6QR 321) for the Agriculture Protection Board of WA, Kalgoorlie	Feb. 3
January 8	403A1994	1991 Ford Fairmont Sedan (8GY 206) for the Ministry of Justice, Karratha	Feb. 3
January 8	404A1994	Various 1983 Chamberlain 3380B Tractors for Main Roads, Welshpool	Feb. 3
January 8	405A1994	Various Construction Site Sheds for the Building Management Authority, Welshpool	Feb. 3

STATE SUPPLY COMMISSION—*continued*

Tenders Invited—continued

Date of Advertising	Schedule No.	Description	Date of Closing
1994			1994
		For Sale—continued	
January 8	406A1994	1992 Holden Rodeo Crew Cab 4WD Utility (MR D255) (7QH 078) for Main Roads, Bunbury	Feb. 10
January 8	407A1994	1985 Mitsubishi Tip Truck FM515F (MR 8452) (6QC 460) for Main Roads, Bunbury	Feb. 10
January 8	408A1994	Surplus Hyperchannel Extension Devices for the Health Department of WA	Feb. 10
January 21	419A1994	Recall—1986 Hino Flat Top Truck (MRD 8845) (6QR 173) for Main Roads, Welshpool	Feb. 17
January 21	420A1994	1989 Toyota HJ75 Landcruiser, Trayback, Drop Sides (6QY 616) for Agriculture Protection Board, Derby	Feb. 17
January 21	422A1994	One (1) only 1991 Mitsubishi Triton Ute—Trayback, Drop Sides (7QG 063) and One (1) only 1991 Ford Econovan (6QH 086) for Department of Agriculture, Kununurra	Feb. 17
January 21	424A1994	1990 Toyota Landcruiser Station Wagon (7QC 672) for Department of Land Administration, Kununurra	Feb. 17

Tenders addressed to the Chairman, State Supply Commission, 815 Hay Street, Perth 6000 will be received for the abovementioned tenders until 10.00 am on the date of closing.

Tenders must be properly endorsed on envelopes otherwise they are liable to rejection. No tender necessarily accepted.

L. W. GRAHAM, Chairman, State Supply Commission.

ZT302

Accepted Tenders

Schedule No.	Particulars	Contractor	Rate
		Supply and Delivery	
004A1993	Straight and Y Suction Catheters	Various	Details on Request
145A1993	25 Sets of Satellite Reception Equipment for Supply West, Belmont	Satellite Appliances Sales P/L	Details on Request
280A1993	Photo-Licence and Accessories capable of producing Photographic Licences at Police Licensing and Services Centres and selected collecting Agencies	Leigh Mardon Data Card	Details on Request
466A1993	Vacuum Steam Steriliser for the Port Hedland Hospital	Atherton (WA) Pty Ltd.	$55 726.00
		Service	
146B1993	Ten, One hour "Live Science" live interactive television programs to be broadcast via satellite through the Golden West Network (GWN) to non-metropolitan Western Australia	Edith Cowan University	$136 750.00
		Purchase and Removal	
490A1993	1982 Bosich Low Loader (MR 6012) (XQU 535) from Main Roads Central Depot, Welshpool	Kenwick Motors (1984) P/L	$18 026.00
491A1993	1985 John Deere Grader (MR 8392) (6QC 466) for Main Roads Central Depot, Welshpool	Luxton Equipment P/L	$26 285.00
492A1993	1985 Ingersoll Rand Vibrating Roller (MR 8600) (6QF 754)	Luxton Equipment P/L	$11 565.00

ZT401

WATER AUTHORITY OF WESTERN AUSTRALIA

Tenders

Tenders are invited for the projects listed below and will be accepted up to 2.30 pm on the closing date specified.

Tender documents are available from the Supply Services Branch, Level 1, Entry 4, John Tonkin Water Centre, 629 Newcastle Street, Leederville, WA 6007.

Tender documents must be completed in full, sealed in the envelope provided and placed in the Tender Box located at the above Leederville address.

The lowest or any tender may not necessarily be accepted.

Contract No.	Description	Closing Date
		1994
AM 30233	Fabrication and Installation of Roof Structural Steelwork for 5000 m^3 Tank at Margaret River	1 February
AP 32031	Supply of Brass Adaptors for Water Meters for a Twenty-Four Month Period	15 February
MM 40203	Construction of a Boundary Fence at Geraldton No. 2 Wastewater Treatment Works	8 February
OM 40204	Design and Construction of a 100 m^3 FRP Tank or Alternative on 12 m Stand, and Connecting Pipework for Jarlmandangah-Burr Aboriginal Community	8 February
OM 40205	Design and Construction of a 100 m^3 FRP Tank or Alternative on 12 m Stand, Connecting Pipework and Appurtenances for Yakanarra Aboriginal Community	8 February
OM 40206	Design and Construction of a 50 m^3 FRP Tank or Alternative on 12 m Stand, Connecting Pipework and Appurtenances for Bedunburra Aboriginal Community	8 February
OM 40207	Design and Construction of a 100 m^3 Roofed Water Storage Tank on 12 m Stand, and Connecting Pipework for Tjirrkarli Aboriginal Community	8 February
AM 40601	Construction of the Water Treatment and Operation Building at Victoria Dam	15 February
AM 40602	Construction of the Whitfords Reservoir Roof	22 February
AM 40603	Overland Flow Facility Incorporating Pump Station, Grass Bays and Gravel Roads, Albany	8 February

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ZT402

Accepted Tenders

Contract	Particulars	Contractor	Price
AM 30624	Supply, Erection and Operation, and Demonstration of a Pilot Secondary Microfiltration Plant at Woodman Point WWTP	Kirfield Engineering	$514 592.00
AM 30639	Construction, Development and Pump Testing of Three Water Bores at Carnarvon	Gearhart Australia ...	Schedule of Rates
AM 31044	Supply of 1350 ND Non Pressure Reinforced Concrete Pipes Class Y for Neerigen Brook Bypass	CSR Humes	Schedule of Rates
AP 32019	Supply of Photocopy Paper for a Twelve Month Period	Bowater Reding CDM Australia Edwards Dunlup Microforms for Microfilms Spicers Stationery Boomerang Paper	Schedule of Prices

W. COX, Managing Director.

PUBLIC NOTICES

ZZ101

PUBLIC TRUSTEE ACT 1941

Notice is hereby given that pursuant to section 14 of the Public Trustee Act 1941 and amendments of the Public Trustee has elected to administer the estates of the undermentioned deceased persons.

Dated at Perth the 14th day of January 1994.

K. E. BRADLEY, Public Trustee,
565 Hay Street, Perth WA 6000.

Name of Deceased; Address; Date of Death; Date Election Filed.

D'Cunha, Enid Maud; Joondanna; 16/10/93; 12/1/94.
Marshall, Graham Herbert; Gosnells; 24/11/93; 12/1/94.
Ridler, Jessie Florence; Calista; 5/12/93; 12/1/94.

ZZ102

TRUSTEES ACT 1962

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 21st February 1994, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Agnew, Barry Malcolm, late of 564 Beaufort Street, Mount Lawley, died 13/10/93.

Battersby, Ian Stewart, late of 13 Salisbury Road, Albany, died 8/11/93.

Bojco, Agafia, late of 26 Mason Street, Cannington, died 23/11/93.

Burgess, Betty Yvonne, late of 18 Cooke Street, Nedlands, died 8/12/93.

Calgaret, Gelesia, late of 10 Pendragon Court, Kelmscott, died 15/9/88.

Davies, Deane Edgar, formerly of 1 Risby Street, Gosnells, late of Goline House, Armadale/Kelmscott Memorial Hospital, Albany Highway, Armadale, died 24/9/93.

Doleyschy, Johann Josef Ludwig, late of 29 Ellen Street, Fremantle, died 28/11/93.

Garus, Stefan, late of 11 Coombe Street, Collie, died 14/11/93.

Gudmundsen, Margaret Diana, late of 35 Le Souef Drive, Kardinya, died 18/12/93.

Harman, Gwendoline Joy, late of 3A Cone Place, Menora, died 6/11/93.

Hildebrandt, Janice Irene, late of 2/34 Wattle Street, Tuart Hill, died 16/12/93.

Humphrey, Mary Elizabeth, late of 150 Grove Road, Lesmurdie, died 10/12/93.

Jessup, Ernest Edward Benjamin, late of Tandara/Ningana Nursing Home, 73 Jarrah Road, Bentley, died 2/12/93.

Kohn, Phoebe, late of Hollywood Senior Citizens Village Nursing Home, Monash Avenue, Nedlands, died 22/12/93.

Montgomery, John Bisset, late of Kimberley Nursing Home, Kimberley Street, Leederville, died 5/12/93.

Nind, Roger John, late of 7/138 Rutland Avenue, Carlisle, died 20/10/92.

Phelps, Mysie Mary Madeline, late of 61 Bromley Road, Hilton, died 20/10/93.

Povey, Rodney John, formerly of Monaro Highway, Bredbo, New South Wales, late of 11 Boundary Road, Mosman Park, died 17/11/93.

Russell, Eva Myrtle, late of Archbishop William Foley Village (formerly Nazareth House Hostel), 84 Collick Street, Hilton, died 17/12/93.

Samuel, Olive Emily, late of U8/11 Stirling Highway, Nedlands, died 9/12/93.

Sharp, Robert William, late of 41 Salisbury Street, St James, died 10/12/93.

Terwey, Charles Heymen, late of Swan Cottage Homes, 411 Mavis Cleaver Court, Wootliff Way, Bentley, died 26/12/93.

Thorpe, Louisa Jane, late of 4 Clarke Road, Morley, died 25/12/93.

Veal, Alfred John, late of Midland Nursing Home, 44 John Street, Midland, died 29/11/93.

Walshaw, Alma Joyce, late of St Rita's Nursing Home, 32 Queens Crescent, Mount Lawley, died 15/12/93.

Williams, George Augustus, late of 4 Cortis Way, Langford, died 28/11/93.

Williams, Rodney, late of Sunset Hospital, Birdwood Parade, Dalkeith, died 17/11/93.

Woss, Shirley Lenore, formerly of Unit 24 Roebuck Drive, Manning, late of 17 Windsor Towers, 9 Parker Street, South Perth, late of 17/12/93.

Dated this 21st day of January 1994.

K. E. BRADLEY, Public Trustee,
Public Trust Office,
565 Hay Street,
Perth WA 6000.
Telephone: 222 6777.

ZZ201

TRUSTEES ACT 1962

Creditors and other persons having claim (to which section 63 of the Trustees Act 1962 relates) in respect of the undermentioned particulars of their claims to the Executors of care of Kott Gunning, Level 11, 66 St George's Terrace, Perth by Friday, 25th February may convey or distribute the assets having regard only to the claims of which notice has been given.

Surname, Given Names; Address; Occupation; Date of Death.

Letchford, Barry Keith; 30 Cygnet Street, Dianella; Police Officer; 22nd November 1993.

Sparkman, Frederick Cooper; 1 Homewood Street, Cloverdale; Engine Driver; 18th December 1993.

ZZ401

NOTICE OF DISSOLUTION OF PARTNERSHIP

Take notice that the partnership known as J. W. and S. Cunningham trading as the Red Emperor Restaurant, Tom Price, Western Australia was on the 7th January 1994 dissolved.

JOHN W. CUNNINGHAM.

ZZ402

UNCLAIMED MONIES ACT 1990

UNCLAIMED MONIES REGISTER PAYABLE 1987

Name	Last Known Address	Date	$ Total
Arnold, W. S.	Mt Newman Mining, Newman	26/5/87	97.94
Bowden, R. J.	Mt Newman Mining, Hedland	8/4/87	17.03
Eleninovski, B.	Mt Newman Mining, Newman	23/11/87	23.40
Fairbanks, M.	Mt Newman Mining, Newman	26/5/87	115.65
Garea, C. R.	Mt Newman Mining, Newman	23/11/87	20.00
Gilmore, G.	Mt Newman Mining, Hedland	22/1/87	13.96
Harrison, L. A.	Mt Newman Mining, Newman	23/11/87	39.80
Jones, G.	Mt Newman Mining, Newman	23/11/87	13.40
Jones, G. W.	Mt Newman Mining, Newman	26/5/87	115.35
Jones, S.	Mt Newman Mining, Newman	23/11/87	74.95
Lawrence, J.	37 Childs Street, Bondi, NSW	29/5/87	83.46
Long, J. C.	Mt Newman Mining, Hedland	4/8/87	20.80
Miller, R.	Mt Newman Mining, Hedland	29/5/87	12.24
Montrolo, A.	Mt Newman Mining, Newman	23/11/87	20.20
Morey, G. J.	Mt Newman Mining, Newman	23/11/87	27.20
Parkinson, R. J.	Mt Newman Mining, Newman	26/5/87	57.65
Price, B.	Mt Newman Mining, Newman	23/11/87	23.76
Roisseter, C.	Mt Newman Mining, Newman	23/11/87	19.10
Roisseter, C.	Mt Newman Mining, Newman	27/5/87	74.06
Rose, G.	Mt Newman Mining, Newman	23/11/87	14.09
Ross, G.	Mt Newman Mining, Newman	23/11/87	14.10
Siddons, K.	Mt Newman Mining, Newman	25/8/87	45.59
Stanley, A. W.	Mt Newman Mining, Newman	27/5/87	123.17
Stevens, B. R.	Mt Newman Mining, Newman	27/5/87	131.22
Stoiljkovic, M.	Mt Newman Mining, Hedland	29/5/87	46.80
Stoiljkovic, M.	Mt Newman Mining, Hedland	4/5/87	167.88
Taylor, G.	Mt Newman Mining, Newman	23/11/87	18.40
Taylor, R.	Mt Newman Mining, Hedland	29/5/87	50.75
Taylor, R.	Mt Newman Mining, Hedland	28/4/87	468.52
Tink, L. W.	Mt Newman Mining, Newman	23/11/87	17.80
Trew, L. K.	Mt Newman Mining, Newman	23/11/87	21.56
		Total	1 989.83

ZZ403

UNCLAIMED MONIES ACT 1990

WESTERN AUSTRALIA

EXTRACT FROM REGISTER OF UNCLAIMED MONIES HELD BY ELDERS LIMITED

Last Known Name and Address of Owner	Total Amount Due to Owner	Description of Unclaimed Monies	Date of Origin
	$		
Bignell	115.00		1987
Bignell	115.00		1987
M. J. Clifford, 5A Gleneagles Way, Hamersley	112.35		1987
Highman	625.00		1987
L. D. Hindson	31.40		1987
B. Jones	46.27		1987
G. Stephenson	55.47	Stock Pcds	1987
Unknown	136.05		1987
Unknown	329.64	Wool proceeds	1987
	1 566.18		

ZZ404

TRUSTEES ACT 1962

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the Estate of the undermentioned deceased persons, are required by Perpetual Trustees WA Ltd of 89 St George's Terrace Perth, to send particulars of their claims to the Company, by the undermentioned date, after which date the said Company may convey or distribute the assets, having regard only to the claims of which the Company then has notice.

Claims for the following expire one month after the date of publication hereof.

Argus, Marjorie, late of 21 Oakwood Avenue, Woodlands 6018. Retired Teacher, died 21/12/93.

Bennetts, Ethel Rose, late of 3/12 Queenslea Drive, Claremont 6010. Married Woman, died 15/12/93.

Berry, Victoria May, late of 5/16 Mount Prospect Crescent, Maylands 6051. Married Woman, died 3/12/93.

Broadfoot, Verna Randell, late of 8/10 Comer Street, Como 6152. Spinster, died 26/12/93.

Clow, Raymond John, late of 26 Parkingson Street, Noranda 6062. General Manager, died 15/12/93.

Collins, Charles William, late of 11 Balaka Gardens, Warnbro 6169. Retired Engine Driver, died 11/12/93.

Dibley, Barry John, late of Palm Beach Caravan Park, P.O. Box 168, Rockingham 6168. Investor, died 22/10/93.

Doepel, Ruth Myrtle, late of Unit 34 Sundowner Centre, 416 Stirling Highway, Cottesloe 6011. Spinster, died 29/12/93.

Grogan, James, late of 195 Bay View Drive, Little Grove, Albany 6330. Retired Gardener, died 29/12/93.

Gyarmathi, Karoly (Aka Charlie), late of 17 Hay Street, Exmouth 6707. Retired Powerhouse Driver, died 5/1/94.

Hill, Elsie Maud, late of 6B Homewood Street, Cloverdale 6105. Widow, died 23/12/93.

Hutton, Anita Mary, late of 6 Lawson Place, Munster 6166. Machinist, died 30/9/93.

Lilleyman, Hugh James, late of 101 Melville Parade, Como 6152. Retired Optometrist, died 21/12/93.

Matsen, Sydney Charles, late of 148 Melville Parade, Como 6152. Retired Railway Employee, died 10/5/90.

Swan, George William, late of Unit 14, 54 Christmas Avenue, Orelia 6167. Retired Airline Catering Officer, died 11/1/94.

Tallowin, Richard Graham, late of 3/36 Flathead Road, Ettalong, NSW 2257. National Accounts Manager, died 24/12/93.

Wood, Beryl Alfreda, late of Montrose Nursing Home, 12 Grange Street, Claremont 6010. Spinster, died 2/12/93.

Dated this 21st day of January 1994.

D. R. CLARK, Divisional Manager,
Trustee & Financial Services.

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CONTENTS

REGULATIONS, BY-LAWS, RULES, DETERMINATIONS, ORDERS

	Page
Agriculture and Related Resources Protection Act—Poisoning of Rabbits in Particular Areas—Notice under Section 68 (3)	144
Dog Act—By-laws—Town of Port Hedland—By-law Relating to Dogs	174
Education Amendment Regulations 1994	145-9
Local Government Act—By-laws—	
City of Geraldton—By-law Relating to Parking Facilities	175
City of Rockingham—Street Verandahs By-law 1993	175-9
City of Wanneroo—Amendment to By-laws Relating to Swimming Pools	179
Town of Albany—By-law Relating to Street Trading—No. 16	171-3
Town of Albany—Parking Facilities By-laws	170
Town of Northam—Repeal of By-laws	173
Shire of Busselton—By-law Relating to Eating Areas in Streets and Other Public Places	155-9
Shire of Greenough—By-laws Relating to Parking Facilities	159-66
Shire of Mullewa—By-laws Relating to Fencing	167-70
Shire of Mundaring—By-laws Relating to Standing Orders	167
Retail Trading Hours (Motor Vehicle Dealers) Exemption Order 1993	150

GENERAL CONTENTS

	Page
Agriculture	144
Bush Fires Board	144-5
Education	145-50
Fair Trading	150
Industrial Relations	151
Land Administration—	
General Information	151-5
Local Government	155-81
Minerals and Energy	182-3
Planning and Urban Development	183-230
Police	230-3
Proclamation	143
Public Notices—	
Deceased Persons Estates	239-40, 241
Partnerships	240
Unclaimed Moneys	240-1
Tenders—	
Main Roads	235
State Supply Commission	235-7
Water Authority	238
Transport	233
Water Authority	234

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