



# WESTERN AUSTRALIAN GOVERNMENT Gazette



PERTH, FRIDAY, 28 OCTOBER 1994 No. 153

PUBLISHED BY AUTHORITY G. L. DUFFIELD, GOVERNMENT PRINTER AT 3.30 PM

## Publishing Details

The Western Australian *Government Gazette* is published by State Print for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances (changes to this arrangement will be advertised beforehand on the inside cover).

Special *Government Gazettes* and Extraordinary *Government Gazettes* are published periodically, only the special gazettes are included in the subscription price.

The following guidelines should be followed to ensure publication in the *Government Gazette*.

- Material submitted to the Executive Council and which requires gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
- Copy should be received by the Manager, Law Publisher no later than 3.00 p.m. on Wednesday (Friday edition) or 3.00 p.m. on Friday (Tuesday edition).
- Lengthy or complicated notices should be forwarded several days before advertised closing date for copy. This is to ensure inclusion in current edition. Failure to observe this request could result in the notice being held over until the following edition.
- Proofs will be supplied only when requested.
- No additions or amendments to material for publication will be accepted by telephone.

Send copy to:

The Manager,  
Law Publisher  
State Print  
Station Street, Wembley, 6014  
Telephone: 383 8851 Fax: 383 8888

## Advertisers should note:

- All Notices should be written in 'plain English'.
- Signatures (in particular) and proper names must be legible.
- All copy should be typed and double spaced.
- If it is necessary through isolation or urgency to communicate by facsimile, confirmation is not required by post. If original copy is forwarded later and published, the cost will be borne by the advertiser.
- Documents not clearly prepared and in the required format for gazettal, will be returned to the sender unpublished.
- Late copy received at Law Publisher will be placed in the following issue irrespective of any date/s mentioned in the copy.

## IMPORTANT COPYRIGHT NOTICE

© State of Western Australia

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without written permission from the Government Printer, State Print. Inquiries should be directed to the Manager, Law Publisher, P.O. Box 38, Wembley, W.A. 6014.

## Advertising Rates and Payments

Effective from 1 July 1994.

Deceased Estate notices, (per estate)—\$15.50

Real Estate and Business Agents and Finance Brokers Licences, (per notice)—\$36.00

Other Public Notices Section articles \$36.00 (except items of an exceptionally large nature, then arrangements will be made for invoicing).

All other Notices

Per Column Centimetre—\$7.10

Bulk Notices—\$132.00 per page

Clients will be invoiced for advertising charges.

## Notice to Subscribers

As *Government Gazette* (No. 151) pages 5455 to 5456 contained only a determination of the restricted publications and as the issue is not covered by the Annual Subscription it was not issued to subscribers in the usual manner. Copies may be purchased from—

State Print,  
State Law Publisher,  
22 Station Street,  
Wembley.

State Government Bookshop,  
Ground Floor, Supply House,  
815 Hay St. (cnr. King St.),  
Perth.

GARRY L. DUFFIELD,  
Government Printer.

## IMPORTANT NOTICE

Periodically notices are published indicating a variation in normal publishing arrangements:

- Easter or Christmas editions etc—these notices appear approximately 4 weeks prior to any change.
- Extraordinary gazettes not circulated to all subscribers—these notices appear in the following general edition of the gazette.

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.

**AGRICULTURE****AG301****SKELETON WEED AND RESISTANT GRAIN INSECTS (ERADICATION FUNDS) ACT 1974****SKELETON WEEDS AND RESISTANT GRAIN INSECTS (ERADICATION FUNDS) (CONTRIBUTION) ORDER 1994**

Made by His Excellency the Governor in Executive Council, on the recommendation of the Minister, under section 9 (3a).

**Citation**

1. This order may be cited as the *Skeleton Weeds and Resistant Grain Insects (Eradication Funds) (Contribution) Order 1994*.

**Contribution for the 1994-1995 year**

2. For the purpose of section 9 (3a) of the Act, the contribution payable under section 9 (2a) of the Act to the Skeleton Weed Eradication Fund for the crop year 1994-1995 shall be calculated at the rate of 12 cents per tonne delivered by the grower.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

**AG305****AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976****AGRICULTURE AND RELATED RESOURCES PROTECTION (FENCING) AMENDMENT REGULATIONS 1994**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Agriculture and Related Resources Protection (Fencing) Amendment Regulations 1994*.

**Principal regulations**

2. In these regulations the *Agriculture and Related Resources Protection (Fencing) Regulations 1985\** are referred to as the principal regulations.

[\* Published in Gazette of 8 November 1985 at pp. 4297-300.  
For amendments to 28 September 1994 see 1993 Index to  
Legislation of Western Australia, Table 4, p. 9.]

**Regulations 6 and 7 repealed**

3. Regulations 6 and 7 of the principal regulations are repealed.

**Savings**

4. Despite regulation 3, regulation 7 of the principal regulations continues to apply in relation to an annual sum payable to the Protection Board or other body that was not paid before the commencement of these regulations.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

AG302

## PLANT DISEASES ACT 1914

## PLANT DISEASES AMENDMENT REGULATIONS (NO. 4) 1994

Made by His Excellency the Governor in Executive Council.

## Citation

1. These regulations may be cited as the *Plant Diseases Amendment Regulations (No. 4) 1994*.

## Schedule 1 amended

2. Schedule 1 to the *Plant Diseases Regulations 1989\** is amended —

- (a) in Part A in the item commencing "Citrus" by inserting after "41" in columns 2 and 3 the following —

" 50 "; and

- (b) in Part B in item 41 —

- (i) in paragraph (c) by inserting after "case of" the following —

" approved plants, approved vegetables, "; and

- (ii) by deleting paragraph (e); and

- (c) in Part B by inserting after item 49 the following item —

"

50. Citrus, Fortunella and Poncirus plants — Orange Stem Pitting Strain of the Citrus Tristeza virus.

Entry of plants, cuttings and budwood from other States and Territories is permitted if certified as being from a State or Territory where the Orange Stem Pitting Strain of the disease Citrus Tristeza virus has not been recorded.

".

[\* Published in Gazette of 30 June 1989 at pp. 1980-93.  
For amendments to 4 October 1994 see 1993 Index to Legislation of Western Australia, Table 4, p. 205, and Gazettes of 24 June and 2 September 1994.]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

AG303

## PLANT DISEASES ACT 1914

## PLANT DISEASES AMENDMENT REGULATIONS (NO. 8) 1994

Made by His Excellency the Governor in Executive Council.

## Citation

1. These regulations may be cited as the *Plant Diseases Amendment Regulations (No. 8) 1994*.

**Schedule 1 amended**

2. Schedule 1 to the *Plant Diseases Regulations 1989*\* is amended in Part B in item 12 by deleting "To be certified as grown in a State or Territory where Mango Seed Weevil is not known to occur." and substituting the following —

"

To —

- (a) be certified as grown in a State or Territory where Mango Seed Weevil is not known to occur; or
- (b) comply with the conditions and sampling procedures set out in the protocol entitled "Proposed Property Freedom for Mango Seed Weevil (MSW)" dated 16 March 1994 as approved by the Minister.

".

[\* *Published in the Gazette of 30 June 1989 at pp. 1980-93.*  
*For amendments to 10 October 1994 see 1993 Index to Legislation of Western Australia, Table 4, p. 205 and Gazette of 24 June and 2 and 30 September 1994.*]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

AG304

**STOCK (BRANDS AND MOVEMENT) ACT 1970****STOCK (BRANDS AND MOVEMENT) AMENDMENT REGULATIONS  
(NO. 2) 1994**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Stock (Brands and Movement) Amendment Regulations (No. 2) 1994*.

**Commencement**

2. These regulations come into operation on the day the *Stock (Brands and Movement) Amendment Act 1994* comes into operation.

**Regulation 11B inserted**

3. After regulation 11A of the *Stock (Brands and Movement) Regulations 1972*\*, the following regulation is inserted —

"

**Prescribed stock — section 50**

11B. For the purposes of section 50 of the Act, the animals that are prescribed stock are any horse, cattle, sheep, swine, goat, buffalo, deer or camelid.

".

[\* *Published in Gazette of 30 June 1972 at pp. 2205-12.*  
*For amendments to 5 September 1994 see 1993 Index to Legislation of Western Australia, Table 4, pp. 262-3, and Gazette of 24 June 1994.*]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

## ENVIRONMENTAL PROTECTION

EP301

## ENVIRONMENTAL PROTECTION ACT 1986

## ENVIRONMENTAL PROTECTION (RAVENSWOOD INTERNATIONAL RACEWAY) EXEMPTION ORDER 1994

Made by the Minister for the Environment with the approval of His Excellency the Governor in Executive Council under section 6 of the *Environmental Protection Act 1986*.

## Citation

1. This Order may be cited as the *Environmental Protection (Ravenswood International Raceway) Exemption Order 1994*.

## Commencement

2. This Order comes into operation on the day of publication in the *Government Gazette* and ceases to operate on 1 July 1999.

## Interpretation

3. In this Order —

“**Director**” means the Director of the Pollution Prevention Division of the Department of Environmental Protection, 141 St Georges Terrace Perth, Western Australia;

“**jet engine powered vehicle**” means a racing vehicle powered by a jet engine;

“**meeting**” means a series of races held at the raceway within a 24 hour period;

“**Minister**” means the Minister for the Environment;

“**operator**” means Protrend Pty Ltd (ACN 059 718 008) trading as RAVENSWOOD INTERNATIONAL RACEWAY;

“**raceway**” means the Ravenswood International Raceway;

“**racing**” includes exhibition runs, trials, testing and practice but does not include pre-event media presentations or safety-related testing;

“**racing vehicle**” means a vehicle used for racing at a meeting;

“**season**” means the period commencing on 1 July of any year and ending on 30 June of the following year;

“**street vehicle**” means a racing vehicle classified as Bracket Group 3 or Bracket Group 4 by the Australian National Drag Racing Association (ANDRA) but does not include a top fuel vehicle;

“**top fuel vehicle**” means a racing vehicle fuelled by nitro-methane, or a combination of fuels one of which is nitro-methane.

## Application

4. (1) This Order applies only whilst the operator remains the occupier of the land on which the raceway is located, and remains the sole operator of the raceway.

(2) This Order applies only to the emission of noise from racing vehicles at the raceway.

**Background**

5. This Order is made in recognition of the following background circumstances —

- (a) that the raceway has operated at its current location at Ravenswood since 1969;
- (b) that a number of parties view changing the nature of the area surrounding the raceway as desirable and it is therefore expected that during the duration of this Order many more residential premises will be established within the area adversely affected by noise from the raceway;
- (c) that the noise levels generated from the operation of the raceway and exempted by this Order are not consistent with those applicable to rural residential areas under the current legislation;
- (d) that there is a need to provide adequate time for the raceway to be relocated;
- (e) that the sport of drag racing and the raceway in particular, as the only drag racing facility in Western Australia, enjoys measurable community support; and
- (f) that it is recognised that the raceway provides a cultural and sporting facility, contributing also to the Western Australian community by means of subsidisation of Driver Training programmes and the provision of safe, legal and regulated facilities for the use of street cars by the youth of Western Australia.

**Exemption**

6. The Minister for the Environment hereby declares that the provisions of Part V (other than sections 71, 74, 76, 77 and 78) of the *Environmental Protection Act 1986* do not apply to the acts specified in clause 4 (2) of this Order, if the operator complies with the conditions specified in the Schedule.

**SCHEDULE****Number of meetings**

1. The operator shall not hold more than 10 meetings during any season at which vehicles other than street vehicles compete.
2. The operator shall not —
  - (a) allow the operation of jet engine powered vehicles at more than 3 meetings at the raceway during any season; or
  - (b) allow the operation of any jet engine powered vehicle, greater than 4 tonnes in weight, at the raceway after 30 June 1995.
3. The operator shall not allow the operation of top fuel vehicles at more than 3 meetings at the raceway during any season.
4. The operator shall not hold more than 12 meetings during a season at which only street vehicles compete.

**Duration of meetings**

5. The operator shall ensure that racing at meetings held under clause 1 commences after midday, and ceases at or before 10.30pm unless, in the circumstances of a particular case the continuation of racing after 10.30pm is unavoidable, in which case racing may continue for an additional 30 minutes to 11.00pm.

6. If racing continues after 10.30pm under clause 5, the operator shall notify the Director in writing within 5 days setting out the circumstances that made the continuation of racing after 10.30pm unavoidable.
7. The operator shall ensure that racing at meetings held under clause 4 does not take place outside the period between 10.00am and 5.00pm of any day.
8. The operator shall not allow vehicles to use the raceway for racing purposes, including trials, testing or practice, except for pre-event media presentations and safety-related testing, at any time other than a meeting allowed by this Schedule.

#### Noise levels

9. The operator shall ensure that noise emissions from racing vehicles (other than jet engine powered vehicles and top fuel vehicles) at the raceway do not result in noise levels that exceed a level of 90 dB  $L_{A,slow}$  at any occupied residence located more than 1000 metres from any point on the raceway track.

#### Measurement of noise levels

10. The operator shall measure, or arrange to be measured, noise levels during one of the meetings held during each season under clause 1. This measurement shall be made at a meeting at which jet engine powered vehicles or top fuel vehicles compete, if these classes of vehicle are competing, or being exhibited, at any meeting during that season.
11. The operator shall measure noise levels at locations approved by the Director at or near residential premises in the vicinity of the raceway but not closer than 1000 metres from the raceway track. The operator shall record noise measurements on magnetic tape, and shall record continuously, at least, over the period 2.30pm to 10.30pm. The operator shall submit a report on these measurements, of a standard acceptable to the Director, to the Minister, the Shire of Murray, and the Director, within 30 days of the meeting represented by the measurements.
12. The operator shall ensure that instrumentation used for the measurement of noise under this Schedule complies with the following standards, and undergoes the following calibration and testing —
  - (a) instrumentation used to measure noise, and the persons who operate the instrumentation, must be approved by the Shire of Murray and the Director;
  - (b) instrumentation must meet the requirements specified in Australian Standard AS 1259.1-1990 or its revised versions and equivalents (type 1 instruments are preferred although type 2 instruments are acceptable provided allowance is made for their wider measurement tolerance);
  - (c) instruments must be calibrated at intervals not exceeding 2 years to demonstrate their on-going compliance with the requirements of AS 1259.1-1990, and must be given a field performance check, using an acoustic calibrator, not more than 1 hour prior to and 1 hour after each measurement session.



**Information for the public**

13. The operator shall publish, in newspapers circulating in the Ravenswood, Mandurah and Pinjarra areas, before the start of each season, the times and dates on which it is proposed to hold scheduled race meetings at the raceway. Should this programme be changed for any reason during a racing season, the operator shall ensure that details of the changes are published, in the same newspapers, at the first available opportunity before the changes occur.

K. J. MINSON, Minister for the Environment.

Approved by His Excellency the Governor in Executive Council.

M. C. WAUCHOPE, Clerk of the Council.

**EP401****ENVIRONMENTAL PROTECTION ACT 1986**

(Section 20(1))

Delegation No. 22

1. This delegation is made pursuant to section 20(1) of the Environmental Protection Act 1986 ("the Act"). This delegation repeals delegation No. 12 previously made pursuant to section 20(1).

2. The chief executive officer by this instrument delegates to the holders for the time being of the offices of Director, Water Resources; and Manager, Groundwater and Environment Branch of the Water Authority of Western Australia, all the powers and duties of the chief executive officer in relation to—

Person to whom powers delegated;  
the Director, Water Resources;

Powers delegated;

- (a) the powers and duties of the chief executive officer under section 88;
- (b) the powers and duties of the chief executive officer under section 114;

and

Persons to whom powers delegated;  
the Director, Water Resources and the Manager, Groundwater and Environment Branch.

Powers delegated;

- (a) the powers and duties of the chief executive officer under Part V in relation to a licence for the discharge of waste such that it could reasonably be expected to gain access to any waters, or any application of such a licence;
- (b) the powers and duties of the chief executive officer where any waste is being or is likely to be discharged from any premises such that it could reasonably be expected to gain access to any waters, to serve a pollution abatement notice under section 65 in respect of those premises and, where a pollution abatement notice is served in such a case all the powers and duties of the chief executive officer in respect of that pollution abatement notice;
- (c) the powers and duties of the chief executive officer under section 73 in any case where waste has been or is being discharged from any premises such that it could reasonably be expected to gain access to any waters.

3. In this delegation the term "waters" does not include marine waters.

Dated 18 October 1994.

BRYAN JENKINS, Chief Executive Officer,  
Department of Environmental Protection.

Approved by—

K. J. MINSON, Minister for the Environment.

**FAIR TRADING****FT401**

**SETTLEMENT AGENTS ACT 1981  
SETTLEMENT AGENTS SUPERVISORY BOARD  
PROFESSIONAL INDEMNITY AND FIDELITY INSURANCE  
MASTER POLICY**

Policy No. Y 0000902W  
Prepared by Minet Professional Services Ltd  
250 St George's Terrace, Perth WA 6000

**CERTIFICATE OF INSURANCE  
SETTLEMENT AGENTS SUPERVISORY BOARD  
PROFESSIONAL INDEMNITY AND FIDELITY INSURANCE  
Schedule**

CERTIFICATE No. \_\_\_\_\_ MASTER POLICY No. Y 0000902W

THE INSURED: \_\_\_\_\_

ADDRESS OF THE INSURED: \_\_\_\_\_

PERIOD OF INSURANCE:

FROM: \_\_\_\_\_ TO 31 OCTOBER 1995 (MIDNIGHT)

LIMIT OF INDEMNITY:	SECTION 1:	EACH AND EVERY CLAIM
	SECTION 2:	\$1 000 000 EACH AND EVERY CLAIM
DEDUCTIBLE:		\$1 000 EACH CLAIM

PREMIUM:	\$ _____
STAMP DUTY:	\$ _____

TOTAL:	\$ _____
--------	----------

IN WITNESS WHEREOF THIS DOCUMENT HAS BEEN SIGNED ON BEHALF OF THE—

AMP GENERAL INSURANCE LIMITED	(ACN 008 405 632)	70%
140 ST GEORGE'S TERRACE		
PERTH WA 6000		

FAI GENERAL INSURANCE COMPANY LIMITED	(ACN 000 327 855)	30%
185 MACQUARIE STREET		
SYDNEY NSW 2000		100%

who agree to indemnify the Insured in accordance with the terms, conditions and exclusions contained in the Master Policy.

MINET PROFESSIONAL SERVICES LIMITED  
ACN 004 381 604

L. F. EARL, Managing Director,  
(Authorised Signatory).

**SETTLEMENT AGENTS PROFESSIONAL INDEMNITY AND FIDELITY INSURANCE  
CERTIFICATE WORDING**

Whereas the Settlement Agents Supervisory Board (hereinafter called "the Board") has agreed to the Insurer (hereinafter called "the Company") on behalf of all Licensees from time to time required by the Act to be insured and on behalf of and for the benefit of Former Licensees providing insurance in accordance with the Terms, Conditions and Exclusions contained herein,

And Whereas the Licensees (hereinafter called "the Insured") named in the Certificate of Insurance having paid to the Company the premium stated in the Certificate of Insurance to effect insurance with the Company,

The Company agrees:

**SECTION 1: Professional Indemnity**

To indemnify the Insured (which expression shall in this Section 1 only include any person or persons in the direct employ of the Insured) against all sums which the Insured shall become legally liable to pay for any claim or claims first made against the Insured during the period of insurance for breach of professional duty by reason of any negligence whether by way of any act, error or omission whenever or wherever committed or alleged to have been committed in the conduct of the Insured's profession or business.

**SECTION 2: Fidelity**

This Policy shall indemnify the Insured in respect of any pecuniary loss including loss of bearer bonds, coupons, bank notes, currency notes negotiable instruments or stamps sustained by him and first discovered by the Insured during the Period of Insurance by reason of any dishonest, fraudulent, malicious or illegal act or omission of the Insured or person in his direct employ in the conduct of the Insured's profession.

**Provided Always That**

No indemnity shall be afforded to any person committing or condoning such act or omission, and the Insured shall take all reasonable steps requested by the Company to recover the loss and shall permit the Company, if he so requests, to himself take such recovery action in the name of the Insured and in that event the Insured shall assist and co-operate with the Company and shall provide the Company with such information (including signed statements) as the Company may reasonably require.

Provided that the liability of the Company shall not exceed in the aggregate in respect of each claim (including claimant's costs) the Limit of Liability stated in Memorandum 7 and in addition all costs and expenses incurred with the consent of the Company in the defence or settlement of any such claim, provided that, if a payment in excess of the said Limit of Liability is made to dispose of any such claim, the Company's liability for any such costs and expenses so incurred shall be limited to such proportion thereof as the said Limit of Liability bears to the amount of the payment so made.

Provided further that in respect of each claim there shall be deducted from the amount of such claim, as finally determined, the amount of the Deductible stated in Memorandum 8 and the liability of the Company shall be limited to the amount, if any, in excess of such Deductible but not exceeding the Limit of Liability stated in Memorandum 7.

**EXCLUSIONS APPLICABLE TO SECTION 2**

The Company shall not be liable under this Policy in respect of or in relation to any person acting alone or in collusion with others:

1. for more than the Limit of Liability stated in Memorandum 7 notwithstanding that such dishonest, fraudulent malicious or illegal act or acts were committed by such person during more than one Period of Insurance;
2. for any loss, or to that part of any loss, as the case may be, the proof of which either as to its factual existence or as to its amount, is deducted from an inventory computation or a profit and loss computation; provided, however, that this Exclusion shall not apply to loss of money or other property which the Insured can prove, through evidence wholly apart from such computations, was sustained by the Insured through any dishonest, fraudulent, malicious or illegal act or acts committed by any one or more of such persons;
3. for any loss arising from any fraudulent, dishonest, malicious or illegal act or acts committed by such person after the Insured shall have knowledge or information of such act of dishonesty, fraud, malice or illegal act on the part of such person;
4. for any loss arising from the complete or partial non-payment of, or default upon any loan, extension of credit or transaction in the nature of, or amounting to, a loan, obtained from or made by the Insured or by any of the employees whether authorised or unauthorised unless such loss results from dishonesty, fraud, malice or illegal act on the part of any of the employees.

**GENERAL EXCLUSIONS**

1. This Policy does not cover—
  - (a) any loss arising directly or indirectly caused by or contributed to by or arising from—
    - (i) ionising radiations or contamination by radioactivity from any nuclear fuel or from any nuclear waste from the combustion of nuclear fuel.
    - (ii) war, invasion, acts of foreign enemies, hostilities (whether war be declared or not), civil war, rebellion, revolution, insurrection, military or usurped power or martial law.
2. The Company shall not indemnify the Insured in respect of any loss arising out of any claim in respect of any liability incurred in connection with a Business conducted wholly outside the State of Western Australia or in respect of an act or omission occurring outside the State of Western Australia in connection with a Business conducted principally outside the State of Western Australia.
3. This Policy does not provide cover in respect of any circumstance or occurrence which has been notified under any other insurance attaching prior to the commencement date of the Certificate of Insurance.

**EXTENSIONS AUTOMATICALLY INCLUDED**

Subject to the limitation of indemnity stated in the Schedule in respect of all claims under this policy the following extensions are automatically included.

Each extension is subject to the terms, excess and Limit of Indemnity of this policy.

The cover provided by each extension is limited to claims or circumstances reported to the Insurers during the Period of Insurance.

**1. Libel and Slander**

This policy shall cover any claim first made against the Insured during the Period of Insurance for libel and slander by reason of words written or spoken by the Insured in the conduct of the Insured's profession.

**2. Trade Practices Act**

This policy is extended to indemnify the Insured in respect of claims for damages or compensation made against the Insured under the terms of the Trade Practices Act 1974 (Commonwealth), the Fair Trading Act 1987 (Western Australia) or similar legislation in other States, except in respect of such claims made under the penal or criminal provisions of those Acts.

**3. Loss of Documents**

If during the Period of Insurance the Insured shall first discover that any documents as defined by this clause the property of or entrusted to the Insured, which may be now or hereafter be, or be supposed or believed to be, in the custody of the Insured, or in the custody of any other person to or with whom such documents have been entrusted, lodged or deposited by the Insured in the ordinary course of business, have while within Australia been destroyed, damaged, lost or mislaid and after diligent search cannot be found, the Company shall indemnify the Insured against:

- (a) legal liability which may attach to the Insured in consequence of such documents having been so destroyed, damaged, lost or mislaid, and
- (b) costs and expenses of whatsoever nature incurred by the Insured in replacing or restoring such documents provided that such costs and expenses shall be supported by accounts approved by a competent person nominated by the Company.

Provided always that—

- (a) no indemnity shall be afforded in respect of any loss brought about by wear and tear and other gradually operating clauses and
- (b) the expression "documents" shall in this clause mean deeds, wills, agreements, maps, plans, books, letters, forms and documents of any nature whatsoever including computer printouts BUT SHALL NOT MEAN or extend to any other form of computer records nor computer memory whether programs or database or otherwise and however recorded NOR SHALL IT MEAN or extend to bearer bonds, coupons, bank notes, currency notes or negotiable instruments.

**4. Fraud and Dishonesty of Employees**

This policy shall indemnify the Insured in respect of the legal liability of the Insured arising from any claim first made against the Insured during the Period of Insurance by reason of any dishonest, fraudulent, malicious, or illegal act or omission of the Insured's employees in the conduct of the Insured's profession.

Provided always that—

no indemnity shall be afforded to any person committing or condoning such act or omission, and the Insured shall take all reasonable steps requested by the Company to recover the loss and shall permit the Company, if it so requests, to itself take such recovery action in the name of the Insured and in that event the Insured shall assist and co-operate with the Company and shall provide the Company with such information (including signed statements) as the Company may reasonably require.

**DEFINITIONS**

In this Policy—

- 1. "Act" means The Settlement Agents Act 1981 as from time to time in force.
- 2. "Business" means the business of a Settlement Agent as defined in the Act, under the name stated in the Certificate of Insurance or such other name notified to the Company from time to time.
- 3. "Licensee" has the same meaning as in the Act.
- 4. "Each Claim" shall mean all claims arising from the same act, error or omission.
- 5. "Insured" means the Licensee, Firm or the Related Business, Directors and any person who is or becomes or who has ever been an employee of the Insured.
- 6. "Commencement Date" means that date as of which the Certificate of Insurance becomes effective.
- 7. "Firm" means the person or persons carrying on the Business from time to time.
- 8. "Former Licensee" means any Licensee who has ceased to carry on Business as a principal.
- 9. "Period of Insurance" means the period so specified in the Certificate of Insurance.

10. "Related Business" means any service, administrative or nominee company or other person entity or trust associated with or providing services to the Business and specified in the Certificate of Insurance or notified in writing to the Company and not being a Firm carrying on a Business.
11. "Insurer" means the Insurance Company(ies) whose name(s) appear(s) in the Certificate of Insurance.
12. Words importing any gender include every other gender.

#### INTERPRETATION

1. The terms "Insured", "Licensee", "Firm" and "Business" shall be read as if they were separately defined in each Insurance effected by the issue of a Certificate of Insurance and were defined by reference to the Firm referred to in the respective Certificate of Insurance.
2. This Master Policy and every Certificate of Insurance shall be governed by and construed according to the laws of the State of Western Australia.

#### MEMORANDA

1. Currency of Master Policy

This Master Policy commences on the 1st day of November 1994 and shall continue until midnight 31st October 1995 and may thereafter be renewed for such further periods and with such variations as may be agreed between the Company and the Board.

2. Premium

The premium payable for the issue of a Certificate or Insurance to a Licensee for the Limit of Liability shall be as agreed between the Company and the Board, but the Company reserves the right to vary the standard Premium based upon prior claims and circumstances as declared on the questionnaire.

3. Premium Payable by New Licensee

A Licensee which commences Business other than at the commencement of a year of insurance under the Master Policy shall pay, in order to obtain insurance in respect of the Business of that Licensee, a premium equal to the premium payable by a Licensee reduced pro rata for every whole month by which the Period of Insurance is less than twelve months, subject to a minimum premium of \$105.00 inclusive.

4. Issue of Certificates of Insurance

The Company through its intermediary, Minet Professional Services Ltd, will issue Certificates of Insurance annually in the form of the Schedule hereto on receipt of the premiums payable in accordance with Memorandum 2 above to Licensees who are required by the Act to be insured.

5. Effect of Certificate

Each Certificate when issued shall have effect as if it were a separate Policy of insurance made between the Company and the Insured in the Terms of the Certificate and of this Policy.

6. Insurance of Former Licensees

A Former Licensee who has at any time been insured under any Master Policy or whose successors in business have at any time been insured thereunder shall be entitled to be indemnified by the Company in respect of any claim or claims first made against him during the currency of this Policy as if a Certificate of Insurance had been issued to him hereunder and as if there were specified in such Certificate—

(a) As the Period of Insurance, the period during which this Policy shall be in force; and

(b) As the Limit of Liability, the sum of—

Section 1—\$1 000 000

Section 2—\$1 000 000

7. Limit of Liability

Section 1 The Limit of Liability for each claim shall be as stated in the Schedule and shall be not less than \$1 000 000.

Section 2 The Limit of Liability for each claim shall be \$1 000 000.

8. Deductible

The Company shall not be liable to indemnify the Insured in respect of the first \$1 000 of each claim.

9. Variation by Agreement

The Board and the Company may by agreement vary any of the terms of this Policy other than the terms of Memoranda 2, 7 and 8 as above with respect to any Certificate of Insurance which is issued after the effective date of such variation. The effective date of variation shall be the date nominated in the agreement being a date not earlier than the date the agreement is made.

10. No Refusal of Cover

The Company may not refuse any cover pursuant to this Master Policy to any Licensee.

11. Cross Liability (Applicable to Section 2 only)

The word "Insured" shall be deemed to apply to each person comprising the Insured in the same manner as if a separate Policy had been issued to each of them and the act, error or omission of one shall not prejudice the right of any other to indemnity under this Insurance but the total liability of the Company in respect of all the individuals and entities comprising the Insured shall not exceed the Limit of Liability as stated in Memorandum 7 above.

GENERAL CONDITIONS

1. No Admission or Settlement

The Insured shall not admit liability for or settle any claim or incur any costs or expenses in connection therewith without the written consent of the Company. The Company shall be entitled at its own expense at any time to take over and conduct in the name of the Insured the defence or settlement of any claim.

2. Notice of Claims

The Insured shall give notice to the Company in writing as soon as practicable of any circumstances giving rise or likely to give rise to a claim under this Policy and the Insured shall—

- (a) within fourteen days from the date of such notice (unless the Company has in writing agreed to extend such period) deliver to the Company a detailed statement in writing of the loss sustained;
- (b) at all reasonable times permit the Company to inquire into, investigate and examine the circumstances of the alleged loss by the Insured, and the claim in respect thereof, and the Insured shall, at his own expense upon being required so to do by the Company produce all books, vouchers, correspondence, documents, receipts, and all other information in his possession or control relating to the alleged loss, and shall furnish copies of such of them and otherwise give all possible assistance as may be required by the Company so far as they relate to such claim or may in any way enable the Company to ascertain the correctness thereof or the liability of the Company under this Policy.

3. Effect of Giving Notice of Circumstances

If a notice of circumstances is given to the Company under the preceding clause either by or on behalf of the Insured or by or on behalf of his successors in business any claim subsequently made (whether before or after the expiration of the Period of Insurance) pursuant to such an intention to claim or arising from circumstances so notified shall be deemed to have been made on the date when such notice was given.

4. Other Insurance

Upon giving any notification pursuant to General Condition 2, the Insured shall inform the Company as to any other Insurance or indemnity pursuant to which the Insured is entitled to any benefit in respect of that claim.

5. Fraud

If any Licensee shall prefer any claim knowing the same to be false or fraudulent, as regards amount or otherwise, the insurance provided to such Licensee shall become void and all claim thereunder shall be forfeited.

6. Recoveries

If the Insured shall sustain any loss covered by this Policy which exceeds the Limit of Liability stated in the said Schedule, the Insured shall be entitled to all recoveries (except from suretyship, insurance, reinsurance, security or indemnity taken by or for the benefit of the Company) by whomsoever made on account of such loss under this Policy until fully reimbursed less the actual cost of effecting the same and any remainder shall be applied to the reimbursement of the Company.

7. Subrogation Agreements

This Policy does not cover any liability for or arising directly or indirectly from any claim for loss or damage in respect of which the Insured has at any time by deed or agreement foregone, excluded or limited a right of recovery.

8. Right of Company Upon Breach or Non-Compliance

Where the Insured's breach of or non-compliance with any term or condition of this insurance has resulted in substantial prejudice to the handling or settlement of any claim against the Insured in respect of which insurance is provided hereunder the Insured shall reimburse to the Company the difference between the sum payable by the Company in respect of that claim and the sum which would have been payable in the absence of such prejudice PROVIDED ALWAYS THAT it shall be a condition precedent to the right of the Company to seek such reimbursement that it shall have fully indemnified the Insured in accordance with the terms hereof.

9. Queen's Counsel Clause

The Company agrees to pay claims which may arise under this Insurance without requiring the Insured to dispute any claim unless a Queen's Counsel (to be mutually agreed upon by the Insured, the Firm and the Company) advises that the claim could be contested with a reasonable prospect of success by the Insured and the Insured or the Firm consents to such claim being contested, but such consent is not to be unreasonably withheld. In the event of any dispute arising between the Insured, the Firm and the Company as to what constitutes an unreasonable refusal to contest a claim the Chairman for the time being of the Board shall nominate a Referee to decide this point only and the decision of such a Referee shall be binding on all parties.

## 10. Notification of Claim

Where the Insured first notifies a claim or circumstance during the period of Insurance, of which the Insured was aware prior to commencement of the period of insurance, the claim or circumstance shall be deemed to have been notified to the Insurers on the date when it first became known to the Insured and the policy which was in force at that time should respond.

## 11. Prejudice to Insurers

Where the Insured's breach of or non-compliance with any condition of this insurance has resulted in substantial prejudice to the handling or settlement of any claim against the Insured in respect of which the Insured is insured hereunder the Insured shall reimburse to the Insurers the difference between the sum payable by the Insurers in respect of that claim and the sum which would have been payable in the absence of such prejudice. Provided always that it shall be a condition precedent of the right of the Insurers to seek such reimbursement that they shall have fully indemnified the Insureds in accordance with the terms hereof.

Attaching to and forming part of Policy No. Y 0000902W

The Common Seal of the Settlement Agents Supervisory Board was hereto affixed by authority of a resolution of the Board dated 1994 in the presence of—

G. P. GAUNT, Chairperson.  
R. P. ROSSI, Registrar.

An officer of the AMP General Insurance Limited being duly authorised so to do has hereunder set his hand this 22nd day of September 1994.

S. BROWN.

An officer of the FAI General Insurance Company Limited being duly authorised so to do has hereunder set his hand this 26th day of September 1994.

S. HUNTER.

**HEALTH**

HE301

**HEALTH ACT 1911***Town of Albany*

Whereas under the provisions of the Health Act 1911, a Local Authority may make or adopt By-laws and may alter, amend or repeal any By-laws so made or adopted—Now, therefore, the Town of Albany being a Local Authority within the meaning of the Act and having adopted the By-laws—Eating Houses No. 6 as published in the *Government Gazette* of 9 July 1993 hereby resolves and determines that the said By-law shall be amended as follows—

First Schedule—by deleting "\$120.00" in line one and substituting " \$130.00 ".

Passed by resolution at a meeting of the Town of Albany of Albany Council held on the 28th day of August 1993.

Dated this 31st day of May 1994.

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

Confirmed—

R. LUGG, delegate of Executive Director, Public Health.

Dated the 7th day of September 1994.

Approved by His Excellency the Governor in Executive Council on the 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

HE302

## HOSPITALS ACT 1927

**HOSPITALS (SERVICES CHARGES) AMENDMENT REGULATIONS  
(NO. 5) 1994**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Hospitals (Services Charges) Amendment Regulations (No. 5) 1994*.

**Regulation 4A inserted**

2. After regulation 4 of the *Hospitals (Services Charges) Regulations 1984*\* the following regulation is inserted —

“

**Charges for treatment in approved hospital (section 19 (3)  
*Mental Health Act 1962*)**

4A. (1) Notwithstanding anything in these regulations the charges payable in respect of treatment rendered to a patient in that part of a hospital, with respect to which an order under section 19 (3) of the *Mental Health Act 1962* is in force declaring that part to be an approved hospital, are the relevant fees specified in Schedule 2 to the *Mental Health (Treatment Fees) Regulations 1992* for the class of treatment rendered to the patient as determined in accordance with regulations 4, 5, 6, 7 and 8 of those regulations.

(2) For the purposes of this regulation “**approved hospital**”, “**patient**” and “**treatment**” have the same meaning as they have respectively in section 5 of the *Mental Health Act 1962*.

”

[\* Published in Gazette of 27 January 1984 at pp. 231-4.  
For amendments to 17 October 1994 see 1993 Index to Legislation of Western Australia, Table 4, pp. 136-7, and Gazettes of 22 March, 24 June and 30 September 1994.]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

HE303

## MENTAL HEALTH ACT 1962

**MENTAL HEALTH (TREATMENT FEES) AMENDMENT  
REGULATIONS (NO. 3) 1994**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Mental Health (Treatment Fees) Amendment Regulations (No. 3) 1994*.

**Schedule 1 amended**

2. Schedule 1 to the *Mental Health (Treatment Fees) Regulations 1992*\* is amended in Part 1 —

(a) by deleting item 1A; and



(b) by inserting after item 4 the following item —

“ 5. Mills Street Centre, Mills Street, Bentley. ”.

[\* Published in Gazette of 28 August 1992 at pp. 4215-19.  
For amendments to 17 October 1994 see 1993 Index to Legislation  
of Western Australia, Table 4, p. 179, and Gazettes of 22 March  
and 30 September 1994.]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

#### HE401

#### HOSPITALS ACT 1927

#### HOSPITALS (BOARD NAME AND APPOINTMENT) NOTICE 1994

Made by His Excellency the Governor in Executive Council.

##### Citation

1. This notice may be cited as the *Hospitals (Board Name and Appointment) Notice 1994*.

##### Commencement

2. This notice commences on the day on which it is published in the *Government Gazette*.

##### Name and appointment

3. It is directed that—

- (a) the name “Bentley Health Service” is the name assigned to the board that controls and manages the public hospital known as the Bentley Hospital; and
- (b) the Bentley Health Service is appointed to manage and control the public hospital known as the Bentley Hospital.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

#### HE402

#### MENTAL HEALTH ACT 1962

#### MENTAL HEALTH (PUBLIC HOSPITALS) ORDER 1994

Made by His Excellency the Governor in Executive Council.

##### Citation

1. This order may be cited as the *Mental Health (Public Hospitals) Order 1994*.

##### Commencement

2. This order comes into operation on the day that it is published in the *Government Gazette*.

##### Application

3. This order applies to the public hospitals within the meaning of the *Hospitals Act 1927* specified in Column 1 of the Schedule.

##### Parts of hospitals set aside

4. (1) The part of a public hospital to which this order applies contained within the area in the red border delineated on the plan held in the Health Department and the number of which is specified opposite and corresponding to the public hospital in Column 2 of the Schedule is set aside for the purpose of any service mentioned in section 19 (1) of the *Mental Health Act 1962*.

(2) The part of the public hospital within the area coloured blue on the plan specified opposite and corresponding to the name of the public hospital in Column 2 of the Schedule is declared, pursuant to section 19 (3) of the *Mental Health Act 1962*, to be an approved hospital.

##### Schedule

Column 1	Column 2
Bentley Hospital	Plan No. Bentley Hospital AC 10 of 21 June 1994
Fremantle Hospital	Plan No. BMA AF 1 October 92/94

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

**HE403****MENTAL HEALTH ACT 1962****MENTAL HEALTH AMENDMENT ORDER 1994**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. This order may be cited as the *Mental Health Amendment Order 1994*.

**Commencement**

2. This order comes into operation on the day on which it published in the *Government Gazette*.

**Principal order**

3. In this order the *Mental Health Order 1988* is referred to as the principal order.

**Clause 4 varied**

4. Clause 4 of the principal order is amended by deleting paragraph (e) (iii).

**Clause 5 varied**

5. Clause 5 of the principal order is amended by deleting paragraph (aa) and substituting the following—

“ (aa) Mills Street Centre, Mills Street, Bentley comprising buildings and places known as the Mills Street Centre; ”

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

**HE404****MENTAL HEALTH ACT 1962****BOARD OF VISITORS APPOINTMENTS INSTRUMENT (No. 2) 1994**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. This instrument may be cited as the *Board of Visitors Appointments Instrument (No. 2) 1994*.

**Mills Street Centre**

2. (1) The persons appointed under section 11 to be members of the Board of Visitors for the Mills Street Centre are as follows—

- (a) under subsection (2) (a), Sheila Amsden
- (b) under subsection (2) (b), Edgar Richard Reid and James Leavesly
- (c) under subsection (2) (c), Margot Bray and Allan Hull

- (2) The person appointed under section 14 (1) to be Chairman of the board referred in subclause (1) is Edgar Richard Reid.

**Bentley Hospital**

3. (1) The persons appointed under section 11 to be members of the Board of Visitors for Bentley Hospital, a public hospital under the Hospitals Act 1927, are as follows—

- (a) under subsection (2) (a), Sheila Amsden
- (b) under subsection (2) (b), Edgar Richard Reid and James Leavesly
- (c) under subsection (2) (c), Margot Bray and Allan Hull

- (2) The person appointed under section 14 (1) to be Chairman of the board referred in subclause (1) is Edgar Richard Reid.

**Fremantle Hospital**

4. (1) The persons appointed under section 11 to be members of the Board of Visitors for Fremantle Hospital, a public hospital under the Hospitals Act 1927, are as follows—

- (a) under subsection (2) (a), Karen Farley
- (b) under subsection (2) (b), Martin Sawday
- (c) under subsection (2) (c), Ann White and Debra Ann McGeoch

- (2) The person appointed under section 14 (1) to be Chairman of the board referred in subclause (1) is Karen Farley.

**Term of Appointment**

5. A person appointed under clause 2, 3 or 4 is to hold office for a period of 3 years commencing on and from the day on which this instrument is published in the *Government Gazette*.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

## LAND ADMINISTRATION

LA101

**CORRECTION  
SHIRE OF GINGIN  
(NAMING OF ROADS)**

Department of Land Administration,  
Midland, October 6, 1994.

DOLA File Ref: 3303/981.

On page 2729 of the *Government Gazette* dated June 15, 1990 after subheading the naming of—part (e) read—

“Marri Heights Road”

in lieu of—

“Marrie Heights Road”

D. MULCAHY, A/Chief Executive,  
Department of Land Administration.

LA401

**LAND ACT 1933  
NAMING OF ROADS**

It is hereby notified for general information that His Excellency the Governor has been pleased to approve under Section 10 of the Land Act 1933 of the naming of the following—

*Shire of Corrigin*

DOLA File No. 2412/994.

Boyd Street as coloured blue at page 2.

*Shire of East Pilbara*

DOLA File No. 521/984.

Goldsworthy Road as coloured pink and green on page 65.

*Shire of Gingin*

DOLA File No. 3303/981.

Dooling Road as coloured pink at page 181.

*Shire of Lake Grace*

DOLA File No. 3577/981.

Memorial Drive as coloured pink at page 87.

*Shire of Murray*

DOLA File No. 2822/970.

Beau Sovereign Court as coloured blue at page 143.

Strain Glen as coloured pink at page 146.

*Shire of Northampton*

DOLA File No. 1352/1986.

Nanda Drive as shown coloured green at page 81.

*Shire of Toodyay*

DOLA File No. 2182/982.

Bowers Road as coloured yellow at page 84.

Strahan Road as coloured blue at page 85.

*Shire of Trayning*

DOLA File No. 852/991.

Kahl Road as coloured green at pages 6 and 7.

D. MULCAHY, A/Chief Executive,  
Department of Land Administration.

**LA402**

**LOCAL GOVERNMENT ACT 1960**  
**DECLARATION OF CLOSURE OF STREETS**

Made by the Minister for Lands Under Section 288A

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

Schedule

1. Town of Albany (DOLA File No. 1141/993; Closure No. A513).  
All that portion of Adelaide Crescent as shown bordered blue on Crown Survey Diagram 91812.  
Public Plan: BK26(2) 13.04.
2. Shire of Chittering (DOLA File No. 491/993 Closure No. C.1282).  
All those portions of Chittering Valley Road (Road No. 4200) shown bordered blue and now included into Swan Location 11937 (Reserve 23546) on Crown Survey Diagram 91741.  
Public Plan: Jumperkine NW (25)
3. Shire of Mundaring (DOLA File No. 3482/966V2 Closure No. M.1361).  
The portion of Road No. 15237 now contained in Avon Location 29117 as shown bordered pink on Crown Survey Diagram 91863.  
Public Plan: BH 35 (10) 1.8
4. Shire of Mundaring (DOLA File No. 3246/1977; Closure No. M1362).  
All that portion of Curve Road now comprised in Office of Titles Plan 20268.  
Public Plan: BG34(2) 25.32.
5. Shire of Swan (DOLA File No. 3828/1888V2 Closure No. S.459).  
The whole of Road No. 5532 and portion of Queens Road now contained in Swan Location 12001 (Reserve 21697) as shown on Crown Survey Diagram 91671.  
Public Plan: BG34 (2) 20.28 & 20.29
6. Shire of Swan (DOLA File No. 1308/1993; Closure No. S460).  
All that portion of Girton Street and Harrow Street now comprised in Office of Titles Diagram 87661.  
Public Plan: BG34(2) 19.36.
7. Shire of Swan (DOLA File No. 1034/1993; Closure No. S461).  
All that portion of Harrow Street as shown bordered pink and green on Crown Survey Diagram 91853.  
Public Plan: BG34(2) 16.36.

D. MULCAHY, A/Chief Executive,  
Department of Land Administration.

**LOCAL GOVERNMENT**

**LG301**

**LOCAL GOVERNMENT ACT 1960**

*Municipality of the Shire of Ashburton*

By-laws Relating to Use of and Activities in Streets

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 21st day of December 1993, to make and submit for confirmation by the Governor the following By-laws.

**Citation**

1. These By-laws may be cited as the *Shire of Ashburton By-laws Relating to Use of and Activities in Streets*.

**Revocation**

2. From the date of coming into operation of these By-laws all previous By-laws relating to this subject matter made and in force in the district including Shire of Tableland By-law Relating to the Control of Goats published in the *Government Gazette* of 4th October, 1962, Shire of West Pilbara By-laws for the Management and Use of the Tom Price Shopping Mall Rotunda published in the *Government Gazette* of 18 May 1984 and Shire of Ashburton By-law Relating to Trading in Public Places published in the *Government Gazette* of 8 June 1990 are hereby revoked.

**Interpretation**

3. In these By-laws, unless the context requires otherwise—

“Carriageway” means the paved or made portion of a street used or intended for use by vehicles;

“Clerk” means Shire Clerk of the Council;

"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 transactions thereof;

"Council" means Ashburton Shire Council;

"Crossover" means a pavement to the specification fixed by the Council for use of vehicles over the unmade portion of a street from the paved or made portion of the street to the common boundary of the street and land abutting thereon;

"District" means district of the Municipality of the Shire of Ashburton;

"Footpath" means a path used by, or set aside or intended for use by both pedestrians and cyclists, but not vehicles of any other kind;

"Garden" means any portion of a street planted, developed or treated, otherwise than as a lawn, with any tree, plant or shrub;

"Intersection" means that portion of a street comprised within imaginary straight lines joining the points of transection of the street alignments of two or more streets that meet each other. If the street alignments are curved where the streets meet then the point of transection is the point on the curve nearest to the point at which those street alignments would meet if straight;

"Junction" means that portion of a street comprised within imaginary straight lines at right angles to the street commencing from the points of transection of the street alignments of the street with the street alignments of the land which abuts thereon. If the street alignments are curved at any corner then the point of transection is the point at which those street alignments would meet if straight;

"Kerb" means and includes the kerb or edge of the portion of a street paved or made for use of vehicular traffic where any kerb exists at the edge of the paved or made carriageway whether any footpath has been constructed or not;

"Lawn" means any portion of a street which is planted only with grass and with any tree or shrub planted by the Council;

"Public place" includes a street, way, park, reserve and place which the public are allowed to use, whether or not it is on private property;

"Street" has the meaning given to it by the Act;

"Street alignment" has the meaning given to it by the Act;

"Trading" means selling or hiring goods other than newspapers or magazines, wares, merchandise or services, or offering same 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 herein;

"Verge" means the portion of a street other than the carriageway, kerb, crossover or footpath.

**4. These By-laws shall—**

- (a) apply to all Townsites within the Shire of Ashburton;
- (b) not apply to the selling or offering for sale of newspapers or magazines unless they are sold or offered for sale from a stall.

5. Nothing in these By-laws shall be construed to inhibit or preclude employees, contractors or agents of the Council carrying out their normal and lawful duties.

6. In these By-laws a reference to the Council having the power to do something in its discretion or a reference to the Council forming an opinion prior to the doing of anything or a reference to some action being taken to the satisfaction of the Council shall be deemed to include a reference to any Officer, employee or committee to whom the Council has delegated the power or the doing of the thing or the supervision of the action exercising such discretion or forming such opinion or being satisfied with the action taken.

**Use of and Activities in Streets Generally**

**7. Subject to these By-laws, a person shall not in a street—**

- (a) load or unload any goods, wares or merchandise or any other articles for a longer period than is necessary for delivering or removing such to or from a property adjoining the street;
- (b) allow any goods, wares or merchandise or any other articles including firewood, soil, fertilisers and building materials to remain in the street for a longer period than is necessary to transport such articles to a property adjoining the street;
- (c) play any musical or other form of noisy instrument or appliance or for advertising purposes sing, shout or call aloud or in any other way create a nuisance;

- (d) cause or permit water from a hose, sprinkler or other implement to restrict or interfere with the movement of pedestrians or traffic along a footpath or carriageway;
  - (e) damage a lawn or garden or any part thereof, if other than the owner or occupier or a person authorised by the owner or occupier of land abutting on part of a street in which a garden is planted, remove any flower, plant or shrub from that garden.
  - (f) carry any article so as to cause danger or obstruction to another person using the street;
  - (g) light a fire or burn rubbish;
  - (h) spit/expectorate on any paved portion of the street;
  - (i) play or participate in any game or sport;
  - (j) train or break in a horse.
8. A person shall not leave an animal so as to obstruct any portion of a street except that an animal secured in any street wherein animals may be lawfully secured is not obstructing for the purposes of this By-law unless it is secured for any period exceeding 8 hours.
9. Where an animal is left in a street contrary to By-law 8 a person authorised by the Council or a member of the Police Force may remove the animal from the street and place it in a public pound and deal with it according to law.
10. A verandah or part of a building or structure shall not protrude into or above a street as to constitute, in the opinion of the Council, an obstruction of the street or a danger to users of the street.
11. Without the written permission of the Council and subject to any conditions which it may impose thereon, a person shall not—
- (a) construct a crossover in a street;
  - (b) provide, erect, install or use in or on any building, structure or land abutting on any street any hoist or other thing for use above the level of such street;
  - (c) plant or maintain a lawn or garden or plant a tree in a street;
  - (d) lay pipes under or provide taps in a street for watering a lawn or garden;
  - (e) damage or remove or trench through or under any portion of a street including the carriageway, kerb, verge, footpath or crossover.
12. An application for permission for an activity which would otherwise contravene By-law 11 shall be in writing to the Clerk by the owner or occupier of the property which abuts that portion of the street in which the activity is proposed to be undertaken and shall—
- (a) state the name and address of the person seeking the permission;
  - (b) state the precise nature of the permission which is sought to be granted;
  - (c) state, or show by sketch plan, the precise location in which the permit is sought to be applicable;
  - (d) provide any additional information requested by the Council;
  - (e) where required by the Council, be accompanied by any relevant fees and charges as specified in By-law 25 and the first Schedule;
  - (f) where the proposed activity relates to damage to property in a street, state the extent to which damage is likely to occur or reinstatement will be required and be accompanied by a deposit set by the Council as a bond against such damage, as authorised under Section 510 of the Act.
13. The Council may in its discretion give or refuse to give any permission or give any permission subject to such conditions as it thinks fit and the applicant for any such permission shall be responsible for the undertaking of the activity and compliance with any condition which may be attached to the permit.
14. A permit may be granted for a specified period or if no period is specified for a period of 12 months from the date of its issue provided that by notice in writing to the permit holder the Council may in its discretion revoke a permit whether for breach of any condition imposed or for any other reason whatsoever.
15. Where any portion of a street has been damaged or removed pursuant to a permit of the Council or such permit has been revoked or has expired (whichever is the sooner) such portion of the street which has been damaged or removed shall be repaired or replaced by the permit holder, or former permit holder, to the satisfaction of the Council.
16. In the event of the permit holder, or former permit holder, failing within 14 days of completion of the activities damaging or removing portion of the street or the revocation or expiration of the permit (whichever is the sooner) to effect such repair or replacement as required under By-law 15, the Council may by its employees, contractors or agents effect such repair or replacement and recover the costs thereof from the deposit, and—
- (a) if the costs exceed the deposit the Council may recover the difference from the permit holder, or former permit holder, in a Court of competent jurisdiction; or

(b) if the costs are less than the deposit the difference shall be refunded to the permit holder, or former permit holder.

17. Where any portion of a street has been damaged or removed without permission granted under these By-laws the Council may by written notice to the person alleged to have caused the damage or removal to repair or replace that portion of the street to the satisfaction of the Council.

18. In the event of the person failing within 14 days of the issue of the notice under By-law 17 to effect such repair or replacement the Council may by its employees, contractors or agents effect such repair or replacement and may recover from that person the costs of such work in a Court of competent jurisdiction.

19. Where any article, plant or other thing whatsoever is deposited or otherwise in place in a street in contravention of these By-laws the Council may by notice in writing to the owner or occupier of the property which abuts upon that portion of the street wherein such item is so in place or such other person responsible for such item being so in place require the relevant person to remove the offending article, plant or other thing.

20. In the event of the person failing within 14 days of the issue of the notice under By-law 19 to remove the offending article, plant or other thing the Council may by its employees, contractors or agents and without being liable in damages take possession of and remove such item or otherwise dispose of such item and may recover from that person the costs of taking possession, removal or disposal of the item in a Court of competent jurisdiction.

### **Trading in Streets**

21. No person shall carry on trading in a street or other public place unless that person is acting within the specifications of a current licence issued under these By-laws and, subject to By-law 26, for which all fees and charges prescribed under By-law 25 have been paid.

22. An application for a licence shall be in writing to the Clerk and shall contain such information as the Council may require.

23. In considering an application for a licence the Council shall have regard for any relevant policy statements of the Council and for the desirability of the proposed trading activity and its proposed location and for the circumstances of the case.

24. The Council may in its discretion grant the issue of a licence or refuse to grant the issue of a licence in which case it shall provide written reasons for refusal to the applicant or grant the issue of a licence subject to such conditions as it thinks fit which may include—

- (a) the place to which the licence applies;
- (b) the days and hours when trading may be carried on;
- (c) the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used for trading;
- (d) the particulars of the goods or services or transaction in respect of which trading may be carried on;
- (e) the number of persons and the names of persons permitted to carry on trading and any requirements concerning personal attendance at the place of trading and the nomination of assistants, nominees or substitutes;
- (f) whether and under what terms the licence is transferable;
- (g) any prohibitions or restrictions concerning the causing of nuisance, the use of signs, the making of noise and the use of amplifiers, sound equipment, sound instruments and lighting apparatus;
- (h) any requirements concerning the display of the licence holder's name and other details of the licence, the care, maintenance and cleansing of the place of trading and the vacating of the place when trading is not taking place;
- (i) any requirements regarding the acquisition by the licence holder of public risk insurance;
- (j) the period, not exceeding 12 months, for which the licence is valid.

25. The fees and charges relating to a licence issued under By-law 24 shall be those set out in the First Schedule.

26. Where trading is carried on by a community association for the purposes of the community association, fees and charges prescribed under By-law 25 shall not be payable in respect of that trading or the licence under which it is carried on.

27. The Council may at any time revoke a trading licence.

28. Where a licence is revoked the Council shall, if requested, provide the licence holder with reasons in writing and shall refund that proportion of the licence charges applicable to the period from the date of revocation to the expiration of the licence.

**Penalties**

29. Subject to By-law 30, 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 \$500 for each offence.

30. Any person who contravenes or fails to comply with the provisions of By-laws 21 and 24 relating to trading without a licence or trading contrary to the conditions of a licence issued by the Council commits an offence and is liable on conviction to a penalty of not less than \$100 and not exceeding \$1 000 for each offence.

**FIRST SCHEDULE****General Trading Stall Fees**

Licence Fee ..... \$20.00  
(to be paid at the time of submitting the application)

Renewal Fee ..... \$20.00

**Outdoor Dining Fees**

Licence Fee ..... \$20.00  
(to be paid at the time of submitting the application)

Renewal Fee ..... \$20.00

Dated this 19th day of July 1994.

The Common Seal of the Shire of Ashburton was hereunto affixed in the presence of—

T. BAKER, President.

L. A. VICARY, Shire Clerk.

Recommended—

PAUL OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

LG302

**LOCAL GOVERNMENT ACT 1960***The Municipality of the Shire of Brookton***By-laws Relating To Removal and Disposal of Obstructing Animals or Vehicles**

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 17th day of March 1994, to—

A. Repeal the previous By-laws relating to Removal and Disposal of Obstructing Animals or Vehicles No. 7 made under the Local Government Act 1960 as published in the *Government Gazette* on 19th June, 1963 and amended from time to time thereafter.

B. Make and submit for confirmation by the Governor the following By-laws.

1. These By-laws may be cited as the Shire of Brookton Removal and Disposal of Obstructing Animals or Vehicles By-laws.

2. (1) In these By-laws—

“Act” means the Local Government Act 1960.

“appointed place” means a yard or other piece of land set aside as a place to which obstructing vehicles may be removed, pursuant to these By-laws;

“authorised person” means a person appointed by the Council to seize animals or vehicles, pursuant to these By-laws;

“public place” has the meaning given it by the Act.



(2) An animal that is secured in any portion of a public place wherein animals may lawfully be secured and a vehicle that is parked in any portion of a public place wherein vehicles may lawfully be parked is not obstructing, for the purposes of these By-laws, unless, in the case of an animal, it is so secured for any period exceeding eight hours and, in the case of a vehicle, it is so parked for any period exceeding twenty-four hours, without the consent in writing of the Clerk of the Council.

3. A person shall not leave an animal or vehicle in a public place so as to obstruct any portion of that place.

4. A person who leaves an animal or vehicle in a place, contrary to the provisions of By-law 3 of these By-laws commits an offence.

5. The Council may appoint a person as an authorised person for the purposes of these By-laws.

6. The Council may appoint a yard or other piece of land as a place to which vehicles may be removed pursuant to these By-laws and shall give notice in the *Gazette* and in a newspaper circulating within its district of the situation of any appointed place.

7. Where an authorised person or a member of the Police Force finds an animal or vehicle left in a public place, contrary to the provisions of By-law 3 of these By-laws, he may remove the animal or vehicle therefrom and shall, thereupon—

(a) in the case of an animal, place it in a public pound;

(b) in the case of a vehicle, place it in an appointed place.

8. Where an authorised person places an animal in a public pound, pursuant to By-law 7 of these By-laws, the animal shall thereafter be dealt with according to law.

9. Where an authorised person places a vehicle in an appointed place, pursuant to By-law 7 of these By-laws, he shall enter in a register to be provided by the Council for that purpose, details of the time and date, a description of the vehicle, and of the place from which it was removed; and shall notify the Clerk of the Council.

10. The Clerk of the Council shall exhibit on the Notice Board of the Council a notification that a vehicle therein described has been placed in the appointed place and shall, unless the vehicle is sooner recovered, keep that notification exhibited for a period of not less than seven days.

11. (1) A person may recover a seized vehicle from an appointed place, by paying to the Clerk of the Council—

(a) the cost incurred by the Council in removing the vehicle thereto; and

(b) the sum of twenty dollars per day for each day or part of a day that the vehicle has remained in the appointed place; and upon payment of that cost and charge the Clerk, if satisfied that the person is entitled to possession of the vehicle, shall permit him to remove it.

(2) Every person who removes a vehicle from an appointed place without the authority of the Clerk commits an offence.

12. Where a vehicle, placed in an appointed place, in accordance with the provisions of these by-laws, has not been recovered by the owner or a person entitled thereto within one month from the day upon which it was there placed, the Council may cause the vehicle to be offered for sale by public auction or by public tender and thereupon accept the best offer made and where no offer is made for the purchase of the vehicle, the Council may cause it to be destroyed.

13. A person is not entitled to any claim, by way of damages or otherwise, against the authorised person, member of the Police Force, or the Council in respect of any vehicle or animal seized and dealt with under the provisions of these By-laws or against any person who purchases a vehicle sold by a Council under the provisions of By-law 12 of these By-laws.

14. (1) The proceeds of the sale of a vehicle under the provisions of By-law 12 of these By-laws shall be applied by the Council—

(a) firstly, in meeting the costs of the sale; and

(b) secondly, in meeting the cost of removal of the vehicle to the appointed place, and a sum of twenty dollars for each day or part of a day that the vehicle remained in that place; and those sums shall be paid into the Municipal Fund.

(2) Any surplus of the proceeds of the sale shall be paid by the Council into its Trust fund, and may be paid to any person who satisfies the Council that he was the owner of the vehicle at the time of its sale by the Council.

(3) Any surplus of the proceeds of the sale may, if not paid to the owner within ten years, be paid into the Municipal Fund on the condition that the Council repay it to a person claiming and establishing a right to the repayment.

15. (a) Where the proceeds of the sale of any animal or vehicle under the provision of By-law 12 of these By-laws after deduction of the monies authorised to be applied by Council thereto by By-law 14 does not cover the costs of the removal, custody and disposal of that animal or vehicle, the Council may recover the balance of these costs from the owner of that animal or vehicle in a court of competent jurisdiction.

16. A person committing a breach of these By-laws is liable to a penalty not exceeding five hundred dollars (\$500).

Dated this 14th day of July 1994.

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

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

Recommended—

PAUL OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

#### LG303

#### LOCAL GOVERNMENT ACT 1960

##### *Municipality of the Shire of Broome*

##### By-laws Relating to the Broome Aquatic Centre

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 15th day of February 1994, to make and submit for confirmation by the Governor the following by-laws.

##### **Citation**

1. These by-laws may be cited as the Shire of Broome By-laws Relating to the Broome Aquatic Centre.

##### **Interpretation**

2. In these by-laws, unless the context requires otherwise—

“Attendant” means an officer or employee of the Council duly authorised to perform duties in connection with the pool premises.

“Assistant Manager” means the person who, in the absence of the Manager, is employed by Council to control and manage the pool premises and shall include the classification of Deputy Manager.

“Council” means the Council of the municipality of the Shire of Broome.

“Manager” means the person for the time being employed by the Council to manage the pool premises and includes his deputy.

“Pool Premises” means the Broome Aquatic Centre and includes all buildings, fences, gardens, carparks, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of that pool facility or used in connection therewith.

“Shire Clerk” means the Shire Clerk of the Council.

3. The Pool Premises shall be open for admission to the public during the hours and days the Council from time to time determines.

4. The Council may from time to time determine charges for admission to the Pool Premises and for use of facilities provided in the Pool Premises.

5. The Pool Premises or any part thereof may at any time at the discretion of the Manager, Assistant Manager or Attendant, be set aside for the use of certain persons to the exclusion of others.

6. The Manager, Assistant Manager or Attendant may refuse any person admission to the Pool Premises or part thereof at any time and children the age of 7 years and under shall be refused admission unless accompanied by a responsible person over the age of 16 years.

7. Every person using the Pool Premises shall obey all reasonable directions of the Manager, Assistant Manager or Attendant with regard to such use.

8. The Manager or Assistant Manager may temporarily suspend admission to, or remove from the Pool Premises or any part thereof, all or any person or persons, if in their opinion, such action is necessary or desirable.

9. If a person appears in public who in the opinion of the Manager, Assistant Manager or Attendant, is indecently or insufficiently clad, the Manager, Assistant Manager or Attendant shall direct that person forthwith to dress in adequate bathing attire and such person shall forthwith comply with that direction.

10. (a) The Manager, Assistant Manager or Attendant, may refuse admission to or remove, or cause to be removed from the pool premises any person who, in the opinion of the Manager or Assistant Manager:

- (i) is a child the age of 7 years and under is unaccompanied by a responsible person over the age of 16 years,
- (ii) is committing a breach of any of the provisions of these by-laws,
- (iii) is by their past, or present conduct, within or about the pool premises, undesirable,
- (iv) is under, or apparently under the influence of intoxicating liquor or drugs, and
- (v) is apparently suffering from a contagious, infectious or cutaneous disease or skin complaint.

(b) Any such person shall upon the request of the Manager, Assistant Manager or Attendant, to withdraw from the Pool Premises, quietly and peaceably and do so immediately.

11. (a) Any person who has been refused admission to the Pool Premises or has been directed to leave the pool premises and who feels aggrieved by the action of the Manager or Assistant Manager, may appeal against such action to the Council by letter addressed to the Shire Clerk.

(b) The Council shall consider the objection and give such direction in the matter as it thinks fit.

12. A person shall not for profit teach, coach or train any person in the pool premises unless with the prior written consent of the Council, subject to such conditions as it thinks fit and may at any time withdraw such consent.

13. (a) A person, club, organisation or association shall not conduct controlled swimming events, carnivals or competitions without the prior consent of the Manager.

(b) The Manager may grant such consent subject to any conditions thought fit and may, at any time, withdraw that consent.

(c) A person, club, organisation or association conducting a carnival or event at the Pool Premises shall be responsible for the conduct of the competitors and spectators during the carnival or event and shall prevent overcrowding and ensure that no damage is done to the buildings or fencing or any other portion of the pool premises and that these by-laws are observed by all competitors, officials and spectators attending the carnival or event.

(d) The Council may, from time to time and for such periods and reasons as it determines, close the Pool Premises, provided a minimum of 28 days notice is given except that for health reasons the pool may be closed without notice.

14. (a) Every person finding within the Pool Premises an article which may have been left or lost therein shall immediately deliver it to the Manager, Assistant Manager or Attendant who shall thereupon register a description of the article and all particulars relating thereto in a lost property register to be kept for that purpose.

(b) A person claiming the article who satisfies the Manager, Assistant Manager or Attendant that they are the lawful owner of the article shall, on return of the article, by way of acknowledging its receipt, write their name and address and provide their signature in the lost property register.

(c) In the interpretation of this by-law, the word "article" shall include money.

(d) All articles left in the Pool Premises and not claimed within a period of 3 calendar months shall be disposed of by the Council in a lawful manner.

15. Neither the Council nor the Manager, Assistant Manager or Attendant or other officer or employee of the Council shall in any way be responsible for any articles or money lost by or stolen from any person whilst in the pool premises or for any articles damaged or destroyed whilst in or about the pool premises.

16. No person shall—

- (a) enter any portion of the Pool Premises set apart exclusively for the opposite sex except a person under the age of 6 years

- (b) enter or attempt to enter any cubicle, shower dressing area or other compartment which is already occupied.
- (c) in any way interfere with any other person in or upon the pool premises or with any other person's use thereof, nor throw or push, or attempt to throw any stones, sticks or any other matter or thing to the annoyance of any person using the Pool Premises.
- (d) play any ball games or take any action whatsoever which shall in any way limit the enjoyment of the users of the Pool Premises, provided that nothing herein contained shall apply to the playing of any games or aquatic sports organised and conducted on the Pool Premises by any club, organisation or association or other person at such time and in such manner as shall be approved by the Manager.
- (e) permit an animal of which they are owner or for which they are liable for the control to enter or remain in or about the Pool Premises with the exception of a registered guide dog.
- (f) enter the Pool Premises without having first paid to the Manager, Assistant Manager or Attendant, the proper charge for admission unless that person is an invitee, officer or employee of the Council in the course of their duties.
- (g) obstruct the Manager, Assistant Manager or Attendant or any other authorised person in the course of their duties.
- (h) enter or exit from any part of the Pool Premises except by means of the entrances or exits set apart for that purpose.
- (i) undress or remove any part of their bathing costume except in a dressing room enclosure provided for that purpose.
- (j) appear in public unless properly attired in a costume of such nature as to preserve public decency and to cover the body so as to prevent indecent exposure of the person.
- (k) enter or be in the pool premises while in an intoxicated condition (induced by alcohol or drugs).
- (l) take into the pool premises, or have in their possession therein, any intoxicating liquor without the prior approval of the Shire Clerk.
- (m) take into the pool premises or have in their possession therein any prohibited drugs.
- (n) use any soap or shampoo in any part of the Pool Premises other than in the dressing room or shower recess.
- (o) climb up or upon any roof, fence, wall or partition on the Pool Premises.
- (p) in any part of the Pool Premises behave in an unseemly, improper disorderly, riotous manner or use indecent, obscene, offensive or abusive language or gamble illegally or misconduct themselves.
- (q) bring onto or deposit in any part of the Pool Premises any filth or rubbish except in receptacles set aside for that purpose.
- (r) smoke, consume foodstuffs or drinks in any specific area in which smoking or consumption is prohibited.
- (s) wastefully use the water or leave any taps flowing in the dressing rooms or elsewhere in the pool premises.
- (t) expectorate or spit in the pool or on any part of the pool premises or in any way commit any nuisance on or in any part of the Pool Premises.
- (u) use any substance or preparation whereby the water of the swimming pool becomes discoloured or rendered turbid or otherwise unfit for the proper use of swimmers.
- (v) foul or pollute water in a shower, swimming pool, or soil, damage, injure, destroy, use improperly, disfigure or write in or upon any dressing room, cubicle or compartment, or any part of the Pool Premises or any furniture or other article or equipment therein.
- (w) damage, break, injure, improperly use, interfere with or destroy any fitting, appliance, equipment or any other property of the Council in or about the pool premises.
- (x) whilst suffering from a contagious, infectious or cutaneous disease or whilst in an unclean condition enter or use or attempt to enter or use the swimming pool or pool premises.
- (y) soil or defile or damage any towel or bathing costume belonging to another person.

17. Every person shall, when entering the pool premises, if requested to do so, produce their bathing costume or towel for inspection by the Manager, Assistant Manager or Attendant.

18. No ticket, token, licence, membership card or receipt issued by or under authority of the Council in respect of use of or admission to the pool premises shall be transferable and a person other than the person to whom it was originally issued shall not enjoy the benefit therefrom or any privileges thereunder.

19. Any person who commits a breach of these by-laws is liable on conviction to a penalty of \$500.00.

---

The Common Seal of the Shire of Broome was affixed this 19th day of April 1994 in the presence of—

R. JOHNSTON, President.  
G. POWELL, Shire Clerk.

---

Recommended—

PAUL OMODEI, Minister for Local Government.

---

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

---

**LG304**

**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 23rd day of March 1994 to amend the above By-law published in the *Government Gazette* on 21 January 1994, as follows—

1. Delete the definition "eating area" in subclause 2(1) and insert the following—  
"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;
2. Delete the definition "Health Act" in clause 2(1) and insert the following—  
"Health Act" means the Health Act 1911 and includes the Food Hygiene Regulations 1993.
3. Delete the definition "restaurant" in clause 2(1) and insert the following—  
"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—
  - (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.

---

The Common Seal of the Shire of Busselton was hereto affixed this 2nd day of June 1994 in the presence of—

M. SULLY, President.  
I. W. STUBBS, Chief Executive Officer.

---

Recommended—

PAUL OMODEI, Minister for Local Government.

---

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

## LG305

**LOCAL GOVERNMENT ACT 1960***The Municipality of the Shire of Busselton*

## By-law Relating to Extractive Industries

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 27th day of April 1994 to repeal the following By-law—

By-law Relating to Extractive Industries published in the *Government Gazette* on the 8th November, 1962.

Dated the 28th day of July 1994.

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

M. SULLY, President.  
I. W. STUBBS, Chief Executive Officer.

Recommended—

PAUL OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

## LG306

**LOCAL GOVERNMENT ACT 1960***The Municipality of the Shire of Carnarvon*

## By-law Relating to the Conduct of Proceedings and the Business of Council

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the Shire of Carnarvon here records having resolved on 23 March 1994 to make and submit for confirmation by the Governor the following amendments to its by-laws relating to the Conduct of Proceedings and the Business of Council as published in the *Government Gazette* on 2 May 1986.

After By-law 86 add the following by-laws—

**"86A OBLIGATION TO DECLARE AN INTEREST"**

- 86A.1 Any Members who has an interest within the meaning of Sections 174 and 174A of the Act in a matter proposed to be dealt with at any meeting shall declare the interest at the time Declarations of Members Interests are called for in the order of business for that meeting
- 86A.2 Any Member who is not present at the time declarations are called for in the Order of Business shall declare an interest in a matter as soon as practicable but if this is not possible then at the time that the matter arises for consideration by the meeting, and before any discussion or voting on that matter takes place.
- 86A.3 If a Member has an interest in a matter raised by way of amendment to a motion or an interest in a matter raised otherwise without notice, the Member shall declare that interest at the earliest possible time but in any event before discussion and voting on the matter takes place.
- 86A.4 The obligation to declare an interest shall apply to all Members present at the meeting including a Member attending a Committee meeting in the capacity of an observer.
- 86A.5 The obligation to declare an interest applies in regard to each meeting at which the matter the subject of the interest arises.

- 86A.6 The obligation to declare an interest at a meeting does not apply to a Member who has disclosed the Member's interest by written notice given to the Clerk prior to the meeting. The Clerk shall bring the Member's interest to the attention to the meeting. If this does not occur then the Member shall comply with clause 86A.2.

#### 86B DETAILS OF INTEREST

- 86B.1 At the time of declaring an interest, a Member is not required to give any details of the interest unless the member wishes the meeting to consider and resolve upon the question whether the Member—
- 86B.1.1 should be permitted to take part in the consideration or discussion of the matter; or
- 86B.1.2 should be permitted to vote on the matter pursuant to subsection 174(5) of the Act,
- in which case the Member shall comply with clause 86F.

#### 86C PERMISSION TO PARTICIPATE

- 86C.1 A Member who has declared an interest or who is liable to declare an interest in the matter and who—
- 86C.1.1 desires to take part in the consideration or discussion of the matter; or
- 86C.1.2 desires to vote on the matter
- shall not do either unless the meeting at which the matter arose determines by motion which may be moved without notice, that the Member should be allowed to speak or vote or both as the case may be.
- 86C.2 A meeting when considering the question in sub-clause 86B.1.2 shall have regard only to the considerations in paragraphs (a) and (b) of sub-section 174(5) of the Act but may consider those and other considerations of a like kind when considering the question in sub-clause 86C.1.1.

#### 86D OBLIGATION TO WITHDRAW

- 86D.1 Notwithstanding that there is no statutory obligation to do so, it is considered that a Member who has declared an interest in a matter including a Member attending a Committee meeting should depart from and remain absent from the Chamber or room while the matter is under consideration and until a vote on the matter has been taken.
- 86D.2 A Member who has declared an interest and who does not desire to take part in the consideration or discussion of the matter or to vote on the matter and who elects to depart in accordance with the recommendation in clause 86D.1 should depart from the Chamber or room when the matter arises for consideration or when invited to do so.
- 86D.3 A Member who has declared an interest in the matter ("the substantial matter") but who desires either to participate in the consideration or discussion of the matter or to vote on the matter should remain in the Chamber or room to give an explanation in support of a motion that the Member be permitted to speak and/or to vote on the matter (as the case may be) but thereafter should depart until the vote on that matter is known.
- 86D.4 If it is resolved at a meeting that a Member who has an interest in a matter be permitted to participate in the consideration and discussion of the matter or to vote on the matter or both, then the Member may return to participate to the extent permitted.

#### 86E EXCLUSION BY MOTION

- 86E.1 Notwithstanding the provisions of clauses 86D.1—86D.4 (inclusive) if a Member has declared an interest in a matter or is liable to declare an interest, and has not elected to withdraw from the Council Chamber or the meeting room in accordance with the recommendation in clause 86D.1, the Council or Committee may by motion, which may be moved without notice, exclude the Member from the Chamber or room in the circumstances referred to in sub-section 174(9) of the Act.

#### 86F FULL DETAILS OF INTEREST TO BE GIVEN

- 86F.1 If a Member declares an interest in a matter, the question whether the Member should be permitted to take part in the consideration or discussion of the matter and the question whether the member should be permitted to vote on the matter shall not be considered unless full details of the Member's interest have been given to the meeting, sufficient to enable other Members present at the meeting to make a fair and informed decision on such questions.

86F.2 A Member who has declared an interest or who is liable to declare an interest in the matter shall not take part in the consideration and discussion or voting on the matter unless full details of the Member's interest have been given to the meeting, sufficient to enable other members present at the meeting to make a fair and informed decision on the question whether the declaring Member should be permitted to do so.

86F.3 The prohibition in clause 86F.2 shall continue to apply whether or not the meeting has resolved to permit the Member to participate in the consideration and discussion or in the voting on the matter.

#### 86G INVITATION TO RETURN TO PROVIDE INFORMATION

86G.1 Where a Member has declared an interest in a matter and has departed from the Chamber or room in accordance with the recommendation in clause 86D.1 the meeting may resolve to invite the Member to return to provide information in respect of the matter or in respect of the Member's interest in the matter but in such case the Member should withdraw after providing the information.

#### 86H RECORDING DETAILS OF INTEREST IN MINUTES

86H.1 The minutes of the meeting shall record in summary form the details of the interest disclosed by a Member in accordance with the provisions of this Division unless the meeting resolved that the details should be recorded in full.

#### 86I DECLARING INTEREST IN URGENT BUSINESS

86I.1 In the case of a matter which comes before the Council as urgent business, any member who has an interest in that matter within the meaning of Section 174 of the Act and who has not had an earlier opportunity to declare an interest in the matter, shall declare an interest when the matter comes forward for consideration by the meeting.

#### 86J NOTIFICATION OF INTEREST AT MEETING

86J.1 A Member who has an interest in a matter proposed to be dealt with at a meeting may give written notice of an interest in that matter at or prior to the meeting, but in any event the fact of the interest having been declared shall be notified to the meeting.

#### 86K EXEMPTION BY MINISTER

86K.1 Where the Minister grants an exemption under the provisions of sub-section 174(10) of the Act, in the case of an inconsistency between the provisions of this Division and the exemption the conditions of the exemption shall prevail.

86K.2 The terms of any exemption granted by the Minister shall be recorded in the same manner of declaration of interest pursuant to sub-section 174(8) of the Act.

#### 86L DECLARATION OF DUE CONSIDERATION

86L.1 Any Member who is not familiar with the substance of any report or minutes or other information provided for consideration at a meeting shall declare that fact at the time declarations of due consideration are called for in the Order of Business of the meeting or otherwise before the meeting considers the matter and in the event that any Member makes such a declaration the relevant matter shall be stood down for later consideration at that meeting so as to allow an opportunity for any Member making a declaration to become familiar with the relevant report or minutes or other information. If the delay in consideration of the matter has not allowed sufficient time for the Member to give due consideration to the matter, the Member should leave the Council Chamber before any question concerning that matter is put to the vote.

#### 86M DECLARATION OFFICERS' INTERESTS

86M.1 An officer who is liable to declare an interest under the provisions of Section 174A of the Act when giving advice or a report to the meeting shall disclose the fact of the interest in or at the time of giving such advice or report.

86M.2 An Officer disclosing an interest in accordance with clause 86M.1 shall provide sufficient details of the interest to enable the meeting to make a fair and informed evaluation of the extent and nature of the officer's interest in any affect that interest might be thought to have upon the advice or report given.



- 86M.3 The details of the interest of an Officer so disclosed shall be recorded in a book in accordance with sub-section 174A(4) of the Act, and the fact of the disclosure and the summary of the details thereof shall be recorded in the minutes of the meeting unless the meeting resolves to record the details of the interest in full."

---

Dated this 15th day of July 1994.

The Common Seal of the Shire of Carnarvon was hereunto affixed in the presence of—

T. A. DAY, President.  
B. G. WALKER, Shire Clerk.

---

Recommended—

PAUL OMODEI, Minister for Local Government.

---

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

---

**LG307**

**LOCAL GOVERNMENT ACT 1960**

*Municipality of the Shire of Roebourne*

By-laws Relating to Signs, Hoardings and Bill Postings

Under the powers conferred upon it by the Local Government Act 1960, the Council of the Shire of Roebourne resolved on the thirteenth day of June, 1994 to make and submit for confirmation by His Excellency the Governor the following amendment to the By-law Relating to Signs, Hoardings and Bill Postings published in the *Government Gazette* on the 6th September 1991.

After the last line of By-law 5.14.2 insert new clause:

" 5A RELAXATION OF REQUIREMENTS AND STANDARDS

Where a sign the subject of an application for a licence under this By-law would not comply with a requirement or standard contained in Clause 5 of this By-law with respect to that application the Council may by a simple majority resolution, and notwithstanding that non-compliance, approve the application and issue the licence with or without conditions "

---

Passed at a Meeting of the Shire of Roebourne on the thirteenth day of June, 1994.

R. MUNDY, President.  
T. S. RULAND, Chief Executive Officer.

---

Recommended—

PAUL OMODEI, Minister for Local Government.

---

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

LG308

**LOCAL GOVERNMENT ACT 1960***Shire of Serpentine-Jarrahdale***By-laws Relating to Extractive Industries**

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 the 8th day of June to submit for confirmation by the Governor the following amendment to the abovementioned by-laws published in the *Government Gazette* on 30 July 1970.

Delete the schedule to these by-laws and substitute the following schedule:

**Schedule**

By-law 9	Volume of Materials Proposed to be Excavated per annum	
	0 to 50 000 m <sup>3</sup> per year	Over 50 000 m <sup>3</sup> per year
New licence fees	\$500	\$2 000
Renewal fees	\$350	\$1 500

Dated this 1st day of July 1994.

The Common Seal of the Shire of Serpentine-Jarrahdale was hereunto affixed pursuant to the resolution of Council in the presence of—

D. J. HADDOW, President.  
N. D. FIMMANO, Shire Clerk.

Recommended—

PAUL OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

LG309

**LOCAL GOVERNMENT ACT 1960***The Municipality of the Shire of Swan***By-law Relating to Parking and 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 the 29th day of June 1994 to make and submit for confirmation by the Governor the following amendment to the abovementioned By-law published in the *Government Gazette* on the 16th November 1990 and amended by notice appearing in the *Government Gazette* on 6 August 1993.

1. By adding the words " or symbols to that effect " in the definitions of the following expressions in clause 3:

"No parking area"

in each of parts (a) and (b) immediately following the words "in red lettering".

"No standing area"

in each of parts (a) and (b) immediately following the words "in red lettering".

"Parking area"

in part (a) immediately following the words "in green lettering" and in part (b) immediately following the words "in red lettering".

2. By adding after the definition of the expression "street verge" in clause 3 the following additional definition:

" "Symbols" includes any symbol specified by Australian Standard 1742.11 for use in the regulation of parking, and any reference to the wording of any sign in this by-law shall be deemed to also include a reference to the corresponding symbol. "

Dated the 19th day of September 1994.

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

C. M. GREGORINI, President.  
E. W. T. LUMSDEN, Chief Executive Officer/Shire Clerk.

Recommended—

PAUL OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

## LG310

### LOCAL GOVERNMENT ACT 1960

#### *Municipality of the Shire of Yalgoo*

#### By-laws Relating to Fencing

In pursuance of the power conferred upon it by the abovementioned Act and all the powers enabling it, the Council of the abovementioned municipality hereby records having resolved on the 19th day of April 1994, to make and submit for confirmation by the Governor the following By-laws—

#### 1. Citation

These By-laws may be cited as the Shire of Yalgoo Fencing By-Laws.

#### 2. Application of By-Laws

These By-Laws apply to the townsite of Yalgoo.

#### 3. Interpretation

3.1 In these By-laws unless the context otherwise requires:

"Council" means the Council of the Shire of Yalgoo;

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

"district" means the district of the Municipality of the Shire of Yalgoo;

"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 or

(b) within or adjacent to 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 as a district shopping zone, local shopping zone, drive-in cinema zone, motel zone, hotel zone, light industry zone, general industry zone, industrial service zone, special industry zone, caravan park zone, other commercial business zone or special business zone, by a town planning scheme for the time being in force in the district;

"Residential Zone" means any portion of the district that is classified as a residential zone by a town planning scheme for the time being in force in the district;

"Rural Zone" means any portion of the district that is classified as a rural zone or a special rural zone of any kind, or an urban deferred zone by a town planning scheme for the time being in force in the district;

"townsite" means the area designated by a town planning scheme for the time being in force in the district as the Yalgoo townsite.

Other words and expressions used in these By-laws have the meanings given to them in and for the purposes of the Local Government Act 1960 unless the context otherwise requires.

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

#### **4. Approval**

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

- (a) exceeding 750 mm 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 construction or alteration and unless the Council has approved the said plans and specifications.

4.2 (a) Where land is located at the corner of two streets, a fence that intersects at such a corner shall not exceed 750 mm in height for the first 6 metres of its length from the corner.

#### **5. Fencing Materials**

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

5.2 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 other materials approved by Council.

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

5.4 No person shall erect or commence to erect a fence wholly or partly of barbed wire except—

- (a) in a Rural Zone;
- (b) in any Industrial and Commercial Zone, and then only if no barbed wire is used lower than 1.8 m above the finished ground level.

#### **6. Sufficient Fence**

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.

#### **7. 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.

#### **8. Maintenance of Fences**

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

8.2 The Council may give notice in writing to the owner or the occupier of any land upon which is erected a fence which is in the opinion of the Council 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.

8.3 Where the owner or occupier of land has been given notice under sub-bylaw 8.2 hereof and fails to comply within the time specified in such notice 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.

#### **9. Penalty**

Any person who contravenes any provision 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 Zone

1. Corrugated fibro reinforced cement sheet fencing shall have specifications as follows:
  - (a) All boundary fences shall be of a height of 1.8 metres, except fences forward of the front building line which shall be 750 mm.
  - (b) The total height plus depth of the fence shall consist of a single continuous fibro reinforced cement sheet.
  - (c) The sheet shall be sunk to a depth of 400 mm or 25% of the total length of the sheet whichever is the greater.
  - (d) Fibro reinforced cement sheets when erected, must be lapped and capped with extruded "snap-fit" type capping.

## Second Schedule

## Specifications for Other Fences

1. Timber fences shall have specifications and be erected as follows:
  - (a) All boundary fences shall be of a height of 1.8 metres, except fences forward of the front building line which shall be 0.75 metres.
  - (b) First posts and rear corner posts shall be 125 mm x 125 mm.
  - (c) Intermediate posts shall be 125 mm x 75 mm.
  - (d) All posts shall be spaced at 2750 mm centres.
  - (e) All posts shall be sunk at 460 mm into the ground.
  - (f) Corner posts shall be struted two ways with 100 mm x 50 mm or 75 mm x 50 mm struts.
  - (g) Posts must have two rows of rails.
  - (h) Rails shall be 75 mm x 50 mm double nailed to each post and each rail shall span two bays of fencing with joints staggered.
  - (i) All pickets or palings may be placed 75 mm apart and shall be double nailed to each rail.
2. Fences of link mesh construction shall have specifications and be erected as follows:
  - (a) All boundary fences shall be of a height of 1.8 metres, except fences forward of the front building line which shall be 750 mms.
  - (b) Corner steel posts shall be placed at all changes in direction and are to be 50 mm nominal bore x 3.5 mm, footings 225 mm diameter x 600 mm.
  - (c) Intermediate steel posts to be 37 mm nominal bore x 3.15 mm spaced 3.5 m apart; footings 225 mm diameter x 600 mm.
  - (d) All posts shall be sunk at 600 mm into the ground.
  - (e) Steel struts to be minimum 30 mm nominal bore x 3.15 mm fitted at each gate and two at each corner post.
  - (f) Cables shall be affixed to the top, centre and bottom of all posts and shall consist of two or more 3.15 mm steel wires twisted together.
  - (g) Galvanised steel link mesh wire shall be not less than 1.8 m in height and constructed of 50 mm mesh 2.5 mm galvanised steel wire and shall be strained, neatly secured and laced to the posts and affixed to cables.

Dated this 5th day of May 1994.

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

J. H. MORRISSEY, President.  
A. J. GERTENBACH, Shire Clerk.

Recommended—

PAUL OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

## LG311

**LOCAL GOVERNMENT ACT 1960***The Municipality of the City of Perth*

## By-law Relating to Standing Orders

## By-law No. 1

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Municipality of the Town of Cambridge hereby records having resolved on 1 July 1994 to make and submit for approval by the Minister and subsequent confirmation by the Governor the repeal of City of Perth By-law No. 1.

Dated this 9th day of September 1994.

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

CRAIG LAWRENCE, Chairman of the Commission.  
GRAHAM D. PARTRIDGE, Chief Executive Officer/Town Clerk.

Recommended—

PAUL OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

## LG312

**LOCAL GOVERNMENT ACT 1960***The Municipality of the City of Perth*

## By-law Relating to Standing Orders

## By-law No. 1

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Municipality of the Town of Shepperton hereby records having resolved on 1 July 1994 to make and submit for approval by the Minister and subsequent confirmation by the Governor the repeal of City of Perth By-law No. 1.

Dated this 9th day of September 1994.

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

CRAIG LAWRENCE, Chairman of the Commission.  
E. H. KELLY, Chief Executive Officer/Town Clerk.

Recommended—

PAUL OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

## LG313

**LOCAL GOVERNMENT ACT 1960***The Municipality of the City of Perth*

## By-law Relating to Standing Orders

## By-law No. 1

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Municipality of the Town of Vincent hereby records having resolved on 1 July 1994 to make and submit for approval by the Minister and subsequent confirmation by the Governor the repeal of City of Perth By-law No. 1.

-----  
Dated this 9th day of September 1994.

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

CRAIG LAWRENCE, Chairman of the Commission.

JOHN GIORGI, Chief Executive Officer/Town Clerk.

-----  
Recommended—

PAUL OMODEI, Minister for Local Government.

-----  
Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

## LG314

**LOCAL GOVERNMENT ACT 1960***Municipality of the City of Bayswater*

## 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 the 26th day of July 1994, to make and submit for confirmation by the Governor the following amendments to the abovementioned By-laws, which were published in the *Government Gazette* on the 25th day of November 1988.

The principal By-laws are amended as follows:

1. In the Second Schedule in items numbered 5, 6, 7 and 8 substitute "17 (3) (a)", "17 (4)", "17 (5) (a)" and "17 (5) (b)" with " 18 (3a) ", " 18 (4) ", " 18 (5) (a) " and " 18 (5) (b) ".
2. In Form 3 of the Third Schedule substitute "17 (3) (a)" and "17 (4)" with " 18 (3) (a) " and " 18 (4) " respectively.

-----  
Dated this 28th day of September 1994.

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

J. B. D'ORAZIO, Mayor.

M. J. CAROSELLA, Town Clerk.

-----  
Recommended—

PAUL OMODEI, Minister for Local Government.

-----  
Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

## LG315

## LOCAL GOVERNMENT ACT 1960

*City of Bunbury By-laws*

## Control and Management of Parking Stations and Management and Operation of Parking Facilities

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 11th day of July 1994, to submit for confirmation by the Governor the following amendments to the abovementioned By-laws.

## 1. By-law 36 is amended by—

- (a) In sub-by-law (1) deleting "\$40.00;" and substituting " \$50.00; "
- (b) In sub-by-law (2) adding after the word by-laws "5 (2) (a)"; and deleting "\$25.00" and substituting " \$40.00 "
- (c) In sub-by-law (3) paragraphs (a) and (b) deleting "\$10.00;" and substituting " \$15.00; "
- (d) In sub-by-law (4) paragraphs (a) and (b) deleting "\$10.00;" and substituting " \$15.00; "
- (e) In sub-by-law (5) deleting "\$10.00;" and substituting " \$15.00; "
- (f) Adding sub-by-law (6) as follows—
  - (6) Notwithstanding the penalties described in this by-law, where an authorised officer has reason to believe that a person has committed an offence in respect of these by-laws, for which a modified penalty is prescribed, he or she may serve on the person a notice in the prescribed form (in this section called an "infringement notice") and the amount of the modified penalty may be increased for each successive offence committed by the same person within a period of 90 consecutive days as described in the Fourth Schedule of these by-laws.

## 2. The Second Schedule, Form 1 Part A and Part B is amended by—

Where penalties are indicated;

- (a) Deleting "\$6.00".
- (b) Deleting "\$15.00".
- (c) Deleting "\$20.00".

## 3. Add the following Schedule after the Third Schedule—

## Fourth Schedule

Modified Penalties for Successive Offences by the same Person within any Period of 90 Consecutive Days

	Second Offence	Third Offence	Subsequent Offence
1. In the case of an offence under by-laws 6 (1) (b); 6 (2) (a) and 6 (2) (c)	\$60.00	\$70.00	\$80.00
2. In the case of an offence under by-laws 5 (2) (a), 5 (2) (d), 6 (1) (a), 6 (1) (d), 6 (2) (e), 6 (3), 7 (1), 15, 16 (1), 16 (2), 17 and 26	\$50.00	\$60.00	\$80.00
3. In any other case	\$20.00	\$30.00	\$40.00

Dated this 19th day of July 1994.

The Common Seal of the Municipality of the City of Bunbury was affixed hereto in the presence of—

E. C. MANEA, Mayor.  
GARY P. BRENNAN, Town Clerk.

Recommended—

PAUL OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.



LG316

**LOCAL GOVERNMENT ACT 1960***City of Canning*

By-law Relating to the Operation of City of Canning Refuse and Recycling Facility  
In pursuance of the powers conferred upon it by the abovementioned Act and of all the powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 14th day of June 1994, to make a submission for confirmation by the Governor the following By-law.

**1. INTERPRETATION**

Unless inconsistent with the context all terms in this By-law shall have the meaning given to them in the Act—

“Act” means the Local Government Act 1960.

“Authorised Officer” means a person appointed to an office by the Council.

“Clerk” means the person appointed to the position of Town Clerk of the Council.

“Council” means the Council of the City of Canning.

“To deposit waste” includes to dump, to dispose of or in any way to place or leave waste at the Facility.

“Facility” means the property and buildings at the Ranford Road Landfill Site bounded by Ranford Road, Lothian Road, Clifton Road and Bannister Road, Canning Vale.

“Fauna” and “flora” have the meanings given to them in section 6 of the Wildlife Conservation Act 1950.

“Site Controller” means an authorised officer charged with the conduct of operations at the Ranford Road Landfill Site facility and includes any person acting in that position.

“Waste” means all manner of material discarded as being no longer required by the person owning or in possession of that material.

**2. FEES AND HOURS OF OPERATION OF PROPERTY**

2.1 Council may from time to time set by resolution a scale of fees and charges payable for admission to the Facility for the purpose of depositing waste. Such scale of fees and charges may specify charges which may vary according to the class of waste being deposited.

2.2 Unless otherwise authorised in writing by the Clerk, no person shall deposit waste at the facility without first having paid the prescribed admission fee or charge.

2.3 Council may from time to time set the hours of operation of the facility and may advertise such hours of operation by public notice.

**3. OBLIGATIONS OF PERSONS USING FACILITY PROPERTY**

3.1 Any person using, or on, the facility shall comply with any lawful direction given to that person by the Site Controller.

3.2 No person shall deposit waste at the facility other than:

3.2.1 at a location designated by notice; or

3.2.2 as directed by the Site Controller.

3.3 No person shall remove any waste from the facility without prior written authorisation from the Site Controller.

3.4 No person shall deposit any liquid waste at the facility.

3.5 No person shall deposit at the facility any waste which is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any statute.

3.6 Any person convicted of an offence against clauses 3.4 or 3.5 of this By-law shall, in addition to any penalty imposed and costs awarded, be liable to Council for the costs of removing and lawfully disposing of such liquid, toxic hazardous or poisonous waste, and for making good any damage caused to the facility and for any other expenses incurred by Council, as a result of the illegal depositing.

**4. CARE OF FACILITY**

4.1 No person shall light a fire within the facility unless authorised to do so by the Site Controller.

4.2 No person shall remove from or otherwise damage flora on the facility unless authorised by the Site Controller.

4.3 No person shall trap, chase, worry or otherwise injure or maim any fauna at the facility, unless authorised by the Site Controller.

4.4 No person shall damage, deface or destroy any building, sign, plant or equipment or property of the Council situated in and on the facility.

**5. CONDUCT ON FACILITY**

5.1 All persons entering the facility shall be subject to this By-law.

5.2 The drivers of all vehicles entering the facility shall comply with any speed limit signs erected by the Council on the facility.

**6. COUNCIL EXEMPT FROM FEES**

The provisions of this By-law requiring payment of fees, do not apply to the deposit of waste, owned by, or in the possession of Council.

**7. PENALTIES**

Any person who commits a breach of, or fails to comply with any clause of this By-law commits an offence and upon conviction is liable to a penalty not exceeding four hundred dollars (\$400).

---

Dated the fourteenth day of June 1994.

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

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

---

Recommended—

PAUL OMODEI, Minister for Local Government.

---

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

LG318

**LOCAL GOVERNMENT ACT 1960***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 8 June 1994 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 14 December 1973 and amended from time to time.

The By-law is amended as follows—

Clause 36 (8) (a) by adding the words—"and then for a maximum of six (6) hours in any twenty four (24) hour period".

---

Dated this 16th day of September 1994.

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

PHILLIP G. COOPER, Mayor.  
GRAEME K. SIMPSON, Town Clerk.

---

Recommended—

PAUL OMODEI, Minister for Local Government.

---

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.



LG319

**LOCAL GOVERNMENT ACT 1960***City of Melville***By-laws Relating to Parking Facilities**

In pursuance of the powers conferred upon it by the Local Government Act 1960 and of all other powers enabling it, the Council of the above Municipality hereby records having resolved on 19 July 1994 to make and submit for confirmation by the Governor the following Amendments—

1. In these By-laws, the By-laws Relating to Parking Facilities gazetted on 18 December 1981 as amended are the principal By-laws.
2. In the First Schedule—Parking Stations of the Region—insert the following in numerical order—  
“ No. 14 Bull Creek Shopping Centre being Lot 601 of Canning Location Number 28,—Diagram Number DO58210/601. ”

Dated the 29th day of August 1994.

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

JUNE BARTON, Mayor.

JOHN J. McNALLY, Acting Chief Executive Officer/Town Clerk.

Recommended—

PAUL OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

LG320

**LOCAL GOVERNMENT ACT 1960***City of Melville***By-laws Relating to Parking Facilities**

In pursuance of the powers conferred upon it by the Local Government Act 1960 and of all other powers enabling it, the Council of the above Municipality hereby records having resolved on 21 September 1993 to make and submit for confirmation by the Governor the following Amendments—

1. In these By-laws, the By-laws Relating to Parking Facilities gazetted on 18 December 1981 as amended are the principal By-laws.
2. The First Schedule—Parking Stations of the Region—is amended as follows—
  - (a) Delete “No. 11 Booragoon Tavern being Lot 1 of Cockburn Sound Location Number 356 on Plan Number 9417, diagram 34465.” and insert  
“No. 12 Booragoon Tavern being Lot 1 of Cockburn Sound Location Number 356 on Plan Number 9417, diagram 34465.  
No. 13 Canning Bridge Senior Citizens Centre Carpark being Lot 100, Swan Location No. 61.”

Dated the 29th day of August 1994.

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

JUNE BARTON, Mayor.

JOHN J. McNally, Acting Chief Executive Officer/Town Clerk.

Recommended—

PAUL OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

## LG321

**LOCAL GOVERNMENT ACT 1960**  
*The Municipality of the City of Stirling*  
 By-laws Relating to Parking

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 Fifth day of July, 1994 to make and submit for confirmation by the Governor the following amendment—

1. The By-laws of the City of Stirling published in the *Government Gazette* of the 12th May, 1971, as amended from time to time, are referred to as the "Principal By-laws".
2. The modified penalties in By-law 481 (1) of the Principal By-laws are amended to read as follows—

By-law	Offence	Modified Penalty
435	Obstruction to entrance or roadway within carpark	30
439	Prohibited standing specified vehicles parking station .....	30
452	Parking against a hooded meter .....	30
459(a)	Parked contrary to signs .....	30
459(b)	Prohibited parking specified by sign .....	30
460(a)	Standing vehicle in "NO STANDING" area .....	45
460(c)	Prohibited standing specified time parking station	30
461(a)	Non activity loading signs .....	30
461(b)	Non commercial vehicle loading zone .....	30
462	No parking .....	30
465(a)	Not close and parallel to kerb/not headed in direction of moving traffic .....	30
465(b)	One way carriage/not close and parallel or headed in direction of moving traffic .....	30
465(c)	Within 1.2 metres of another vehicle except a motor cycle .....	30
465(e)	Obstruction on carriageway .....	30
468(1)(a)	Double parking .....	30
468(1)(b)	Standing vehicle on/adjacent median strip .....	30
468(1)(c)	Standing in front of right-of-way of private property	30
468(1)(e)	Standing within 6 metres of traffic island .....	30
468(1)(f)	Standing on footway/pedestrian crossing .....	30
468(3)(a)	Standing within 1 metre of fire hydrant .....	30
468(4)	Standing within 6 metres of property line at an intersection .....	30
468(5)(a)	Standing within 9 metres of departure side of bus stop .....	30
468(6)(a)	Standing within 18 metres of approach side of bus stop .....	30
469	Refusal to move vehicle .....	30
470	Removal of chalk marks .....	30
473(b)	Stand vehicle on street verge	} 30
473(c)	Stand vehicle on street verge	
479	Parked on private property .....	50
By-laws 434 to 479 inclusive with the exception of the by-laws specified above .....		30"

Dated the 12th day of July 1994.

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

ADAM A. SPAGNOLO, Mayor.  
 GEORGE S. BRAY, Town Clerk/City Manager.

Recommended:

PAUL OMODEI, Minister for Local Government.

Dated 5th October 1994.

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

LG322

**LOCAL GOVERNMENT ACT 1960***The Municipality of the City of Stirling***By-laws Relating to Parking**

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 First day of February, 1994 to make and submit for confirmation by the Governor, the following amendment—

1. The By-laws of the City of Stirling published in the *Government Gazette* of the 12th May, 1971, as amended from time to time, are referred to as the "Principal By-laws".
2. By-law 473C of the Principal By-laws is amended by renaming it By-law 473C(1)
3. The following by-laws are added after by-law 437C(1)—
  - "473C(2) Notwithstanding the provisions of By-law 473C(1), Council may resolve to issue a permit allowing the standing of a vehicle with a tare weight exceeding 2 tonnes on a street verge in a residential area where the vehicle is used for charitable, non-profit, civic or community purposes, providing the occupier of the premises adjoining the street verge consents to the use, and subject to conditions that Council may impose in approving the use.
  - 473C(3) A permit issued under By-law 473C(2) shall be in, or to the effect of the form set out hereunder, and shall be displayed by the person or organisation to whom it is issued, on the dashboard of the vehicle concerned so that it is easily visible from the exterior of the vehicle.

---

City of Stirling

## By-laws Relating to Parking

## Parking Permit

To Allow the Parking of a Vehicle Over 2 Tonne Tare Weight, Used Wholly for Community, Charitable, Civic and Non-Profit Purposes, on Street Verges.

1. Vehicle Registration Number .....
2. Vehicle Make .....
3. Vehicle Model .....
4. Vehicle Colour .....
5. Location of Premises Adjacent to Verge Where Vehicle is to be Parked.  
.....
6. Name of Community Organisation on Whose Sole Behalf, Vehicle is Used.  
.....
7. Conditions of Approval .....
- 7.1 Occupier of Adjacent Premises to Consent
- 7.2 Hardstanding Areas to be Provided for Vehicle
- 7.3 No Obstruction of Footpaths, Footways or Cyclepaths is permitted
- 7.4 Driving On or Over Footpaths, Footways or Cyclepaths is prohibited
- 7.5 Others .....
8. Expiry of Permit .....

Town Clerk/City Manager.

This permit to be displayed so that it is visible from outside the vehicle at all times."

Dated the 18th day of April 1994.

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

ADAM A. SPAGNOLO, Mayor.  
GEORGE S. BRAY, Town Clerk/City Manager.

Recommended—

PAUL OMODEI, Minister for Local Government.

Dated 5th October 1994.

Approved by His Excellency the Governor in Executive Council on this 25th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

LG401

## SHIRE OF ALBANY

Honorary Beach and Litter Inspector

It is hereby advised for public information that the appointment of Bryan John Jackman as an Honorary Beach and Litter Inspector is cancelled with effect from 11th October 1994.

WAYNE F. SCHEGGIA, Chief Executive Officer.

LG402

## BUSH FIRES ACT 1954

*Shire of Boyup Brook*

## FIRE CONTROL OFFICERS

Notice is hereby given pursuant to section 38 of the Bush Fires Act 1954, that the following is a list of Fire Control Officers appointed for duty within the Shire of Boyup Brook for 1994/95. All other appointments are hereby cancelled.

J. Bagshaw  
R. Stretch  
F. L. Tuckett  
A. Huisman  
J. Beatty  
M. Treloar  
N. Blackburn  
D. Ritson  
W. Treloar  
G. E. Lodge  
N. Parker  
K. Nix  
R. Korn  
J. Korn  
R. Forbes  
R. Turner  
J. Chapman

R. Knapp  
D. Chapman  
F. Staniforth-Smith  
J. Torrie  
G. Wardle  
J. McLaughlin  
T. Mondy  
P. Bradford  
D. Gibbs  
J. K. Piper  
P. Moore  
D. Marshall  
C. Ridout  
E. N. Charteris  
M. Introvigne  
P. Webster  
J. Anderson

P. R. WEBSTER, Shire Clerk.

LG403

## BUSH FIRES ACT 1954

*Shire of Tammin*

Fire Control Officer

It is hereby notified for public information that Mr E. Hutchinson has been appointed as dual Fire Control Officer for the Shires of Tammin and Wyalkatchem.

G. L. KEEFFE, Shire Clerk.

LG404

## LOCAL GOVERNMENT ACT 1960

## TWENTY-SECOND SCHEDULE

Form 1

*Municipality of the Shire of Williams*

Notice Requiring Payment of Rates Prior to Sale

The several registered proprietors or owners in fee simple, or persons appearing by the last memorial in the Office of the Registrar of Deeds to be seized of the fee simple respectively of the several pieces of land described in the third column of the Appendix to this notice and persons appearing in the Register Book or by memorial in the Office of the Registrar of Deeds to have respectively an estate or interest in the land, and whose names appear in the first column of the Appendix to this notice.

Take notice that—

1. Default has been made in the payment to the Council of the abovenamed Municipality of a rate charged on the several pieces of land described in the third column of the Appendix to this Notice, and the default has continued in respect of each separate piece of land for a period greater than three years;

2. The total amount owing to the Council in respect of rates and other amounts charged on each piece of land is shown in the second column of the Appendix set opposite the description of that piece of land;
3. Payment of these amounts representing rates, sewerage rates, penalty interest, rubbish service charges and block burning charges is hereby required; and
4. In default of payment, the pieces of land will be offered for sale by public auction after the expiration of one hundred and five days from the date of service of this notice at a time appointed by the Council.

The pieces of land in respect of which the rates specified in the second column of the Appendix are owing are those severally described in the third column of the Appendix and set opposite the respective amounts so specified.

Dated the 24th Day of October 1994.

V. EPIRO, Shire Clerk

#### Appendix

Names of Registered Proprietors or Owners and also of all other Persons having an Estate or Interest in the Land	Amount owing showing separately the amount owing as Rates and any other Amounts		Description of the several pieces of Land referred to
	Shire Rates	Penalty Interest	
Marie-Claire Grand'Court	1991/92 \$90.00	\$9.00	Portion of Williams Location
	1992/93 \$120.00	\$21.90	1933 (Lot 1) Certificate of
	1993/94 \$120.00	\$36.09	Title Volume 1237 Folio 920

#### LG405

#### LOCAL GOVERNMENT ACT 1960

##### *City of Bayswater*

##### Imposition of Penalty on Outstanding Rates

##### Section 550A of Local Government Act (as amended)

It is hereby notified for public information that at a special meeting of the Council of the City of Bayswater, held on 4 July 1994, it was resolved to impose a 10% penalty on all outstanding rates as at 31 January of the rating year in accordance with section 550A of the Local Government Act 1960.

JOHN B. D'ORAZIO, Mayor.  
MARIO J. CAROSELLA, City Manager/Town Clerk.

#### LG406

#### SHIRE OF EAST PILBARA

##### Acting Shire Clerk

It is hereby notified for public information that Clarence McCreed has been appointed as Acting Shire Clerk to the above Shire for the period 31 October 1994 to 27 January 1995 inclusive during the period of Long Service and Annual Leave of the Shire Clerk.

D. W. HODGE, President.



LG407

**LOCAL GOVERNMENT ACT 1960***Shire of Mundaring*

Rating Exemption

Department of Local Government,  
Perth, 25 October 1994.

LG: MG 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 Reserve No. 20579 vested in the Hills Community Support Group Inc. for community housing purposes.

JOHN LYNCH, Executive Director,  
Department of Local Government.

LG408

**LOCAL GOVERNMENT ACT 1960****TOWN OF SHEPPERTON (ALTERATION OF COUNCIL NAME AND COMMON SEAL)  
ORDER 1994**

Made by His Excellency the Governor under the provisions of sections 9 and 12 (2) (e) of the *Local Government Act 1960*.

**Citation**

1. This Order may be cited as the *Town of Shepperton (Alteration of Council Name and Common Seal) Order 1994*.

**Commencement**

2. This Order shall take effect on and from 2 November 1994.

**Alteration of Council Name**

3. The name of the Town of Shepperton is hereby altered to the Town of Victoria Park.

**Alteration of Common Seal**

4. The Common Seal of the Town of Shepperton is hereby altered by deleting the word "Shepperton" where it now appears on the existing Common Seal and insert "Victoria Park" therein.

By His Excellency's Command

Dated this 25th day of October, 1994.

M. C. WAUCHOPE, Clerk of the Council.

LG601

**BUSH FIRES ACT 1954***Shire of Boyup Brook*

Firebreak Order, 1994/95

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

This work must be carried out by 28 November 1994, unless approved otherwise, and kept maintained throughout the summer months until 15 April 1995.

An inspection of firebreaks will be carried out in all areas of the Shire by an authorised officer.

Persons who fail to comply with the requirements of this Order may be issued with an Infringement Notice (Penalty \$80) or prosecuted, and additionally, Council may carry out the required work at cost to the owner or occupier.

If it is considered for any reason to be impractical to clear firebreaks or remove flammable materials, as required by this notice, or if natural features render firebreaks unnecessary, you may apply to the Council in writing not later than 1 November 1994, for permission to provide firebreaks in alternative positions or to take alternative action to abate fire hazards on the land. If permission is not granted by the Council, you shall comply with the requirement of this notice.

**RURAL LAND**

a. Crop Firebreaks are not compulsory.

b. A 2.5 metre break is to be installed adjacent to all buildings, homesteads, haysheds and fuel storage areas and a second break of 2.5 metres in width be installed not less than 20 metres and no more than 100 metres from the initial break and the breaks be cleared of flammable materials by 28 November.

All flammable material is to be removed from between the two breaks by 15 December.

c. As an alternative to the two break system (as described in point b.), a single break not less than 10 metres in width, is allowed adjacent to all buildings, homesteads, haysheds and fuel storage areas. These breaks must be installed by 28 November.

d. A 5 metre minimum break around all buildings will be accepted in rural areas as an alternative to the present regulations where property boundaries do not permit an alternative type of Firebreak. These breaks must be installed by 28 November.

e. Whilst buildings are under construction, all flammable material is to be removed within a 15 metre radius of the construction site. The Chief Fire Control Officer and Fire Control Officer for the area will be notified by Council of building permits granted for that area. This is applicable from 9 October to 1 April.

**PLANTATIONS—TREE FARMS**

A Plantation—Tree Farm is defined as an area exceeding three (3) hectares within Townsites or an area exceeding twenty (20) hectares within Rural areas of trees planted for Commercial Purpose.

**1. BOUNDARY FIREBREAKS**

1.1 Firebreaks shall be constructed ten (10) metres wide on the boundaries of all Plantations, Tree Farms, or such other locations as may be agreed to by Council, in accordance with the requirements of Definitions—Specification 2.2.

1.2 Firebreaks shall be constructed around Plantation Compartments of approximately fifty (50) hectares, in accordance with the requirements of Definitions—Specification 2.3.

**2. DEFINITIONS—SPECIFICATIONS****2.1 PLANTATIONS—TREE FARMS**

A Plantation—Tree Farm is defined as an area exceeding three (3) hectares within Townsites or an area exceeding twenty (20) hectares within Rural areas of trees planted for Commercial Purpose.

**2.2 BOUNDARY FIREBREAKS—TEN (10) METRE REQUIREMENTS**

A Boundary Firebreak is defined as an area ten (10) metres wide cleared of all flammable materials and having no overhanging tree branches for a vertical clearance of at least ten (10) metres.

**2.3 PLANTING COMPARTMENTS**

A Planting Compartment is defined as an individual area of approximately fifty (50) hectares surrounded by firebreaks cleared of all flammable material ten (10) metres wide.

Internal firebreaks must be maintained in a trafficable condition and if needed, trees on both sides of breaks are to be progressively pruned to allow unrestricted access to maintenance and fire fighting equipment and so as to maintain an effective width of firebreak.

**3. S.E.C. LINES—CLEARANCE**

The S.E.C. have a minimum requirement of ten (10) metres clearance either side of the outside power pole.

As a general rule the clearance distance from the pole should be no less than the expected mature height of the trees planted in the outside row.

However, in all instances where power lines are crossing land where plantations are proposed to be planted the owner should consult the State Energy Commission—Bunbury, Phone (097) 25 5333.

**TOWNSITES**

On or before 15 December 1994, all town lots other than those zoned Rural or Special Rural under the Shire of Boyup Brook Town Planning Scheme No. 1, 4 000 sq. metres or less in area and all Fuel Depots within the Shire are required to be cleared of all debris and flammable material, Lots 4 000 sq. metres and over not zoned Rural or Special Rural are to have a minimum 2.5 metres firebreak installed around all external boundaries. Lots zoned Rural or Special Rural under the Shire of Boyup Brook Town Planning Scheme No. 1 must comply to the Rural Land Firebreaks Order.

**SPECIAL NOTE TO LANDOWNERS AND OCCUPIERS**

The Council forwards a copy of this Firebreak Order with Rate Assessments each year. The notice is also published in local newspapers and *Government Gazette* and additional copies are obtainable at the Shire Office counter.

The requirements of this Order are considered to be the minimum standard of fire prevention work required to protect not only individual properties, but the District generally. In addition to the requirements of this Order, Council may issue separate special orders on owners or occupiers if hazard removal is considered necessary in some specific areas.

By order of the Council

P. R. WEBSTER Shire Clerk.

LG602

**BUSH FIRES ACT 1954***City of Nedlands***FIREBREAK NOTICE**

Notice to all owners and/or occupiers of land within the Municipality of the City of Nedlands  
Pursuant to the powers contained in section 33 of the above Act, you are hereby required on or before the 30th day of November 1994 (or within 14 days of the date of your becoming the owner or occupier should this be after the 30th day of November 1994) and thereafter up to and including the 31st day of March 1995 to maintain, clear of all flammable materials, a 3 metre wide strip immediately inside all external boundaries of the land and also immediately surrounding all buildings situated on the land.

The penalty for failing to comply with this notice is a fine of not more than \$1 000 and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed in this notice if it is not carried out by the owner or occupier by the date required in this notice.

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

By Order of the Council.

N. G. LEACH, Town Clerk.

LG603

**BUSH FIRES ACT 1954***Shire of Tambellup***FIRE BREAK ORDER—(SECTION 33)**

Notice to Owners and Occupiers of Land within the Shire of Tambellup

Pursuant to the powers contained in section 33 of the above Act, you are hereby required to have firebreaks clear of all inflammable material, in the position of the width and for the period as specified hereunder.

1. Rural Land: During the period from 31 October 1994 to the 15 April 1995 inclusive you shall have firebreaks not less than 3 metres wide in the following positions—

1.1 Immediately surrounding all land which is under crop.

1.2 Boundary firebreaks are not compulsory within the Shire of Tambellup rural area except to comply with 1.1. Land holders may provide firebreaks if they wish.

2. Urban Land (land in any townsites): During the period from 31 October 1994 to 15 April 1995 inclusive, you shall have firebreaks in the following positions—

2.1 On land which is 4 000 square metres (one acre) or less in area, you shall remove all inflammable material from the whole of the land.

2.2 On land which exceeds 4 000 square metres (one acre) in area you shall clear all inflammable materials on firebreaks not less than 3 metres wide as required in item (1.1).

3. Homesteads, Buildings, Haystacks, Bulkfuel, Drums and Liquid Petroleum—

3.1 During the period from the 31 October 1994 to the 31 May 1995 inclusive you shall have firebreaks at least 20 metres wide, if provided by burning, cultivating or chemical spraying, or 60 metres wide if provided by being closely grazed or mowed to the satisfaction of the Bushfire Control Officer, in such positions as are necessary to completely surround the perimeter of any homestead building (excluding isolated non inflammable buildings), fuel installation (including drums), haystacks (but only haystacks within 100 metres, 5 chain, of any building) or group of such structures or installations. Provided that wherever 60 metres wide alternative is chosen, the outer 3 metres of the 60 metre area must be totally free of any flammable material and where mowing is the method used all residue of the mowing process must be removed from the area.

General Information: If it is considered impractical for any reason to clear firebreaks on any land as required by this notice you may apply to Council or its duly authorised officers for permission to provide firebreaks in alternative positions or to take alternative action to abate fire hazards on the land. If permission is not granted by Council or its duly authorised officer you shall comply with the requirements of this notice.

Please Note: Following the method adopted by Council to inspect the firebreaks required in this notice, it is not necessary for Council to notify you or give you any prior warning that legal action may proceed for failing to comply with the requirements of this notice.

The penalty for failing to comply with this notice is a fine of not less than \$40 nor more than \$200 and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed in this notice if it is not carried out by the required date.

Harvesting: As per the Bush Fires Act it is now compulsory that an engine powered pumping unit and not less than 400 litres of water be in attendance during grain harvesting operations.

Swathers and Balers: Are subjected to the same conditions as Harvesting i.e. an engine powered pumping unit and not less than 400 litres of water be in attendance during operations from 31 October 1994.

By Order of the Council.

RODNEY T. HILTON, Shire Clerk.

LG604

**BUSH FIRES ACT 1954***Shire of Ravensthorpe***FIREBREAK ORDER**

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

This work must be carried out by 1 November and kept maintained throughout the summer months until 31 May 1995.

An inspection of firebreaks and hazard removal will be carried out in all areas of the Shire by an authorised officer.

Persons who fail to comply with the requirements of this order may be issued with an infringement notice (Penalty \$80) or prosecuted with an increased penalty, and additionally Council may carry out the required works at the cost of the owner.

(1) Definitions: In this Notice—

“Council” means the Council of the Municipality of the Shire of Ravensthorpe.

“Townsite Land” means all land within the boundaries of Ravensthorpe, Hopetoun, Jerdacuttup, Munglinup, Fitzgerald, Desmond and Kundip townsites.

“Rural Land” means all land within the Ravensthorpe Shire District not defined as townsite land.

“Firebreak Period” on townsite and rural land, means 31 October 1994 to 31 March 1995 with exception of bush on any land which has been bulldozed, chained or prepared in any similar manner for clearing by burning then it means 31 October 1994 to 31 May 1995.

“Firebreak” means ground from which inflammable material has to be removed and in which no inflammable material is permitted during the firebreak period.

“Paddock” means an area of farming land bounded by fence.

“Fire Protection Strategy” means a documented submission that described property features, values and proposed fire protection measures which can include a combination of firebreaks and fire fighting equipment.

(2) (a) All owners or occupiers of Rural land within the Shire of Ravensthorpe, shall to the satisfaction of the Council, or its duly authorised officer have firebreaks during the firebreak period of the dimensions prescribed within this Notice and maintain the firebreaks clear of inflammable matter during that period—

(i) Within 100 metres of all external boundaries—

Firebreaks at least 3 metres in width clear of inflammable material

alternatively

A break of at least 10 metres in width on which inflammable material is maintained at a height of less than 25 mm by chemical spraying, mowing, close grazing by stock or any similar means.

alternatively

Subject to the approval of Council, a single/multi block fire protection strategy. Approval will only be granted up to 5 October 1994 and will not be obtained unless the prior consent of the appropriate Bush Fire Control Officer has been obtained and the application is on the appropriate form as issued by Council.

(ii) Firebreaks of at least 3 metres width clear of all inflammable material within 200 metres of the perimeter of all buildings, haystacks or groups of buildings and haystacks in such a manner as to completely encircle the buildings, and haystacks and any grasses within the 3 metre firebreak and the encircled facility maintained at a height of not more than 50 mm.

(iii) Firebreaks of at least 20 metres in width immediately inside all external boundaries of that land on which bush has been bulldozed, chained or prepared in any similar manner for clearing by burning.

(iv) Any area where fuel drums whether full or empty are stored, shall be free of flammable material and this area shall extend 3 metres outside the actual storage area.

(v) Commercial crops that adjoin external boundaries must have an area of land which is at least 3 metres in width on which inflammable material is maintained at a height of less than 25 mm by chemical spraying, mowing, close grazing by stock or any similar means.

(b) All owners or occupiers of Townsite land within the Shire of Ravensthorpe, shall to the satisfaction of the Council, or its duly authorised officer have firebreaks during the firebreak period of the dimensions prescribed within this Notice and maintain the firebreaks clear of inflammable matter during that period—

(i) Lots having an area of 1 250 square metres or less, completely clear of inflammable material.

- (ii) Lots having an area greater than 1 250 square metres. Firebreaks of at least three (3) metres in width immediately inside and along all external boundaries and in such positions so as to divide lots of more than 1 250 square metres into separate sections of no more than 1 250 square metres completely surrounded by a firebreak of at least three (3) metres in width.
- (3) (a) If it is considered impractical or undesirable to provide firebreaks as required by this notice, the approval of Council must be obtained for any variation or dispensation. Approval will only be granted up to 5 October in any year and will not be obtained unless the prior consent of the appropriate Fire Control Officer has been obtained and the application is on the appropriate form as issued by Council.
- (b) If after two years bush which has been bulldozed, chained or cleared in any similar manner for burning, has not been burnt then subject to the approval of the Bush Fire Control Officer prior to 5 October 1994, the twenty (20) metre firebreak need not be maintained unless and until it is proposed to burn the bush.
- (4) Failure to comply with this notice shall be an offence and shall subject the offender to the penalties in the Bush Fires Act 1954.

Dated 18 August 1994.

By Order of the Council.

B. R. HULLAND, Shire Clerk.

#### Harvesting Conditions

Under section 38A (3) of the Bush Fire Regulations, Council requires that fire-fighting equipment will be located in or adjacent to any land or paddock where harvesting operations are being carried on.

#### LG605

#### BUSH FIRES ACT 1954

##### *City of Cockburn*

To All Owners and Occupiers of Land within the City of Cockburn

Take notice that pursuant to the powers contained in section 33 of the above Act, you are hereby required on or before the 15th day of November 1994, to clear fire breaks of all Flammable material (which includes vegetation). The fire breaks are to be not less than three (3) metres wide on land more than 1 012 square metres or a fire break of not less than one (1) metre on land less than 1 012 square metres (Urban or Urban Deferred) and thereafter to maintain the fire breaks clear of all flammable material up to and including the 14th day of March 1995.

1. Firebreaks are to be situated IMMEDIATELY inside all external boundaries of the land and
2. Immediately surrounding all buildings or groups of buildings, haystacks and fuel ramps and dumps.

If you consider it to be impractical for any reason to clear fire breaks as required by this notice, you may apply in writing for a variation to Council or its duly authorised officer not later than 31st October 1994. If permission is not granted by the Council or duly authorised officer, you shall comply with the requirements of this notice.

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

NOTE: THE RESTRICTED BURNING PERIODS FOR ALL OF THE CITY OF COCKBURN (PERMIT TO BURN REQUIRED) ARE

2nd November 1994 to 14th December 1994

and

15th March 1995 to 30th April 1995

THE PROHIBITED BURNING PERIOD FOR ALL OF THE CITY OF COCKBURN (BURNING STRICTLY PROHIBITED) IS

15th December 1994 to 14th March 1995

It is the responsibility of the owner or occupier of the land to ensure that fire breaks have been constructed and maintained. The penalty for failing to comply with this notice is a fine not exceeding \$1 000 and the person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed if not carried out by the owner or occupier by the date required by this notice.

Council may issue a special order for further work to be done if necessary to make the property safe.

If there is any doubt of your responsibilities for either Fire breaks or burning off contact the City of Cockburn Rangers department on 411 3444.

R. W. BROWN, City Manager/Town Clerk.

## LG901

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

Proposed Loan No. 102—\$110 000

Pursuant to section 610 of the Local Government Act, the Council of the Shire of Coorow hereby gives notice that it proposes to borrow money by sale of a debenture repayable at the office of the Council, on the following terms and conditions—

Amount: \$110 000

Repayment: Twenty equal quarterly instalments of interest and principal.

Purpose: Purchase of Plant.

Term: Loan to be for a period of five (5) years with interest at ruling Treasury rates re-negotiable after one year.

Plans, specifications and estimates as required by section 609 of the Local Government Act are available for inspection at the offices of the Council during normal working hours for thirty-five (35) days after the publication of this notice.

Dated this 19th day of October 1994.

A. C. KAU, President.  
S. N. HAZELDINE, Shire Clerk.

## LG902

**LOCAL GOVERNMENT ACT 1960***Shire Gnowangerup***NOTICE OF INTENTION TO BORROW**

Proposed Loan (No. 256) of \$52 000

Pursuant to section 610 of the Local Government Act 1960, the Shire of Gnowangerup hereby gives notice that it proposes to borrow money by the sale of a debenture, repayable at the office of the Lender, on the following terms and conditions—

Amount: \$52 000.

Repayment: Quarterly or Semi Annual instalments of principal and interest.

Purpose: Council share of Refuse Compactor Truck.

Term: The principal amount of the loan will be repaid within a maximum term of 4 years. The interest rate for the loan may be fixed for the entire term of the loan or subject to rate reviews periodically.

Plans, specifications and estimates as required by section 609 of the Act, are available for inspection at the office of the Council during normal business hours for thirty five (35) days after publication of this notice.

Dated this 21st day of October 1994.

RICHARD GARNETT, President.  
MARK CHESTER, Shire Clerk.

## LG903

**LOCAL GOVERNMENT ACT 1960***City of Mandurah***NOTICE OF INTENTION TO BORROW**

Pursuant to section 610 of the Local Government Act, the City of Mandurah hereby gives notice that it proposes to borrow by sale of debentures on the following terms and conditions—

Proposed Loan (No. 238) of \$60 000

Purpose: Creche Facility.

Term: Loan to be for a term of 10 years with interest at ruling Treasury rates renegotiable after 5 years at the office of the Council in twenty half yearly instalments of principal and interest.

Proposed Loan (No. 239) of \$343 000

Purpose: Plant.

Term: Loan to be for a term of 5 years with interest at ruling Treasury rates repayable in ten half yearly instalments of principal and interest.

Specifications and estimates of costs thereof and statement as required under section 609 of the Act to be open for inspection at the Council Offices, Mandurah, during office hours for a period of 35 days after publication of the Notice of Intention to Borrow.

BRUCE CRESSWELL, Mayor.  
STEPHEN GOODE, Chief Executive Officer.

LG904

**LOCAL GOVERNMENT ACT 1960***City of Fremantle*

Pursuant to section 610 of the Local Government Act 1960 the City of Fremantle hereby gives notice that it proposes to borrow money by sale of debenture repayable at the Office of the Lender on the following terms and conditions:

**NOTICE OF INTENTION TO BORROW****PROPOSED LOAN 198—\$210,000****Amount: \$210 000****Repayment: Quarterly instalments of principal and interest over a period of five (5) years.****Purpose: Construction of an gymnasium, office/reception building and creche at the Fremantle Aquatic Centre.****NOTICE OF INTENTION TO BORROW****PROPOSED LOAN 199—\$30 000****Amount: \$30 000****Repayment: Quarterly instalments of principal and interest over a period of five (5) years.****Purpose: Assist the Fremantle Surf Life Saving Club in the construction of a new club house.**

**Note:** The repayment of this loan will be met by the Fremantle Surf Lifesaving Club and as such will not impact on the expenditure of Council.

Plans, specifications and estimates of costs thereof and the statement required by Section 609 are open for inspection at the Office of the Council, 8 William Street, Fremantle, for 35 days from the publication of this notice.

Dated this 25th day of October 1994.

J. K. ARCHIBALD, Mayor.

P. DE VILLIERS, City Manager/Town Clerk.

**MAIN ROADS**

MA401

MRWA 42-23-H &amp; 42-23-E.

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

The Minister for Works hereby gives notice, in accordance with the provisions of section 17 (2) of the Public Works Act 1902, that it is intended to take or resume under section 17 (1) of that Act the pieces or parcels of land described in the Schedule hereto and being all in Harvey District, for the purpose of the following public works namely, widening of the Old Coast Road (Highway H2 Perth-Bunbury SLK Section 116.0-127.9) and that the said pieces or parcels of land are marked off on MRWA Drawings 9302-0972, 9302-0973, 9302-0975 to 9302-0986 (inclusive), 9302-0988, 9302-0989, 9302-1015, 9302-0906 and 9302-0907 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

**Schedule**

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (Approx.)
1.	Kenneth Albert Reading	K. A. Reading	Portion of each of Wellington Locations 42 & 48 and being part of the land on Diagram 9391 and (secondly) portion of Wellington Location 48 and being part of the land on Plan 2124 and being part of the land comprised in Certificate of Title Volume 1074 Folio 141	2.563 ha
2.	Kenneth Albert Reading	K. A. Reading	Portion of Wellington Location 48 and being part of the land on Plan 2124 and being part of the land comprised in Certificate of Title Volume 1622 Folio 382	1.047 ha

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (Approx.)
3.	Gerald Hayward Rose	G. H. Rose	Portion of Wellington Location 48 and being part of the land on Diagram 3150 and being part of the land comprised in Certificate of Title Volume 1464 Folio 105	1.292 ha
4.	Gerald Hayward Rose	G. H. Rose	Portion of Wellington Location 3193 and being part of Lot 10 on Diagram 60022 and being part of the land comprised in Certificate of Title Volume 1735 Folio 919	1.195 ha
5.	Peter Hayward Rose	P. H. Rose	Portion of Wellington Location 3193 and being part of Lot 7 on Diagram 60022 and being part of the land comprised in Certificate of Title Volume 1735 Folio 916	1.119 ha
6.	Peter Hayward Rose	P. H. Rose	Portion of Wellington Location 3193 and being part of Lot 8 on Diagram 60022 and being part of the land comprised in Certificate of Title Volume 1735 Folio 917	1.127 ha
7.	Peter Hayward Rose	P. H. Rose	Portion of Wellington Location 3193 and being part of Lot 9 on Diagram 60022 and being part of the land comprised in Certificate of Title Volume 1735 Folio 918	1.166 ha
8.	Peter Hayward Rose	P. H. Rose	Portion of Wellington Location 1251 and being part of the land comprised in Certificate of Title Volume 1906 Folio 19	1.848 ha
9.	E. G. Green & Sons Pty Ltd	E. G. Green & Sons Pty Ltd	Portion of Wellington Location 48 and being part of Lot 1 on Plan 6537 and being part of the land comprised in Certificate of Title Volume 1195 Folio 899	7.888 ha
10.	E. G. Green & Sons Pty Ltd	E. G. Green & Sons Pty Ltd	Portion of Wellington Location 48 and being part of Lot 3 on Diagram 30278 and being part of the land comprised in Certificate of Title Volume 1288 Folio 596	2.664 ha
11.	Myalup Pty Ltd	Myalup Pty Ltd	Portion of Wellington Location 48 and being part of Lot 4 on Diagram 30278 and being part of the land comprised in Certificate of Title Volume 1288 Folio 597	2.809 ha
12.	Vincenzo Gianfrancesco and Liberata Gianfrancesco	V. & L. Gianfrancesco	Portion of Wellington Location 48 and being part of Lot 1 the subject of Diagram 65866 and being part of the land comprised in Certificate of Title Volume 1677 Folio 730	780 m <sup>2</sup>
13.	Peter William Ivankovich and Vesna Ivankovich	P. W. & V. Ivankovich	Portion of Wellington Location 48 and being part of Lot 5 on Diagram 30278 and being part of the land comprised in Certificate of Title Volume 1288 Folio 598	4.227 ha
14.	Leonard Frederick Armstrong	L. F. Armstrong	Portion of Wellington Location 894 and being part of the land comprised in Certificate of Title Volume 891 Folio 65	2.634 ha



No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (Approx.)
15.	Frederick Gordon Venables	F. G. Venables	Portion of Wellington Location 1381 and being part of the land comprised in Certificate of Title Volume 1759 Folio 48	3.415 ha
16.	Simon Bowen Venables	S. B. Venables	Portion of each of Wellington Locations 839 and 2284 and being part of the land comprised in Certificate of Title Volume 1474 Folio 238	3.232 ha
17.	Simon Bowen Venables	S. B. Venables	Portion of Wellington Location 70 and being part of the land comprised in Certificate of Title Volume 1127 Folio 73	3550 m <sup>2</sup>
18.	Kennedy Griffith John	Commissioner of Main Roads vide Caveat F363095	Portion of Wellington Location 262 and being part of Lot 3 subject of diagram 79018 and being part of the land comprised in Certificate of Title Volume 1934 Folio 581	1683 m <sup>2</sup>
19.	Mark Peters and Valerie Diane Peters	Commissioner of Main Roads vide Caveat F394459	Portion of Wellington Location 4857 and being part of the land comprised in Certificate of Title Volume 1245 Folio 777	1.435 ha

Dated this 26th day of October 1994.

D. R. WARNER, Director Corporate Services.

MA402

MRWA 42-36-H

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

The Minister for Works hereby gives notice, in accordance with the provisions of section 17 (2) of the Public Works Act 1902, that it is intended to take or resume under section 17 (1) of that Act the pieces or parcels of land described in the Schedule hereto and being all in Donnybrook-Balingup District, for the purpose of the following public works namely, widening of the South Western Highway and that the said pieces or parcels of land are marked off on MRWA Drawing 9302-0024-1, 9302-25-1 and 9302-27-1 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

**Schedule**

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area
1.	Giulio Frank Terrace, Reginald Vincent Terrace and David Mark Terrace	G. F. Terrace, R. V. Terrace and D. M. Terrace	Portion of Wellington Location 616 now contained in Diagram 85867 and being part of the land comprised in Certificate of Title Volume 1815 Folio 633.	1 109 m <sup>2</sup>
2.	Maria Pizzino, Antonio Vincenzo Pizzino, Veny Schepis, Charlie Pizzino, Gennaro Pizzino and Mario Pizzino	Commission of Main Roads vide Caveat F685500	Portion of Wellington Location 616 now contained in Diagram 85867 and being part of the land comprised in Certificate of Title Volume 1011 Folio 782.	685 m <sup>2</sup>
3.	S. and R. Licciardello, Golden Mile Orchards Pty Ltd	S. and R. Licciardello, Golden Mile Orchards Pty Ltd	Portion of Wellington Location 873 and being Lot 1 on Diagram 11825 now contained in Diagram 85857 and being part of the land comprised in Certificate of Title Volume 2000 Folio 225.	1 227 m <sup>2</sup>

Dated this 26th day of October 1994.

D. R. WARNER, Director Corporate Services.

MRWA 42-41-I

**MAIN ROADS ACT 1930  
PUBLIC WORKS ACT 1902**

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

The Minister for Works hereby gives notice, in accordance with the provisions of section 17 (2) of the Public Works Act 1902, that it is intended to take or resume under section 17 (1) of that Act the pieces or parcels of land described in the Schedule hereto and being all in Murray District, for the purpose of the following public works namely, widening of the Armadale-Bunbury Road and that the said pieces or parcels of land are marked off on MRWA Drawing 9302-0530, 9302-0531 and 9302-0548 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

**Schedule**

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area
1.	South Parkfield Pty Ltd	Commissioner of Main Roads vide Caveat F597691	Portion of Cockburn Sound Location 16 and being part of Lot 2 on Diagram 52346 now contained in Plan 18668 and being part of the land comprised in Certificate of Title 1472 Folio 579.	1 907 m <sup>2</sup>
2.	South Parkfield Pty Ltd	Commissioner of Main Roads vide Caveat F597691	Portion of Cockburn Sound Location 16 and being part of Lot a27 on Plan 738 now contained in Plan 18668 and being part of the land comprised in Certificate of Title 1140 Folio 322.	1.6170 ha
3.	South Parkfield Pty Ltd	Commissioner of Main Roads vide Caveat F597691	Portion of Cockburn Sound Location 1675 now contained in Plan 18669 and being part of the land comprised in Certificate of Title 1208 Folio 504.	1.0326 ha
4.	Crown	South Parkfield Pty Ltd	Portion of Cockburn Sound Location 1676 now contained in Plan 18670 and being part of the land comprised in Perpetual Lease P828 (Crown Lease 12/1956).	1.2832 ha

Dated this 26th day of October 1994.

D. R. WARNER, Director Corporate Services.

**MINERALS AND ENERGY**

**MN101**

**PRINTERS CORRECTION**

**MINING ACT 1978**

**NOTICE OF INTENTION TO FORFEIT**

An error occurred in the notice published under the above heading on page 5391 of *Government Gazette* No. 149 dated 21 October 1994 and is corrected as follows.

On page 5392 delete the line:

70/703	Australian Industrial Crystal Co Pty	South West Ltd
--------	--------------------------------------	----------------

and insert the line:

70/703	Australian Industrial Crystal Co Pty Ltd	South West
--------	--	------------

MN401

**MINING ACT 1978**

## Notice of Application for an Order for Forfeiture

Department of Minerals and Energy,  
Perth.

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

P. HEANEY, Warden.

To be heard in the Warden's Court Perth on the 2nd December 1994.

**SOUTH WEST MINERAL FIELD**

## Prospecting Licences

70/1137—Bani, Peter; Janmar Pty Ltd.

70/1139—Bani, Peter; Campanella, Dominic Emilio.

MN402

**MINING ACT 1978**Department of Minerals and Energy,  
Perth 6000.

I hereby declare in accordance with the provisions of section 96A (1) of the Mining Act 1978, that the undermentioned Exploration Licences are forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

GEORGE CASH, Minister for Mines.

Number; Holder; Mineral Field.

## Exploration Licences

09/537—Barragold Holdings Pty Ltd; Gascoyne.

52/480—Foote, Heather Rosemary; Foote, Herbert Nicholas; Peak Hill.

**PLANNING AND URBAN DEVELOPMENT**

PD401

**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959****METROPOLITAN REGION SCHEME**

## Section 33 Amendment

## "Perth-Adelaide Highway (Orange Route)"

Amendment No. 952/33.

File No. 809-2-1-25.

The State Planning Commission has considered all the submissions received in respect of the amendment proposal for the "Perth-Adelaide Highway (Orange Route)". This proposal was first published in the *Government Gazette* on 29 April 1994. As a result of the submissions received the Commission has modified the amendment proposal.

The amendment in this modified form has been presented to and approved by His Excellency the Governor in accordance with the requirements of the Act. It will now be tabled in both Houses of Parliament.

The modified amendment is shown on State Planning Commission plans numbered 1.3103, 1.3104 and 1.3105 (representing Metropolitan Region Scheme map sheets numbered 12/52m, 13/21m, 14/10m, 16/141m and 17/35m).

The Minister for Planning has determined that copies of the amendment and the accompanying Report on Submissions be available for public inspection from Monday, 31 October 1994 to Friday, 31 December 1994 at the following locations—

1. Department of Planning and Urban Development, 1st Floor, Albert Facey House, 469-489 Wellington Street, Perth WA 6000
2. City of Perth, Westralia Square, 141 St George's Terrace, Perth WA 6000
3. City of Fremantle, Corner Newman and William Street, Fremantle WA 6160
4. Shire of Swan, corner Great Northern Highway and Bishop Road, Middle Swan WA 6065

5. Shire of Mundaring, 7000 Great Eastern Highway, Mundaring WA 6073
6. Shire of Northam, 55 Fitzgerald Street, Northam WA 6401
7. J S Battye Library, Alexander Library Building, Cultural Centre, Francis Street, North-bridge WA 6163

IAN WIGHT-PICKIN, A/Secretary, State Planning Commission.

**PD402**

**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959**

**METROPOLITAN REGION SCHEME**

**Section 33 Amendment**

**"North East Corridor"**

Amendment No. 950/33.

File No. 809-2-1-24.

The State Planning Commission has considered all the submissions received in respect of the amendment proposal for the "North East Corridor". This proposal was first published in the *Government Gazette* on 18 March 1994. As a result of the submissions received the Commission has modified the amendment proposal.

The amendment in this modified form has been presented to and approved by His Excellency the Governor in accordance with the requirements of the Act. It will now be tabled in both Houses of Parliament.

The modified amendment is shown on State Planning Commission plan SP 434/5 (representing Metropolitan Region Scheme map sheets numbered 8/5m and 12/15m).

The Minister for Planning has determined that copies of the amendment and the accompanying Report on Submissions be available for public inspection from Wednesday, 2 November 1994 to Friday, 23 December 1994 at the following locations—

1. Department of Planning and Urban Development, 1st Floor, Albert Facey House, 469-489 Wellington Street, Perth WA 6000
2. City of Perth, Westralia Square, 141 St George's Terrace, Perth WA 6000
3. City of Fremantle, Corner Newman and William Street, Fremantle WA 6160
4. Shire of Swan, corner Great Northern Highway and Bishop Road, Middle Swan WA 6065
5. Town of Bassendean, 48 Old Perth Road, Bassendean WA 6056
6. J S Battye Library, Alexander Library Building, Cultural Centre, Francis Street, North-bridge WA 6163

IAN WIGHT-PICKIN, A/Secretary, State Planning Commission.

**PD403**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

**SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

*City of Armadale*

**Town Planning Scheme No. 2—Amendment No. 107**

Ref: 853/2/22/4, Pt. 107.

Notice is hereby given that the City of Armadale has prepared the abovementioned scheme amendment for the purpose of—

1. Rezoning the area bounded by Raeburn, Heath, Holden and Chevin Roads, Roleystone from "Rural E" and "Rural D" to "Residential—Development Area" and have this area designated as the Roleystone Hills Precinct.
2. Excluding Lot 77 Raeburn Road from the reserve in which it is presently situated and including this within the "Residential Development Area" (Roleystone Hills Precinct).
3. Inserting a new provision in Part 5 of the Scheme Text which enables special provisions to be applied exclusively to a particular area of land. These special provisions will be set out in a Schedule attached to the Scheme.
4. Inserting special provisions into the relevant Schedule of the Scheme which will relate specifically to the "Roleystone Hills Precinct".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 7 Orchard Avenue, Armadale and at the State Planning Commission/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 9 December 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 9 December 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.

PD404

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

*City of Wanneroo*

Town Planning Scheme No. 1—Amendment No. 578

Ref: 853/2/30/1, Pt. 578.

Notice is hereby given that the City of Wanneroo has prepared the abovementioned scheme amendment for the purpose of rezoning and recoding Pt Lots 6 and 7 Wanneroo Road, Kingsley from "Rural" to "Residential Development R40".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Boas Avenue, Joondalup and at the State Planning Commission/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 9 December 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 9 December 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. F. COFFEY, Town Clerk.

PD405

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

*City of Wanneroo*

Town Planning Scheme No. 1—Amendment No. 692

Ref: 853/2/30/1, Pt. 692.

Notice is hereby given that the City of Wanneroo has prepared the abovementioned scheme amendment for the purpose of recoding portion of Lot 75 (95) Berkley Drive, Marangaroo from R20 to R40.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Boas Avenue, Joondalup and at the State Planning Commission/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 9 December 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 9 December 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. F. COFFEY, Town Clerk.

PD714

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

*Shire of Carnamah*

Town Planning Scheme No. 1—District Zoning Scheme

Ref: 853/3/3/1, Vol. 2.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 (as amended), that the Hon Minister for Planning approved the Shire of Carnamah Town Planning Scheme No. 1—District Zoning Scheme on August 20, 1994—the Scheme Text of which is published as a Schedule annexed hereto.

R. D. BOWMAN, President.  
M. L. CROFT, Shire Clerk.

## Schedule

*Shire of Carnamah*

## TOWN PLANNING SCHEME No. 1

## District Zoning Scheme

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

## Contents

## PART I—PRELIMINARY

- 1.1 Citation
- 1.2 Responsible Authority
- 1.3 Scheme Area
- 1.4 Contents of Scheme
- 1.5 Arrangement of Scheme Text
- 1.6 Scheme Objectives
- 1.7 Interpretations
- 1.8 General Obligations
- 1.9 Relationship of Scheme to By-laws

## PART II—RESERVES

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

## PART III—ZONES

- 3.1 Zones
- 3.2 Objectives for Zones
- 3.3 Zoning Table
- 3.4 Additional Uses
- 3.5 Special Use Zone
- 3.6 Home Occupation/Cottage Industry

## PART IV—NON-CONFORMING USES

- 4.1 Non-Conforming Use Rights
- 4.2 Extension of Non-Conforming Use
- 4.3 Change of Non-Conforming Use
- 4.4 Discontinuance of Non-conforming Use
- 4.5 Destruction of Buildings
- 4.6 Register of Non-Conforming Uses

## PART V—DEVELOPMENT REQUIREMENTS

- 5.1 Development of Land
- 5.2 Discretion to Modify Development Standards
- 5.3 Residential Development
- 5.4 Townsite Development
- 5.5 Industrial Development
- 5.6 Special Rural Development
- 5.7 Rural Development
- 5.8 General Development Provisions
- 5.9 Car Parking
- 5.10 Control of Advertising
- 5.11 Coastal Policy

## PART VI—PLANNING CONSENT

- 6.1 Application for Planning Consent
- 6.2 Advertising of Applications
- 6.3 Determination of Applications
- 6.4 Deemed Refusal

## PART VII—ADMINISTRATION

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

## SCHEDULES

- Schedule No. 1—Interpretations
- Schedule No. 2—Additional Uses
- Schedule No. 3—Special Use Zones
- Schedule No. 4—Special Rural Zones—Additional Requirements
- Schedule No. 5—Application for Planning Consent
- Schedule No. 6—Notice of Public Advertisement of Development Proposal
- Schedule No. 7—Decision on Application for Planning Consent
- Schedule No. 8—Car Parking Layouts
- Schedule No. 9—Additional Information Sheet for Advertisement Approval
- Schedule No. 10—Exempted Advertisements Pursuant to Clause 5.10.5

## PART I—PRELIMINARY

## 1.1 Citation

This Town Planning Scheme may be cited as the Shire of Carnamah Scheme No. 1 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 Carnamah hereinafter called 'the Council'.

## 1.3 Scheme Area

The Scheme applies to the whole of the Shire of Carnamah.

## 1.4 Contents of Scheme

The Scheme comprises—

- (a) this Scheme Text
- (b) the Land Use Maps (sheets 1 & 2)
- (c) the Scheme Map (sheets 4-6)

## 1.5 Arrangement of Scheme Text

The Scheme Text is divided into the following parts—

- Part I—Preliminary
- Part II—Reserves
- Part III—Zones
- Part IV—Non-conforming uses
- Part V—Development requirements
- Part VI—Planning consent
- Part VII—Administration

## 1.6 Scheme Objectives

- (a) Reserving land required for public purposes;
- (b) Zoning the balance of the land within the scheme area for the various purposes described in the scheme;
- (c) Providing development controls for the purpose of securing and maintaining the orderly and properly planned use and development of land within the scheme area;
- (d) Introducing measures by which places of natural beauty and places of historic, cultural or scientific interest may be conserved;
- (e) Making provision for other matters authorised by the enabling Act.

## 1.7 Interpretation

1.7.1 Except as provided in Clause 1.7.2 and 1.7.3 the words and expressions of the scheme have their normal and common meaning.

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

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

## 1.8 General Obligations

Subject to the provisions of the Act and all Regulations made thereunder and to Part IV of this scheme, no person shall depart or permit or suffer any departure from the requirements and provisions of the scheme, nor shall any person use or permit the use of any land or building or undertake to permit any new work if the use, new work, reconstruction, alteration or modification, does not conform with the scheme or would tend to delay the effective operation of the scheme.

### 1.9 Relationship of Scheme to By-laws

The provisions of this scheme shall have effect, notwithstanding any by-laws for the time being in force in the district, and where the provisions of the scheme are inconsistent with the provisions of any by-laws, the provisions of the scheme shall prevail.

## PART II—RESERVES

### 2.1 Scheme Reserves

The land shown as scheme reserves on the scheme map, hereinafter called 'reserves' are lands reserved under the scheme for the purposes shown on the scheme map and are listed hereunder—

- (i) Parks, Recreation and Conservation;
- (ii) Public purposes;
- (iii) Railways; and
- (iv) Special Coastal Planning Area

### 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 purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent. In dealing with applications for planning consent within a special coastal planning area Council shall also have regard to the provisions of Clause 5.11.

### 2.3 Compensation

2.3.1 Where the Council refuses planning consent for the development of a reserve on the ground that the land is reserved for local authority purposes or for the purposes shown on the scheme map, or grants 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

### 3.1 Zones

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

- Residential
- Town Centre
- Industrial
- Special Rural
- Rural
- Special Use

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

### 3.2 Objectives for Zones

#### 3.2.1 Residential Zone

The objective of this zone is to ensure that a variety of residential uses are provided for within an urban environment of reasonable standard, together with other uses and activities compatible with this basic use.

#### 3.2.2 Town Centre Zone

The objectives of this zone are—

- (a) to centralise commercial and service functions; and
- (b) encourage the development and redevelopment of the commercial and shopping precinct.

#### 3.2.3 Industrial Zone

The objectives of this zone are—

- (a) to provide a location for diverse industries that would otherwise have a detrimental impact on the amenity of other uses in the municipality; and
- (b) to enable the industrial area to expand where the need for such expansion can be sustained.

#### 3.2.4 Special Rural Zone

The objectives of this zone are—

- (a) to retain and improve the natural landscape features;
- (b) to provide for rural/residential lifestyle within close proximity to the town whilst maintaining rural character; and
- (c) to provide for alternative agricultural pursuits within a framework of appropriate land management controls.



### 3.2.5 Rural Zone

The objectives of this zone are—

- (a) to give priority to the continuation of viable agriculture production in a manner consistent with sound land use and management practices;
- (b) to provide for and monitor mining activities and associated works; and
- (c) without necessarily limiting the activities at (a) and (b), to conserve and preserve natural bushland, waterways, and indigenous flora and fauna so that the viability of any natural ecosystem is not adversely affected.

### 3.2.6 Special Use Zone

The objectives of this zone are to provide areas where special uses can be carried on under specific conditions so as not to diminish the safety, health and welfare of surrounding land users.

## 3.3 Zoning Table

3.3.1 The Zoning Table indicates, subject to the provisions of the scheme, the several uses permitted in the scheme area in various zones, such uses being determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

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

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

'AA' means that the Council may, at its discretion, permit the use;

'SA' means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with Clause 6.2;

'IP' means that the use is not permitted unless such use is incidental to the predominant use of the land as determined by the Council.

3.3.3 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.

3.3.4 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.

3.3.5 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 categories the Council may—

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

## 3.4 Additional Uses

Notwithstanding anything contained within the Zoning Table the land specified in Schedule 2 may, subject to compliance with any condition specified in the schedule with respect to the land, be used for the purpose set against that land. The use so specified is in addition to the other uses permitted in the zone in which the land is situated unless any of those uses is excluded or modified by a condition specified in that Schedule.

## 3.5 Special Use Zone

3.5.1 Where Council determines that a particular development or use will be incompatible with the predominant use or objectives in other zones, it may require such development or use to be restricted to a Special Use Zone.

Schedule 3 specifies the uses permitted within each Special Use Zone.

3.5.2 No person shall use land or any building or structure thereon in a Special Use Zone, except for the purpose set against that land in Schedule 3 and subject to compliance with any conditions specified in the Schedule with respect to the land.

## 3.6 Home Occupation/Cottage Industry

3.6.1 No person shall carry out any home occupation or cottage industry without the planning consent of Council. Any application for planning consent shall include—

- (a) location of the actual floor area to be used in any building for the proposed home occupation or cottage industry; and
- (b) the times and conditions of the use of the floor area.

3.6.2 Where Council grants planning consent, the applicant shall pay a registration fee as a condition of approval and such registration will be valid for one calendar year only. Approval to continue a home occupation or cottage industry must be obtained and Council shall charge an annual fee. All approved applications shall be kept in a register by Council.

TABLE 1  
Zoning Table

Use Classes	Zones					
	Residential	Town Centre	Industrial	Special Rural	Rural	Special Use
1. Additional Accommodation .....	AA	—	—	IP	AA	
2. Ancillary Accommodation .....	AA	AA	—	—	—	
3. Aged & Dependent Persons Dwelling .....	AA	—	—	—	—	
4. Cafe/Restaurant .....	—	P	SA	—	—	
5. Caretakers Dwelling .....	IP	IP	IP	—	IP	
6. Car Parks .....	—	P	P	—	—	
7. Car Sales Premises .....	—	AA	P	—	—	
8. Civic Building .....	SA	P	—	—	—	
9. Club Premises .....	—	AA	SA	—	—	
10. Consulting Rooms .....	SA	AA	—	—	—	
11. Day Care Centre .....	SA	SA	—	AA	—	
12. Dry Cleaning Premises .....	—	SA	P	—	—	
13. Educational Establishments .....	AA	AA	—	—	—	
14. Fast Food Outlet .....	—	AA	—	—	—	
15. Fish Shop .....	—	AA	—	—	—	
16. Fuel Depot .....	—	—	P	—	—	
17. Grouped Dwelling .....	AA	AA	—	—	—	
18. Health Studio .....	—	AA	SA	—	—	
19. Holiday Accommodation .....	SA	AA	—	SA	SA	
20. Home Occupation .....	AA	AA	—	AA	AA	
21. Hotel .....	—	P	—	—	—	
22. Industry—General .....	—	—	P	—	—	
23. Industry—Light .....	—	SA	P	—	—	
24. Industry—Rural .....	—	—	P	—	AA	
25. Industry—Service .....	—	SA	P	—	—	
26. Industry—Extractive .....	—	—	—	—	AA	
27. Industry—Cottage .....	AA	AA	P	AA	AA	
28. Industry—Noxious or Hazardous .....	—	—	SA	—	SA	
29. Lodging House .....	—	AA	—	—	—	
30. Medical Centre .....	AA	AA	—	—	—	
31. Motel .....	—	AA	—	—	—	
32. Motor Vehicle Repair Station .....	—	AA	P	—	—	
33. Office .....	—	P	AA	—	—	
34. Petrol Filling Station .....	—	AA	AA	—	—	
35. Professional Office .....	SA	P	—	—	—	
36. Public Amusement .....	—	AA	—	—	—	
37. Public Recreation .....	P	P	P	P	P	
38. Public Utility .....	SA	P	P	P	P	
39. Public Worship, Place of .....	AA	AA	—	—	—	
40. Residential Building .....	AA	AA	—	AA	—	
41. Rural Pursuit .....	—	—	—	AA	P	
42. Single House .....	P	AA	—	P	P	
43. Service Station .....	—	P	P	—	—	
44. Shop .....	—	P	AA	—	—	
45. Showroom/Warehouse .....	—	AA	P	—	—	
46. Trade Display .....	—	—	P	—	—	
47. Transport Depot .....	—	—	P	—	—	

Uses as permitted in Schedule 3 and as indicated on the Scheme Map.

## PART IV—NON-CONFORMING USES

## 4.1 Non-Conforming Use Rights

No provision of the scheme shall prevent—

- 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
- 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% or more of its value the land on which the building is built shall not thereafter be used otherwise than in conformity with the scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the scheme.

#### 4.6 Register of Non-Conforming Uses

The Council shall maintain a register of non-conforming uses at the time of coming into force of the scheme, and any extensions, changes and discontinuances to such uses during the operation of 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 any 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 erection of a boundary fence except as otherwise required by the scheme;
- (c) The erection on a lot of a single dwelling house, including ancillary 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.
- (d) The carrying out of works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act;
- (e) The carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;
- (f) The carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

#### 5.2 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 in this part of the scheme with respect to that development the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that—

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and

- (c) the spirit and purpose of the requirements or standard will not be unreasonably departed from thereby.

### 5.3 Residential Development

#### 5.3.1 Residential Planning Codes

For the purpose of this scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendices 2 and 3 to the Statement of Planning Policy No. 1 together with any amendments thereto.

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

5.3.3 Unless otherwise provided for in the scheme the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those codes.

5.3.4 The Residential Planning Code for all land zoned Residential shall be R10/30.

5.3.5 The Residential Planning Code for all land zoned Town Centre shall be R10/30.

5.3.6 In areas where the R10/30 code is applied, the provisions of the R10 code shall apply unless Council is satisfied that—

- (a) a satisfactory effluent disposal system can be installed which will function effectively on a permanent basis;
- (b) the proposal will not have a detrimental effect on the residential amenity of the locality by reason of streetscape, building form, servicing, privacy, overshadowing, and traffic circulation both on and off site; and
- (c) any other matter required under the provisions of the appropriate Residential Planning Code is taken into account.

#### 5.3.7 Landscaping

Applications for development of any attached, grouped or multiple dwellings containing more than two dwellings shall be accompanied by a plan showing the proposed landscaping of the site. The landscaping plan shall show the location and nature of planted areas; materials to be used on non-planted areas; any outbuildings; and carparking.

### 5.4 Townsite Development

#### 5.4.1 Plot Ratio

Council shall permit a building in the town centre to have a plot ratio of 1.0 and may permit an increase of 50% providing that Council is satisfied on matters relating to access, carparking, servicing, loading and unloading, and any other matter the Council by its absolute majority may take into consideration.

#### 5.4.2 Upper Floors

Where the ground floor of a multi-storey building is used for the purposes of shops or offices, the upper floors of such buildings may be used for the purposes of shops, offices or residential accommodation providing that the residential use is confined to the upper floor.

#### 5.4.3 Loading and Unloading

Where areas for the loading and unloading of vehicles carrying goods or commodities to or from premises are to be provided, they shall be provided and maintained in accordance with an approved plan.

5.4.4 Where the Council considers it appropriate, rear access shall be provided in order to avoid using the front entrance for service deliveries. Such access may require an appropriate agreement between adjoining landowners where access can only be obtained by crossing adjoining land.

#### 5.4.5 Carparking

Where carparking spaces are to be provided they shall be provided, designed and maintained in accordance with Clause 5.9 and an approved plan.

### 5.5 Industrial Development

#### 5.5.1 Building Setbacks

- (a) Front setbacks shall be a minimum of 7.5 metres from any front boundary;
- (b) Side setbacks shall be determined by Council. Council may permit the construction of any factoryette to one side boundary providing that vehicle access to both the front and the rear of each unit can be achieved without vehicle backing;
- (c) Rear setbacks shall be a minimum of 7.5 metres.

#### 5.5.2 Site Cover

No more than 50 percent of any lot shall be built upon without the permission of Council. In such cases where an applicant wishes to exceed this cover, the applicant shall provide to the Council all valid reasons why an extension is sought.

#### 5.5.3 Front Setbacks

The front setback area may be used only for the purpose of landscaping, visitors carparking or access. A minimum area of 10 per cent of the front setback is to be set aside for landscaping. Such landscaping shall be established and maintained in accordance with an approved plan.

5.5.4 Council may approve the use of the front setback area for the display of finished goods or goods for sale. Advertising signs shall be in accordance with Clause 5.10.

#### 5.5.5 Storage Areas

No dumping, storage of waste or materials, or construction, servicing or maintenance shall be permitted between the front building line and the street frontage. Where an open storage area is visible from a public place or street, and is not of a display nature, Council will require the area to be satisfactorily screened.

#### 5.5.6 Loading Docks and Accessways

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

5.5.7 Where Council considers it appropriate, rear access shall be provided in order to avoid using the front entrance for service deliveries. Such access may require an appropriate agreement between adjoining land owners where access can only be obtained by crossing adjoining land.

#### 5.5.8 Waste Disposal

No person shall permit any solid or liquid waste product from leaving the site unless in a container or bin or satisfactory receptacle. Such waste products as oil, greases, chemicals (either pure or diluted) shall be contained on site and prevented from discharging into any drain, water course or pit outside of the lot.

#### 5.5.9 Carparking

On site carparking shall be provided, designed and maintained in accordance with Clause 5.9 and an approved plan.

### 5.6 Special Rural Development

Development within a special rural zone shall comply with the following requirements—

- (a) Lot sizes within a special rural zone shall be no less than 1 hectare in size and in accordance with the lot sizes indicated in Schedule No. 4.
- (b) The principal use of land within a special rural zone shall be residential. Ancillary uses are listed in the Zoning Table and Schedule No. 4.
- (c) In addition to a building licence, the Council's prior approval to commence development is required for all development including a single house and such application shall be made in writing to the Council and be subject to the provisions of Clause 6.1 of the scheme.
- (d) In considering applications for planning consent Council shall ensure that the development proposed will not result in any net export of nutrients from the land to any wetland, water course or underground aquifer, and may require no further clearing of vegetation.
- (e) Applications for planning consent shall clearly indicate the location of existing remnant vegetation. Building envelopes and ancillary land uses should be located so as to avoid remnant vegetation and where necessary Council may require that the vegetation be protected.
- (f) As a condition of planning consent for development on each lot Council may require the planting and maintenance of natural or locally acceptable trees.
- (g) In order to conserve the features of the rural environment all trees shall be retained unless their removal is authorised by Council.
- (h) Before considering any proposal to create a special rural zone, Council may require the landowner(s) to prepare a limited rural strategy for consideration by the Council and the Department of Planning and Urban Development in accordance with established policy and guidelines.
- (i) In addition to such other provisions of the scheme as may affect it, any land which is included in a special rural zone shall be subject to those provisions as may be specifically set out against it in Schedule No. 4.

### 5.7 Rural Development

In considering applications for planning consent, subdivision or rezoning within a rural zone, Council shall have regard to—

- (a) the need to ensure that the continuation of rural land use is protected, encouraging where appropriate, the retention and expansion of agricultural activities, and supporting proposals which promote the retention of the predominant lot sizes in the locality;
- (b) the need to preserve the rural character and rural appearance of the land within this zone;
- (c) the need to protect, preserve and enhance any natural undeveloped land areas throughout the zones by requiring as conditions on any planning consent issued, the planting of vegetation which will assist in the balancing of the greenhouse effect, provision for shade, prevention of erosion, reduction in salinity, or the provision of habitats for fauna; and
- (d) the State Planning Commission's Policy DC3.4 "Rural Land Use Planning Policy".

### 5.8 General Development Provisions

#### 5.8.1 Amenity

All buildings and the use of land shall be maintained to the satisfaction of Council, in a manner which preserves the amenity of the surrounding locality.

5.8.2 No person shall, without written consent of Council, erect a building or structure which by virtue of colour, type of materials, architectural style, height or bulk, ornamental or general appearance, has an external design which is out of character or harmony with existing buildings or the landscape character of the locality.

5.8.3 Notwithstanding that a building including a dwelling house conforms in all other respects with any provision of the scheme or any by-law in force, Council may refuse to issue a building permit if it determines that such building by virtue of its construction or materials would detrimentally affect the amenity of the locality.

#### 5.8.4 Development Abutting a Residential Zone

Any non-residential development of land abutting a residential zone shall conform to such standards as Council determines having regard to potential detrimental effects on the amenity of the residential area.

#### 5.8.5 Development of Outbuildings and Other Structures

Within all zones planning and building approval will be granted to outbuildings appurtenant to a dwelling provided all building setbacks and building separation requirements have been complied with; the buildings are of single storey construction; and are located behind any residence on site.

5.8.6 Council shall determine the development standards, including height, area, setbacks and construction materials for outbuildings; carports or garages; pergolas; shadehouses or conservatories; sheds or workshops; and any accommodation intended to house livestock, including kennels, stables, aviaries, fowlhouses or pigeon lofts.

The provisions of Clauses 5.8.5 and 5.8.6 do not apply to *bona fide* operations carried on within the rural zone.

#### 5.8.7 Development on Land Subject to Dampness or Flooding

Council shall not issue planning consent or a building permit for the construction of any building on land defined by Council as being liable to flooding or inundation.

5.8.8 Where Council is of the opinion that the dampness of a site may affect a building which is proposed to be constructed on the site, it may require the following measures to be carried out—

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

#### 5.8.9 Development Adjacent to Water Courses

When determining applications for development adjacent to water courses, Council may seek the advice of government agencies as considered necessary and impose any conditions which ensure—

- (a) an adequate setback of buildings, structures and septic tanks;
- (b) avoidance of any modifications to stream flows;
- (c) clearly defined management responsibilities;
- (d) stock control in the event of erosion;
- (e) control of pollutants; and
- (f) any other environmental, amenity and/or management requirements.

#### 5.8.10 Waste Disposal

Land within the scheme area shall not be used for the purpose of storage or disposal of rubbish, refuse or industrial wastes (whether liquid or solid) without the written approval of Council.

### 5.9 Car Parking

#### 5.9.1 Carparking Requirements

TABLE 2

Use Class	No. of Parking Bays
Cafe/Restaurant—	1 for every 4 seats provided, or 1 for every 3 sq metres, whichever is the greater
Club—	1 for every 45 sq metres of gross floor area.
Consulting Rooms—	1 for every 30 sq metres of gross floor area plus 1 for each person employed
Day Care Centre—	1 for every employee plus visitors bays as determined by Council
Educational Establishments—	1 for every full time employee plus bays for students as determined by Council
Fast Food Outlet—	1 for every 10 sq metre retail floor area
Health Studio—	5 for every room
Hotel—	1 for every bedroom plus 1 for every 2 sq metres of bar and lounge area

Table 2—continued

Use Class	No. of Parking Bays
Industry—General—	1 for every 2 employees
Industry—Light—	1 for every 2 employees
Industry—Service—	1 for every 2 employees
Medical Centre—	3 for every consulting room
Motel—	1 for every unit plus 1 every 25 sq metres of service area
Motor Vehicle Repair Station—	2 bays for every working bay and 1 for every employee
Office—	1 for every 30 sq metres leasable floor area
Public Amusement—	1 for every 4 seats
Public Worship Place of—	1 for every 4 seats
Shop—	1 for every 15 sq metres of retail floor space
Showroom/Warehouse—	1 for every 100 sq metres floor area

5.9.2 Carparking required to be provided pursuant to the provisions of this scheme shall be laid out and constructed in accordance with Schedule No. 8—Car Parking Layouts. Carparking bays shall be capable of use independently of each other.

5.9.3 All driveways and park areas shall be—

- (a) constructed and surfaced to Council's satisfaction with appropriate provision being made for drainage and stormwater disposal; and
- (b) provided at the time of the development and thereafter maintained to the satisfaction of Council.

5.9.4 Where an application is made for development and the purpose for which the land or building is to be used is not specified in Table 2, the Council shall determine the number of carparking spaces to be provided on the land having regard to—

- (a) the nature of the proposed development;
- (b) the number of employees likely to be on the site;
- (c) the prevention or obstruction of roads and streets; and
- (d) the orderly and proper planning of the locality and the preservation of its amenity.

5.9.5 Notwithstanding the provisions of Table 2, Council may waive a requirement for the provision of on-site parking if it can be demonstrated that adequate carparking is available in close proximity to the proposed development or there is not a demand for the number of carparking bays specified in Table 2.

5.9.6 Where the Council so decides, it may accept cash payments in lieu of the provision of parking spaces subject to the following requirements—

- (a) a cash-in-lieu payment shall be not less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the scheme, plus the value as estimated by Council (using a licensed valuer) of that area of the land which would have been occupied by the parking space; and
- (b) payments made under this clause shall be paid into a special fund to be used for the provision of public carparking facilities anywhere within the immediate vicinity of the site for which cash-in-lieu arrangements have been made.

## 5.10 Control of Advertising

### 5.10.1 Power to Control Advertisements

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.

5.10.2 Applications for planning consent pursuant to this part shall be submitted in accordance with the provisions of Clause 6.1 of the scheme and shall be accompanied by the completed additional information sheet in the form set out in Schedule No. 9 giving details of the advertisement(s) to be erected, placed or displayed on the land.

### 5.10.3 Existing Advertisements

Advertisements which—

- (a) were lawfully erected, placed or displayed prior to the approval of this scheme; and
- (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 erected and displayed in accordance with the licence or approval as appropriate.

#### 5.10.4 Consideration of Applications:

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

#### 5.10.5 Exemptions from the Requirement to Obtain Planning Consent

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 5.10.1, the Council's prior consent is not required in respect of those advertisements listed in Schedule 10 which for the purpose of this part are referred to as 'exempted advertisements'. The exemptions listed in Schedule 10 do not apply to places, buildings, conservation areas or landscape protection zones which are either—

- (a) listed by the National Trust;
- (b) listed on the register of the national estate; or
- (c) included in local authority town planning schemes because of their heritage or landscape value.

#### 5.10.6 Discontinuance

Notwithstanding the scheme objectives and Clause 5.10.5, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this part, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

#### 5.10.7 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.

#### 5.10.8 Notices

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

Any notice served in exceptional circumstances pursuant to Clause 5.10.6 or pursuant to Clause 5.10.7 shall be served upon the advertiser and shall specify—

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

5.10.9 Any person upon whom a notice is served pursuant to this part may within a period of 60 days from the date of the notice appeal to the Hon Minister for Planning or the Town Planning Appeal Tribunal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.

#### 5.10.10 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.

#### 5.10.11 Enforcement and Penalties

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

#### 5.11 Coastal Policy

##### 5.11.1 Special Coastal Planning Area

Special coastal planning areas are coastal areas identified by Council as having environmental, cultural and/or scenic values and are either subject to or are anticipated to be subject to development pressures in the foreseeable future.

5.11.2 Special coastal planning areas shall be comprised of all the land within the boundary indicated on the Scheme Map.

5.11.3 Within a special coastal planning area Council may prepare or cause to be prepared policies for coastal planning, development and management. Council may also adopt an appropriate management strategy in conformity with any policy.



5.11.4 In considering any application to commence development within a special coastal planning area the Council shall have due regard for any policy or management strategy prepared for such area, and for development other than rehabilitation or public recreation will require the land to be zoned as a special use site and included in Schedule 3. Council may also impose a condition requiring the applicant to prepare and implement a foreshore and reserve management plan.

5.11.5 In the event of there being no policy or strategy for any part of a special coastal planning area, Council will refer any development proposal including local authority road works other than routine maintenance to—

- (i) the State Planning Commission; and
- (ii) the Registrar of Aboriginal Sites;

requiring comment and recommendations on the proposal within 42 days.

5.11.6 After receipt of the advice or recommendations referred to in Clause 5.11.5 or the expiry of the 42 day comment period, Council may—

- (i) approve the development proposal;
- (ii) refuse the development proposal;
- (iii) grant approval to the development proposal subject to conditions which may include a requirement to prepare and implement a foreshore and reserve management plan.

## PART VI—PLANNING CONSENT

### 6.1 Application for Planning Consent

6.1.1 Every application for planning consent shall be made in the form prescribed in Schedule 5 to the scheme and shall be accompanied by such plans and other information as is required by the scheme.

6.1.2 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, 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;
- (b) plans, elevations and sections of any buildings proposed to be erected or altered and of any building it is intended to retain;
- (c) any other plan or information that the Council may reasonably require to enable the application to be determined.

### 6.2 Advertising of Applications

6.2.1 Where an application is made for planning 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.

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

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

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

6.2.4 The notice referred to in Clause 6.2.3 (a) and (b) shall be in the form contained in Schedule 6 with such modifications as circumstances require.

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

### 6.3 Determination of Applications

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

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

6.3.3 The Council shall issue its decision in respect of an application for planning consent in the form prescribed in Schedule 7 to the scheme.

6.3.4 Where the Council approves an application for planning consent under this schedule the Council may limit the time for which that consent remains valid.

### 6.4 Deemed Refusal

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

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

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

## PART VII—ADMINISTRATION

### 7.1 Powers of the Scheme

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

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

### 7.2 Offences

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

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

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

### 7.3 Act

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

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

### 7.4 Claims for Compensation

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

### 7.5 Appeals

An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the scheme may appeal in accordance with Part V of the Act and the Rules and Regulations made pursuant to the Act.

### 7.6 Power to Make Policies

7.6.1 In order to achieve the objectives of the scheme, the Council may make town planning scheme policies relating to parts or all of the scheme area and relating to one or more of the aspects of the control of development.

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

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

7.6.3 A town planning scheme policy may only be altered or rescinded by—

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

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

## SCHEDULE 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 purpose 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<sup>2</sup> 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<sup>2</sup> 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<sup>2</sup> 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.

**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 the 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.
- Ancillary Accommodation:** means self contained living accommodation on the same site as a single house and may be attached or detached from the single house existing on the lot;
- 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).
- Boarding House:** means a building in which provision is made for lodging or boarding more than four persons, exclusive of the family of the keeper, for hire or reward, but does not include—
- (a) premises the subject of an Hotel, Limited Hotel or Tavern Licence granted under the provisions of the Liquor Act 1970 (as amended).
  - (b) premises used as a boarding school approved under the Education Act, 1928 (as amended).
  - (c) a single dwelling, attached, grouped or multiple dwelling unit;
  - (d) any building that is the subject of a strata title issued under the provisions of the Strata Titles Act, 1985 (as amended).
- Builder's Storage Yard:** means land and buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.
- Building:** shall have the same meaning as is given to it in and for the purposes of the Residential Planning Codes.
- 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 Park:** means land and buildings used for the parking of caravans under the By-Laws of the Council or the Caravan Parks and Camping Grounds Regulations, 1974 (as amended) made pursuant to the provisions of the Health Act, 1911-1979 (as amended).
- 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 outbuilding constructed in accordance with the Health Act Model By-Laws Series 'A' Part One—General Sanitary Provisions (as amended) for the general 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 as offices or for the administrative or other like purposes.
- Civic Use:** means land and buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purposes.
- Commission:** means the State Planning Commission constituted under the State Planning Commission Act 1985.
- 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.
- Community Home:** means a building used primarily for living purposes by a group of physically or intellectually handicapped or socially disadvantaged persons living together with or without paid supervision or care and managed by a constituted community based organisation, a recognised voluntary charitable or religious organisation, a government department or instrumentality of the Crown.
- Consulting Rooms:** means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors, and persons ordinarily associated with a practitioner, in the 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.
- Consulting Rooms Group:** means a building (other than a hospital or medical centre) used by more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors and persons ordinarily associated with a practitioner, in the prevention, investigation or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.

- Convenience Store:** means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newagents 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<sup>2</sup> gross leasable area.
- Day Care Centre:** means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended).
- Development:** shall have the same meaning given to it in and for the purposes of the Act.
- 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 Carnamah.
- 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 Premises:** means land and buildings used for the cleaning of garments and other fabrics by chemical processes.
- Educational Establishment:** means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory or institutional home.
- Effective Frontage:** means the width of a lot at the minimum distance from the street alignment at which buildings may be constructed, and shall be calculated as follows—
- (a) where the side boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries;
  - (b) where the side boundaries of a lot are not parallel to one another, the length of a line drawn parallel to the street frontage and intersecting the side boundaries at the minimum distance from the street alignment at which buildings may be constructed;
  - (c) where a lot is of such irregular proportions or on such a steep grade that neither of the foregoing methods can reasonably be applied, such length as determined by the Council;
- Factory Unit Building:** means an industrial building designed, used or adopted 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 in and for the purposes of the Building Code of Australia, 1988 (as amended).
- 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 motorized implements and the display but not manufacture of prefabricated garden buildings.
- Gazetted Date:** means the date on which this Scheme is published in the *Government Gazette*.
- Grouped Dwelling:** means a dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise.
- 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 purpose of loading, unloading and maintaining ships.
- Health Studio:** means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.

**Home Occupation:** means a business or activity carried on with the written permission of the Council within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that—

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted;
- (b) does not entail employment of any person not a member of the 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 0.2m<sup>2</sup> in area;
- (f) in the opinion of the Council it is compatible with the principal uses to which land in the zone it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area;
- (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 fueling or repairing of motor vehicles within the curtilage of the dwelling house or domestic outbuilding;
- (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 (0.5hp)

**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, fishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;
- (c) the generation of electricity or the production of gas;
- (d) the manufacture of edible goods,

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of goods resulting from the process, and the use of land for the amenity of persons engaged in the process;

but does not include—

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

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

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products;
- (b) where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land;
- (c) is conducted in an out-building which is compatible to the zone and its amenity and does not occupy an area in excess of 55m<sup>2</sup>;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located, and;
- (e) does not display a sign exceeding 0.2m<sup>2</sup> 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 which is extracted from 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 (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).

**Lodging House:** shall have the same meaning as is given to it in and for the purposes of the Health Act, 1911 (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.

**Marina:** means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings appurtenant thereto and all offices and storerooms used in connection therewith.

**Marine Collectors 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 farmer's or producers' market, or a swapmeet in which the business or selling carried on or the entertainment provided is by independent operators or stallholders 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 pasteurized.

**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 an 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 re-shaping.
- 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.
- 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.
- 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 (as amended).
- Places of Natural Beauty:** means the natural beauties of the area including rivers, lakes and other inland waters, banks of rivers, foreshores of harbours and other parts of the sea, hill slopes and summits and valleys.
- 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 but shall not include lift shafts, stairs or stair landings, machinery rooms, air conditioning, equipment rooms, non-habitable floor space in basements, areas used exclusively for the parking of wheeled vehicles at or below ground level, lobbies or amenities common to more than 1 dwelling or private open balconies of not more than 2.4m depth;
- Potable Water:** means water in which the 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 (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, sport 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 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 TV 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.

**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—

(a) temporarily by two or more persons; or

(b) permanently by seven or more persons, who do not comprise a single family;

But does not include a hospital or sanatorium, a prison, an hotel, a motel, or a residential school.

**Residential Planning Codes:** means the residential planning codes, set out in Appendices 2 and 3 to the Statement of Planning Policy No. 1 together with any amendments thereto as published in the *Government Gazette* on January 30, 1985.

**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.

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

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

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

(a) the growing of vegetables, fruit, cereals or food crops;

(b) the rearing or agistment of 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; and

(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.
- Shop:** means a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yard or land and buildings used for sale of vehicles or for any purpose falling within the definition of industry.
- Showroom:** means a building wherein goods are displayed and may be offered for sale by wholesale and/or by retail, excluding the sale by retail of: foodstuffs, liquor or beverages; items of clothing or apparel, magazines, books or paper products; medical or pharmaceutical products; china, glassware or domestic hardware; and items of personal adornment.
- Single House:** is a dwelling which contains a living room and no more than one other habitable room which is possible to use as a bedroom;
- Tavern:** means land and buildings the subject of a Tavern Licence granted under the provisions of the Liquor Act, 1970 (as amended).
- Trade Display:** means land and buildings used for the display of trade goods and equipment for the purposes of advertisement.
- Transport Depot:** means lands and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.
- Veterinary Consulting Rooms:** means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight.
- Veterinary Hospital:** means a building used in connection with the treatment of sick animals and includes the accommodation of sick animals.
- Warehouse:** means a building wherein goods are stored and may be offered for sale by wholesale.
- 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 '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 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.

## SCHEDULE No. 2

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

#### SHIRE OF CARNAMAH

#### TOWN PLANNING SCHEME NO. 1

#### Additional Uses

No.	Land Particulars	Permitted Uses	Development Standards/ Conditions
-----	------------------	----------------	--------------------------------------

## SCHEDULE No. 3

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

## SHIRE OF CARNAMAH

## TOWN PLANNING SCHEME No. 1

## Special Use Zone

No.	Land Particulars	Permitted Uses	Development Standards/Conditions
2/1172	Carnamah Bunjil Road, Carnamah	Historical Precinct—MacPherson Homestead	As determined by Council on the basis of requirements.
Pt 3	Carnamah	Drive-In Theatre	
Pt 3	Carnamah	Caravan Park	
44,45,46 & 47	Caron Street, Carnamah	Works Depot	
Pt R'way Reserve	Carnamah	Service Station and Dwelling	
232	Nairn Crt, Eneabba	Single Mens Quarters	
Pt 372	Brimson/Dewar Streets, Eneabba	Caravan Park	
370	Johnson Street, Eneabba	Single Mens Quarters	
391	Brand Highway, Eneabba	Horse Yards and Greenbelt	
Pt 383	Eneabba Drive, Eneabba	Sale Yards and Truck Parking	

## SCHEDULE No. 4

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

## SHIRE OF CARNAMAH

## TOWN PLANNING SCHEME No. 1

## Special Rural Zones—Additional Requirements

Area	Additional Requirements to Clause 5.6 and the Zoning Table
INJA STREET: LOTS 68, 69, 73, 74 as shown on the Scheme Map	<p>(a) Minimum lot size shall be 3 ha.</p> <p>(b) Within this locality the keeping of stock is permitted subject to the advice of the Department of Agriculture with regard to maximum stocking rates.</p> <p>(c) All trees and vegetation shall be protected from grazing by stock, and Council may require fencing to ensure protection is maintained.</p> <p>(d) The following uses are not permitted unless special approval is given by Council after advertising—</p> <ul style="list-style-type: none"> <li>—Dog Kennels</li> <li>—Veterinary Clinic</li> <li>—Veterinary Hospital</li> <li>—Nursery</li> <li>—Garden Centre</li> </ul>

## SCHEDULE No. 5

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

## SHIRE OF CARNAMAH

## TOWN PLANNING SCHEME No. 1

## Application for Planning Consent

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

SIGNATURE OF OWNER

SIGNATURE OF APPLICANT  
OR AGENT

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

DATE .....

DATE .....

NOTE: This form should be completed and forwarded to the Shire Council together with 2 COPIES of detailed 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.

## SCHEDULE No. 6

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

## SHIRE OF CARNAMAH

## TOWN PLANNING SCHEME NO. 1

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

## SCHEDULE No. 7

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

## SHIRE OF CARNAMAH

## TOWN PLANNING SCHEME NO. 1

## Decision on Application for Planning Consent

The Council has considered the application

dated ..... submitted by

on behalf of .....

....., and

hereby advises that it has decided to:

**REFUSE/GRANT APPROVAL—TO COMMENCE DEVELOPMENT**

**TO DISPLAY AN ADVERTISEMENT**

Subject to the following conditions/for the following reasons

.....

.....

.....

SHIRE CLERK .....

DATE .....

NOTE: 1. Any Council decision to grant approval is valid for a period of two (2) years from the date shown on the decision, unless otherwise stated in the decision.

2. It is the responsibility of the Owner/Developer to ensure that the provisions of the Aboriginal Heritage Act 1972-80 are complied with, by contacting the Department of Aboriginal Sites, Western Australian Museum, prior to the commencement of any development.

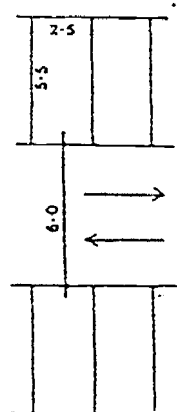
## SCHEDULE No. 8

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

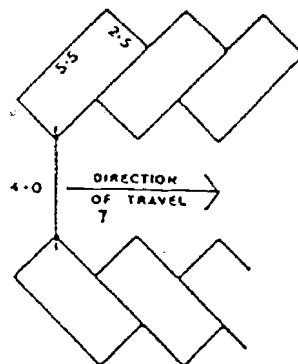
## SHIRE OF CARNAMAH

## TOWN PLANNING SCHEME NO. 1

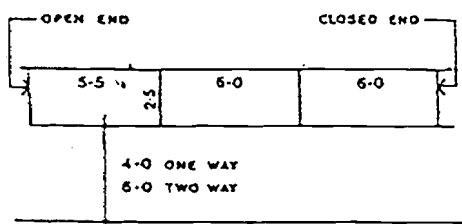
## CAR PARKING LAYOUTS



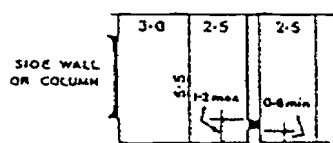
90° PARKING



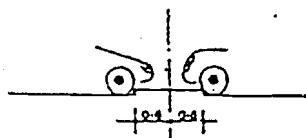
45° PARKING



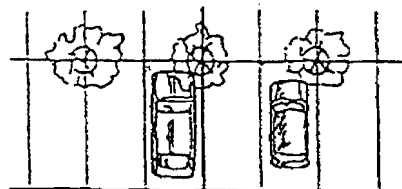
PARALLEL PARKING



OBSTRUCTIONS

WHEEL STOP  
MODIFICATIONS

Not to affect drainage



SHADE TREE LANDSCAPING

Kerb ring not to exceed 900mm diam

90° &amp; 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 "

Parallel - 4.0m one way "

- 6.0m two way "

## SCHEDULE No. 9

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

## SHIRE OF CARNAMAH

## TOWN PLANNING SCHEME NO. 1

## Control of Advertisements

ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL  
(to be completed in addition to Application for  
Approval to Commence Development—Form No. 1)

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

.....

## 2. Address in full:

.....

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

.....

.....

.....

## 4. Details of proposed sign:

Height: ..... Width: ..... Depth: .....

Colours to be used .....

Height above ground level (to top of advertisement: .....

(to underside .....

Materials to be used .....

Illuminated: Yes/No

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

If yes, state intensity of light source: .....

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

.....

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

.....

.....

NB: 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 .....

## SCHEDULE No. 10

## TOWN PLANNING AND DEVELOPMENT ACT, 1928 (as amended)

## SHIRE OF CARNAMAH

## TOWN PLANNING SCHEME No. 1

## Exempted Advertisements Pursuant to Clause 5.10.5

Land Use and/or Development Requiring Advertisements	Exempted Sign Type & No. (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
Dwellings	One professional name-plate as appropriate.	0.2m
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m
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
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 advertised sign not to exceed 5m <sup>2</sup>
Shops, Showrooms & 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 compliance with the requirements of the Signs Hoardings and Bill Posting Bylaw (if applicable).	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 building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements shall not exceed 15m <sup>2</sup>  Maximum permissible total area shall not exceed 10m <sup>2</sup> and individual advertisement signs shall not exceed 6m <sup>2</sup>
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from the outside of the complex or facility concerned either from other private land or from public places and streets.	Not applicable
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the Council of a municipality, and (c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	Not applicable  Not applicable  Not applicable



Schedule No. 10—*continued*  
Exempted Advertisements Pursuant to Clause 5.10.5—*continued*

Land Use and/or Development Requiring Advertisements	Exempted Sign Type & No. (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
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 <sup>2</sup> in area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	Not applicable
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
Temporary Signs	Exempted Sign Type & 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 <sup>2</sup>
(ii) Multiple Dwellings, Shops, Commercial & Industrial Projects.	One sign as for (i) above	5m <sup>2</sup>
(iii) Large development or redevelopment projects involving shopping centres, offices or other buildings exceeding 3 storeys in height	One sign as for (i) above	10m <sup>2</sup>
Sales of Goods or Livestock	One additional sign showing the name of the project builder.	5m <sup>2</sup>
Property Transactions	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 <sup>2</sup>
Advertisement signs displayed for the duration of the period over the 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 <sup>2</sup>
(b) Multiple dwellings, shops, commercial and industrial properties.	One sign as for (a) above	Each sign shall not exceed an area of 5m <sup>2</sup>
(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 <sup>2</sup>

Schedule No. 10—*continued*  
Exempted Advertisements Pursuant to Clause 5.10.5—*continued*

Temporary Signs	Exempted Sign Type & Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Sign
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 <sup>2</sup> 5m <sup>2</sup>

#### ADOPTION

Adopted by Resolution of the Council of the Shire of Carnamah at the meeting of the Council held on the 11th day of December 1992.

Date 23 December 1992.

R. WHITE, President.  
M. L. CROFT, Shire Clerk.

#### FINAL APPROVAL

1. Adopted by Resolution of the Council of the Shire of Carnamah at the Ordinary meeting of Council held on the twentieth day of July 1994 and the seal of Municipality was pursuant to that Resolution hereunto affixed in the presence of:

R. BOWMAN, President.  
M. L. CROFT, Shire Clerk.

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

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

Date 15 August 1994.

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

3. Final approval granted.

Date 20 August 1994.

RICHARD LEWIS, Hon. Minister for Planning.

#### PD406

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

Town Planning Scheme No. 3—Amendment No. 7

Ref: 853/5/7/3, Pt. 7.

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

- rezoning Pt Location 1425 Peaceful Bay, Shire of Denmark, from "Rural" Zone to "Residential R10" Zone and "Parks and Recreation" Reserve.
- amending the face of the Scheme Map accordingly.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Strickland Street, Denmark and at the State Planning Commission/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 9 December 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 9 December 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.

P. DURTANOVICH, Shire Clerk.

**PD407**

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

*Shire of Kalamunda*

District Planning Scheme No. 2—Amendment No. 149

Ref: 853/2/24/16, Pt. 149.

Notice is hereby given that the Shire of Kalamunda has prepared the abovementioned scheme amendment for the purpose of providing for an Additional Use for establishment of a woodyard and nursery on Portion Canning Location 460 Lot 200 (130) Pomeroy Road, Walliston, subject to conditions.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 2 Railway Road, Kalamunda and at the State Planning Commission/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 9 December 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 9 December 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. DUTTON, Shire Clerk.

**RACING AND GAMING**

**RA301**

**CASINO CONTROL ACT 1984**

**CASINO CONTROL (AUTHORIZED GAMES) AMENDMENT NOTICE  
(NO. 3) 1994**

Given by the Gaming Commission of Western Australia under section 22 (1).

**Citation**

1. This notice may be cited as the *Casino Control (Authorized Games) Amendment Notice (No. 3) 1994*.

**Principal notice amended**

2. The *Casino Control (Authorized Games) Notice 1992\** given under section 22 (1) of the *Casino Control Act 1984* is amended in the list of authorized games —

- (a) by deleting "Two-up (Coins)" and substituting the following —  
" Two Up Coins, and Tournament Two Up "; and
- (b) by deleting "Two-up (Dice)" and substituting the following —  
" Two Up Dice ".

[\* Published in the Gazette of 20 December 1985 at p. 4825.  
For amendments to 20 July 1994 see 1993 Index to Legislation of  
Western Australia, Table 4, p. 31 and Gazette of 4 March 1994.]

Dated 21 October 1994.

For the Gaming Commission of Western Australia.

M. J. EGAN, Chief Casino Officer.

## RA401

## LIQUOR LICENSING ACT 1988

## SUMMARY OF LIQUOR LICENSING APPLICATIONS

The following is a summary of applications received under the Liquor Licensing Act 1988, and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Liquor Licensing Division, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth (telephone: 425 1888), or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Day for Objections
<b>TRANSFER OF LICENCE</b>			
770/94	Maranel Pty Ltd	Application for the transfer of a Liquor Store Licence in respect of premises situated in Rottnest Island and known as the Geordie Bay Liquor Store, from Gary and Diane Sillcock and Brian Letts.	7/11/94
771/94	Maranel Pty Ltd	Application for the transfer of a Restaurant Licence in respect of premises situated in Rottnest Island and known as Geordies Alfresco, from Gary and Diane Sillcock & Brian Letts.	7/11/94
773/94	Evender Holdings Pty Ltd	Application for the transfer of a Liquor Store Licence in respect of premises situated in Three Springs and known as the Three Springs General Store, from Paul Klimatis.	2/11/94
774/94	Sala Thai Trading Co Pty Ltd	Application for the transfer of a Restaurant Licence in respect of premises situated in Kalamunda and known as Williners Restaurant, from Leighmore Nominees Pty Ltd.	4/11/94
775/94	Bushgrove Holdings Pty Ltd	Application for the transfer of a Tavern Licence in respect of premises situated in Gosnells and known as the Southern River Tavern, from Blackhill Holdings Pty Ltd.	3/11/94
776/94	Fort Holdings Pty Ltd	Application for the transfer of a Restaurant Licence in respect of premises situated in Leederville and known as Fat Bellies, from J. E. Clark.	7/11/94
777/94	Golden Globe Pty Ltd	Application for the transfer of a Wholesale Licence in respect of premises situated in Claremont and known as the Continental Food and Wine Wholesalers, from Visualize Pty Ltd.	8/11/94
778/94	Vides Holdings Pty Ltd	Application for the transfer of a Restaurant Licence in respect of premises situated in Cottesloe and known as I Dolci Pizzeria and Cafe, from Mohammad Rafi Mayward.	7/11/94
<b>GRANT OF LICENCE</b>			
497/94	Kirksville Pty Ltd	Application for the grant of a Restaurant Licence in respect of premises situated in Peppermint Grove and known as the Salamanders Restaurant.	22/11/94
499/94	Murray Districts Rifle Club Association Inc.	Application for the grant of a Club Restricted Licence in respect of premises situated in Yarloop and known as the Murray Districts Rifle Club Association Inc.	21/11/94
500/94	WASM Social Club	Application for the grant of a Club Restricted Licence in respect of premises situated in Kalgoorlie and known as the WASM Social Club.	29/11/94

This notice is published under section 67 (5) of the Liquor Licensing Act 1988.

H. R. HIGHMAN, A/Director of Liquor Licensing.

## STATE TAXATION

SX401

## PAY-ROLL TAX ASSESSMENT ACT 1971

## Notice of Exemption of Charitable Body

Notice is hereby given under the provisions of section 10 (3) of the Pay-roll Tax Assessment Act, that the Australian Quality Council Ltd is declared exempt for the purposes of section 10 (1) (k) of the Act, in relation to its charitable objects.

G. M. EVANS, Minister for Finance.

## TRANSPORT

TR401

## NAVIGABLE WATERS REGULATIONS

## Jet Ski Boat Course

Department of Transport,  
Fremantle, 28 October 1994.

Acting pursuant to the powers conferred under Regulation 48A(1)(b) of the Navigable Waters Regulations the Department of Transport by this notice declares the following area of navigable waters as a jet ski boat course—

## TOWN OF NARROGIN

The parcel of land being part of Narrogin Reserve 20939 Mokine Road commencing at a point approximately 364 m along the southeast boundary of the Collie-Narrogin Railway Reserve from the most northerly point of Reserve 20939 and then travelling east southeast approximately 90 m and then travelling southwest approximately 180 m and travelling west northwest approximately 30 m and then travelling southwest approximately 30 m and travelling west northwest approximately 87 m and then travelling north northeast approximately 223 m to the original starting point to be set aside for the purpose of a jet ski boat course.

STUART HICKS, Director General of Transport.

TR402

## SHIPPING AND PILOTAGE ACT 1967

Department of Transport.

It is hereby notified that on 11 October 1994, His Excellency the Governor in Executive Council approved in accordance with section 4 of the Shipping and Pilotage Act 1967—

- (i) The appointment of John George Francis Ball, Noel Samuel Westcott Dyson, Patrick John Markham Eveleigh and Michael Graham Hairsine as pilots for the Port of Carnarvon.
- (ii) The appointment of Peter Joseph Blenkinsopp as a pilot for the Port of Broome.

STUART HICKS, Director General of Transport.

TR403

NAVIGABLE WATERS REGULATIONS  
DECLARATION OF EMERGENCY VESSELS

Department of Transport,  
Fremantle, 28 October 1994.

ACTING pursuant to the powers conferred by Regulation 19H of the Navigable Waters Regulations I hereby declare the following vessels to be emergency vessels and exempt from the provisions of the Regulations whilst the masters of the vessels are acting in the course of their duties and where they reasonably believe that it is expedient and safe to do so—

Department of Transport	Patrol Vessel	Vigilant
Department of Transport	Patrol Vessel	Sentinel
Department of Transport	Patrol Vessel	Cossack
Department of Transport	Patrol Vessel	1
Department of Transport	Patrol Vessel	2
Department of Transport	Patrol Vessel	3

Department of Transport	Patrol Vessel	4
Department of Transport	Patrol Vessel	5
Department of Transport	Patrol Vessel	6
Department of Transport	Patrol Vessel	7
Department of Transport	Patrol Vessel	8
Department of Transport	Patrol Vessel	9
Department of Transport	Patrol Vessel	10
Department of Transport	Patrol Vessel	11
Department of Transport	Patrol Vessel	12
Department of Transport	Patrol Vessel	13
Department of Transport	Patrol Vessel	14
Department of Transport	Patrol Vessel	15
Department of Transport	Patrol Vessel	16
Department of Transport	Patrol Vessel	17
Department of Transport	Patrol Vessel	18
Department of Transport	Patrol Vessel	19
Department of Transport	Patrol Vessel	20
Department of Transport	Patrol Vessel	21
Department of Transport	Patrol Vessel	22
Department of Transport	Patrol Vessel	23
Department of Transport	Patrol Vessel	24
Police	Patrol Vessel	Cygnnet IV
Police	Patrol Vessel	Protector
Police	Patrol Vessel	Victor Mike Three
Police	Patrol Vessel	Woonan

I hereby declare the following vessels to be emergency vessels and are permitted to use a lamp displaying intermittent blue flashes when actually deployed on sea search and rescue operations and authorised by the Marine Emergency Operations Centre in the Metropolitan Area. In country areas the prior approval of local Police or the Department of Transport Marine Officer will be required.

Bunbury Lifeboat Foundation—Private Pleasure Vessel “Spirit of Bunbury 2” Registration Number AG 552.

Cockburn Volunteer Sea Rescue Group—Private Pleasure Vessel “Avail 11” Registration Number A 888.

Esperance Volunteer Sea Rescue Group—Private Pleasure Vessel “Volunteer” Registration Number AG 792.

Exmouth Volunteer Sea Rescue Group—Private Pleasure Vessel “Exmouth Endeavour” Registration Number AK 120.

Fremantle Volunteer Sea Rescue Group—Private Pleasure Vessel “R 100” Registration Number AF 833.

Jurien Bay Volunteer Sea Rescue Group—Commercial Vessel “K2” Licensed Fishing Boat Number F 441.

Mandurah Emergency Water Rescue—Private Pleasure Vessel “Ruby A11” Registration Number AG 600.

Naturaliste Volunteer Sea Rescue Group—Private Pleasure Vessel “Linley Scott” Registration Number AC 599.

Two Rocks Volunteer Sea Rescue Group—Private Pleasure Vessel “TR 13” Registration Number AJ 357.

West Pilbara Volunteer Sea Rescue Group—Private Pleasure Vessel “Shirley Holland” Registration Number 466.

Whitford Volunteer Sea Rescue Group—Private Pleasure Vessel “Green 1” Registration Number 60496.

Whitford Volunteer Sea Rescue Group—Private Pleasure Vessel “Green 6” Registration Number 39540.

Whitford Volunteer Sea Rescue Group—Private Pleasure Vessel “Green 7” Registration Number 69453.

Whitford Volunteer Sea Rescue Group—Private Pleasure Vessel “Green 20” Registration Number 53972.

Whitford Volunteer Sea Rescue Group—Private Pleasure Vessel “Green 23” Registration Number 52966.

Whitford Volunteer Sea Rescue Group—Private Pleasure Vessel “Green 28” Registration Number 2870.

STUART HICKS, Director General of Transport.

**WATER AUTHORITY****WA302****WATER AUTHORITY ACT 1984****WATER AUTHORITY (INFRINGEMENTS) REGULATIONS 1994**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Water Authority (Infringements) Regulations 1994*.

**Commencement**

2. These regulations come into operation on 1 November 1994.

**Prescribed offence**

3. The offence created by by-law 6.2.7.3 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* is prescribed to be an offence that may be dealt with under section 103 of the Act.

**Modified penalty**

4. The amount prescribed to apply in respect of the offence referred to in regulation 2, if it is dealt with under section 103 of the Act, is \$40.

**Prescribed persons**

5. For the purposes of section 103 of the Act the persons holding, or for the time being acting in, the offices of the Authority known as —

- (a) Regional Manager, Perth North Region; and
- (b) Regional Manager, Perth South Region,

are prescribed persons.

**Forms**

6. The forms set out in the Schedule are prescribed for the respective purposes for which forms are required by section 103 (2), (6) and (11) of the Act.

**Offence of unauthorized alteration of infringement notices**

7. A person who, not being an authorized person, makes any alteration to an infringement notice commits an offence.

Penalty: \$200.

## Schedule

(Regulation 5)

## Form 1

WATER AUTHORITY OF WESTERN AUSTRALIA  
INFRINGEMENT NOTICE*Water Authority Act 1984*  
(section 103 (2))

No. ....

Date .... / .... / ....

Surname (Block letters) Other names (in full)

Address .....  
Number and street

Town or suburb Postcode

It is alleged that at ..... hours on ..... the ..... day of

..... 19 ..... at .....

.....

you committed the offence of using or consuming water in contravention of an order made and published under by-law 6.2.7 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*, contrary to by-law 6.2.7.3 of those by-laws.

.....  
Authorized person

You may dispose of this matter either —

- (a) by payment of the modified penalty of \$40 within 21 days of the date of this notice to the cashier at —
- (i) the John Tonkin Water Centre, Leederville;
- (ii) the Perth North Regional Office, Joondalup; or
- (iii) the Perth South Regional Office, Fremantle;
- or
- (b) by having it dealt with by a court.

**If the modified penalty is not paid within the time specified, court proceedings may be taken against you.**

- Please make Cheques payable to —  
WATER AUTHORITY OF WESTERN AUSTRALIA.
- Payments by mail should be addressed to —  
The Water Authority of Western Australia,  
P. O. Box 100,  
LEEDERVILLE W A 6007



## Form 2

WATER AUTHORITY OF WESTERN AUSTRALIA  
**WITHDRAWAL OF INFRINGEMENT NOTICE**

*Water Authority Act 1984*  
 (section 103 (6))

No. ....

Date .... / .... / ....

Surname (Block letters)

Other names (in full)

Address .....

Number and street

Town or suburb

Postcode

Infringement Notice No. .... Date .... / .... / .... for the alleged offence of using or consuming water in contravention of an order made and published under by-law 6.2.7 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*, contrary to by-law 6.2.7.3 of those by-laws on —

..... at .....

specifying the modified penalty of \$40 is withdrawn.

- \* No further action will be taken.
- \* It is proposed to institute court proceedings for the alleged offence.

.....  
Regional Manager,

Perth \* North/South Region

\* Delete that which is not applicable

## Form 3

WATER AUTHORITY OF WESTERN AUSTRALIA  
**CERTIFICATE OF AUTHORIZED PERSON**

*Water Authority Act 1984*  
 (section 103 (11))

(Front)

Water Authority of Western Australia


 Photograph

Authorized Person

.....  
(Name).....  
(Signature)

(Serial No.)

Valid to —

.....  
(Date)

(Back)

**CERTIFICATE OF AUTHORIZED PERSON**

This is to certify that the person identified on the front of this certificate is authorized, in accordance with section 103 of the *Water Authority Act 1984*, to give infringement notices in respect of alleged offences under by-law 6.2.7.3 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

WA301

**WATER AUTHORITY ACT 1984****WATER AUTHORITY (CHARGES) AMENDMENT BY-LAWS (NO. 10)  
1994**

Made by the Water Authority of Western Australia with the approval of the Minister for Water Resources.

**Citation**

1. These by-laws may be cited as the *Water Authority (Charges) Amendment By-laws (No. 10) 1994*.

**By-law 8C inserted**

2. After by-law 8BA of the *Water Authority (Charges) By-laws 1987\** the following by-law is inserted —

“

**Rebate on additional irrigation maintenance charge in Carnarvon Irrigation District**

8C. (1) Where a person is liable to pay an additional charge to maintain an allocation under item 3 of Part 2 of Schedule 4 to these by-laws, that person —

- (a) may choose to pay the charge in 2 equal instalments, on or before 31 October 1994 and on or before 31 December 1994 respectively;
- (b) may choose to pay the charge on or before 31 October 1994, in which case the person shall receive a 6% discount on that charge (for early payment) together with a rebate of \$1.50 (administrative saving); or
- (c) may choose to pay the charge in 3 instalments —
  - (i) the first consisting of half the charge, on or before 31 October 1994;
  - (ii) the second consisting of one quarter of the charge, on or before 31 December 1994; and

- (iii) the third consisting of one quarter of the charge, due on or before 31 March 1995,

but if the person pays in accordance with this paragraph, the person shall pay 6% interest on the charge (for delayed payment) together with a further \$1.50 (administrative cost).

(2) A person who chooses to pay an additional charge in the manner set out in paragraph (a), (b), or (c) of sub-bylaw (1), shall receive a rebate of \$20 per hectare (or part thereof), to a maximum of 6 hectares, on the additional charge payable for that year.

[\* *Published in the Gazette of 14 July 1987 at pp. 2658-72.  
For amendments to 13 October 1994 see 1993 Index to Legislation of Western Australia, Table 4, pp.306-308 and Gazettes of 4 March, 6 May, 29 June and 16 September 1994.*]

By resolution of the Board.

The Seal of the Water Authority of Western Australia was affixed hereto in the presence of—

P. E. RYAN, Acting Chairman.  
W. J. COX, Managing Director.

Approved by the Minister for Water Resources—

PAUL D. OMODEI.

WA401

#### **WATER AUTHORITY ACT 1984**

#### **WATER AUTHORITY VESTING ORDER (No. 6) OF 1994**

Made by His Excellency the Governor in Executive Council under section 8 (3).

#### **Citation**

1. This order may be cited as the Water Authority Vesting Order (No. 6) of 1994.

#### **Vesting of Schedule 1 Interest in Land**

2. The interest of Metropolitan Water Supply Sewerage and Drainage Board of 2 Havelock Street, West Perth as Grantee of an easement over that part of the land specified in Schedule 1 shall be vested in Water Authority of Western Australia of 629 Newcastle Street, Leederville.

#### **Vesting of Schedule 2 Interest in Land**

3. The interest of Metropolitan Water Supply Sewerage and Drainage Board of 2 Havelock Street, West Perth as Registered Proprietor of an estate in fee simple of all those pieces of land specified in Schedule 2 shall be vested in the Water Authority of Western Australia of 629 Newcastle Street, Leederville.

#### **Vesting of Schedule 3 Interest in Land**

4. The interest of Metropolitan Water Authority as Grantee of an easement over part of all those pieces of the land specified in Schedule 3 shall be vested in the Water Authority of Western Australia of 629 Newcastle Street, Leederville.

#### **Vesting of Schedule 4 Interest in Land**

5. The interest of Her Majesty Queen Elizabeth the Second as Registered Proprietor of an estate in fee simple of all those pieces of land specified in Schedule 4 shall be vested in Water Authority of Western Australia of 629 Newcastle Street, Leederville.

#### **Vesting of Schedule 5 Interest in Land**

6. The interest of Metropolitan Water Authority of 629 Newcastle Street, Leederville as Registered Proprietor of an estate in fee simple of that land specified in Schedule 5 shall be vested in Water Authority of Western Australia of 629 Newcastle Street, Leederville.

**Vesting of Schedule 6 Interest in Land**

7. The interest of Minister of Water Supply Sewerage and Drainage as Registered Proprietor of an estate in fee simple of that land specified in Schedule 6 shall be vested in Water Authority of Western Australia of 629 Newcastle Street, Leederville.

**Vesting of Schedule 7 Interest in Land**

8. The interest of Minister for Water Resources of 2 Havelock Street, West Perth and 8th Floor, SGIO Atrium, 170 St Georges Terrace, Perth as Registered Proprietor of an estate in fee simple of all those pieces of land specified in Schedule 7 shall be vested in Water Authority of Western Australia of 629 Newcastle Street, Leederville.

**Vesting of Schedule 8 Interest in Land**

9. The interest of Minister of Water Supply Sewerage and Drainage of Saint Georges Terrace, Perth as Registered Proprietor of an estate in fee simple of all those pieces of land specified in Schedule 8 shall be vested in Water Authority of Western Australia of 629 Newcastle Street, Leederville.

**Vesting of Schedule 9 Interest in Land**

10. The interest of Her Majesty as Registered Proprietor of an estate in fee simple of that resumed land specified in Schedule 9 shall be vested in the Water Authority of Western Australia of 629 Newcastle Street, Leederville.

**Vesting of Schedule 10 Interest in Land**

11. The interest of His Majesty King George the Fifth as Registered Proprietor of an estate in fee simple of that land specified in Schedule 10 shall be vested in Water Authority of Western Australia of 629 Newcastle Street, Leederville.

**Schedule 1**

1. Portions of Herdsman Lake Lot 140 and being that part of the land in Transfer B152409 coloured yellow on Diagram 47968 on the map in the margin to the Second Schedule to the Certificate of Title Volume 1956 Folio 885.
2. Portion of Swan Location 1136 and being part of Lot 300 on Plan 515 (Sheet 1) and being that part of the land in Transfer 73311/1967 marked 'A' on the map in the margin to the Second Schedule to Certificate of Title Volume 1963 Folio 278.

**Schedule 2**

1. Portion of Herdsman Lake Lot 140 and being Lot 2 the subject of Diagram 47968 and being the whole of the land comprised in Certificate of Title Volume 1435 Folio 841.
2. Portion of Canning Location 2 and being Lot 5 the subject of Diagram 39462 and being the whole of the land comprised in Certificate of Title Volume 376 Folio 88A.
3. Portion of Jandakot Agricultural Area Lot 71 and being Lot 14 the subject of Diagram 58986 and being the whole of the land comprised in Certificate of Title Volume 1578 Folio 401.
4. Portion of Canning Location 38 and being Lot 110 the subject of Diagram 50016 and being the whole of the land comprised in Certificate of Title Volume 1459 Folio 452.
5. Portion of each of Canning Locations 19 and 2760 and being Lot 71 the subject of Diagram 53178 and being the whole of the land comprised in Certificate of Title Volume 1520 Folio 293.
6. Portion of Jandakot Agricultural Area Lot 528 and being part of the land on Plan 7750 and being the whole of the land comprised in Certificate of Title Volume 19 Folio 298A.

**Schedule 3**

1. Portion of Canning Location 12 and being part of Lot 52 on Diagram 76664 and being that part of the land in Transfer C604688 marked "A" on the map in the margin to the Second Schedule to Certificate of Title Volume 1878 Folio 711.
2. Portion of Canning Location 12 and being part Lots 18 and 19 on Plan 2976 (Sheet 2) and being that part of the land in Transfer C863483 marked "A" on the map in the margin to the Second Schedule to Certificate of Title Volume 1878 Folio 709.

**Schedule 4**

1. Portion of Plantagenet Location 42 and being Lot 252 on Diagram 44089 and being the whole of the land comprised in Certificate of Title Volume 1369 Folio 358.
2. Hay Location 1047 and being the whole of the land comprised in Certificate of Title Volume 1039 Folio 978.
3. Portion of Canning Location 2 and being Lot 54 on Plan 2597 save and except the rights to mines of coal or other minerals and being the whole of the land comprised in Certificate of Title Volume 507 Folio 90A.

**Schedule 5**

Jandakot Agricultural Area Lot 551 and being the whole of the land comprised in Crown Grant Volume 1636 Folio 948.

**Schedule 6**

Nelson Location 8569 and being the whole of the land comprised in Certificate of Title Volume 1215 Folio 802.

## Schedule 7

1. Nelson Location 1258 and being the whole of the land comprised in Certificate of Title Volume 1346 Folio 125.
2. Portion of Wellington Location 4095 and being Lot 3 the subject of Diagram 61620 and being the whole of the land comprised in Certificate of Title Volume 1607 Folio 649 and subject to special conditions contained in Crown Grant 1160/509.
3. Portion of Nelson Location 1024 and being part of Lot 2 on Diagram 14576 and being the whole of the land comprised in Certificate of Title Volume 1648 Folio 20.

## Schedule 8

1. Portion of Canning Location 1 and being part of the land on Plan 7766 and being the whole of the land comprised in Certificate of Title Volume 1266 Folio 104.
2. Portion of Canning Location 2 and being Lot 45 and part Lot 46 on Plan 2597 and being the whole of the land comprised in Certificate of Title Volume 1271 Folio 942.

## Schedule 9

Portion of Jandakot Agricultural Area Lot 33 and being Lot 1 on Diagram 22020 and being the resumed land remaining in Certificate of Title Volume 1203 Folio 14.

## Schedule 10

Portion of Wellington Locations 42 and 48 and being the whole of the land comprised in Certificate of Title Volume 1036 Folio 680.

By His Excellency's Command.

M. C. WAUCHOPE, Clerk of Executive Council.

---

WA402**COUNTRY AREAS WATER SUPPLY ACT 1947**

Made by His Excellency the Governor in Executive Council under section 9.

**Citation**

1. This order may be cited as the Cane River Water Reserve Order 1994.

**Cane River Water Reserve**

2. The land described in the Schedule to this order is hereby constituted the Cane River Water Reserve.

## Schedule

(clause 2)

Reserve 1054 as published in the *Government Gazette* on 1 April 1886 and Reserve 25853 as published in the *Government Gazette* on 10 February 1961.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

---

WA403**WATER AUTHORITY ACT 1984****NOTICE**

Given by the Water Authority under section 103 (10) (b) of the Act.

It is notified that the following persons are designated as persons to whom payment of any modified penalty, incurred under the Water Authority Act 1984, may be made—

- (a) the cashier, John Tonkin Water Centre, Leederville;
- (b) the cashier, Perth North Regional Office, Joondalup;
- (c) the cashier, Perth South Regional Office, Fremantle.

WATER AUTHORITY OF WESTERN AUSTRALIA.

## TENDERS

## ZT201

## MAIN ROADS

*Tenders*

Tenders are invited for the following projects.

Tender documents are available from the Contracts Clerk, Supply Branch, Ground Floor, Waterloo Crescent, East Perth.

Tender No.	Description	Closing Date
		1994
108/94 .....	Bituminous sealing and resealing, various roads, Northam Division.	7 November
138/94 .....	Fabrication and installation of steel beams for strengthening of the Horseshoe Bridge No. 948, Wellington Street ramp.	4 November
49/94 .....	Supply and delivery of traffic signal controllers.	15 November
18/94 .....	Road construction to sub base stage, Brookton Highway, Westdale section, Narrogin Division.	22 November

## ZT202

*Acceptance of Tenders*

Contract No.	Description	Successful Tenderer	Amount
			\$
104/94 .....	Casement definition, limited cadastral survey, Great Northern Highway, Wonjil-Halls Creek.	John Bullock and Associates	144 250.00
94D01 .....	Purchase and removal of one (1) only 1985 Hino Flat Top Truck. Model FD174. MR9005 Air con 214 532 km.	Big Gun Trucks .....	11 279.00
94D02 .....	Purchase and removal of one (1) only Mitsubishi Flat Top Truck and fitted with Colrol 500 hoist (MRWA 4185). Model FK102J16. MRWA 6393. Air Con Year 1982 244 500 km.	Mick Corry's New and Used Ford Parts	4 736.00
94D03 .....	Purchase and removal of one (1) only Modra 60 kW Power Pack Cummins/Stanford Computed Hours: 7070 MRWA 8424.	CFC Holdings .....	5 780.00
	Purchase and removal of one (1) only Ford 50 kW Gen Set Markon Computed Hours: 216 MRWA A493.	Machinery Supply's ...	2 750.00

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
1994 October 14	679A1994	Supply and Installation of a Local Area Network for the Department of Local Government .....	1994 November 3

STATE SUPPLY COMMISSION—*continued*  
Tenders Invited—*continued*

Date of Advertising	Schedule No.	Description	Date of Closing
1994			1994
October 14	684A1994	Supply & Commission of Seven (7) only Porous Load Steam Sterilisers and Five (5) only electric Cylinder Steam Generators for the Health Department of WA.....	November 3
October 14	689A1994	Dental Equipment for Dental Services .....	November 10
October 14	690A1994	Supply, Delivery, Site Works, Installation, Commissioning, Maintenance and Operational Support for a Magnetic Resonance Imaging and Associated Equipment for Sir Charles Gairdner Hospital .....	Extended November 10
October 21	020A1994	Petri Dishes and Sterile Specimen Containers .....	November 10
October 21	099A1994	Large Volume Sterile Fluids to meet a Whole of Health Requirement .....	November 10
October 21	682A1994	Textiles—Fleecy and Interlock for Corrective Services, Ministry of Justice .....	November 10
October 21	686A1994	Supply and Construction of One (1) to Four (4) Four Wheel Drive Diesel Powered Single Cab 1590 Litre Fire Appliances for the Bush Fires Board of WA ..	November 10
October 21	691A1994	Supply and Construction of One (1) to Ten (10) Four Wheel Drive Diesel Powered Single Cab 2000 Litre Fire Appliances for the Bush Fires Board of WA ..	November 10
October 21	692A1994	Supply and Construction of One (1) to Eight (8) Four Wheel Drive Diesel Powered Single Cab 3000 Litre Fire Appliances for the Bush Fires Board of WA ..	November 10
October 28	218A1994	Major Household Appliances, Both Gas and Electric, to Homeswest .....	November 10
October 28	565B1994	Microstation PC Software Dual Screen DOS/OS Workstations, Monitors and Additional Software for the Accelerated Coastal Mapping Program for the Ten-graph Project for the Department of Minerals and Energy .....	November 10
October 28	684A1994	Supply and Commissioning of Seven (7) only Porous Load Steam Sterilisers and Five (5) only Electric Cylinder Steam Generators for the Health Department of WA .....	Extended to November 10
October 28	700A1994	Sixteen (16) only Mig Welding Machines and Twelve (12) only Arc Welding Machines for the WA Department of Training .....	November 10
October 28	693A1994	General Stationery for the Disability Services Commission .....	November 17
<i>Provision of Service</i>			
October 14	685A1994	Fleet Management Services for Passenger and Light Commercial Vehicles of various Government agencies (Contract B) .....	November 3
October 21	694A1994	Auctioneering Services for the Disposal of Surplus Plant at Robb Jetty for the WA Meat Commission .....	November 3
October 21	322A1994	Cleaning of the Premises of 441 Murray Street, Perth for the Department of State Services .....	November 10
October 21	323A1994	Radiological Services to the Kalamunda Health Service .....	November 10
October 21	696A1994	Provision of Consultancy Services to Advise on Organisational Changes for the Department of State Services and the State Supply Commission .....	November 10
October 28	183A1994	Transport of Furniture and Effects for the Police Department .....	November 17

STATE SUPPLY COMMISSION—continued  
Tenders Invited—continued

Date of Advertising	Schedule No.	Description	Date of Closing
1994			1994
<i>Provision of Service—continued</i>			
October 28	675A1994	For the Provision of a Total Service including Market Research and a subsequent Public Education Campaign targeted at Young People for the Department of Occupational Health, Safety and Welfare Pre-Tender Briefing Session: Potential Tenderers are invited to attend a Pre-Tender Briefing Session to be held at 2.00 pm on Thursday, 10 November 1994 at the following location: Department of Occupational Health, Safety and Welfare, Training Rooms 3 and 4, Third floor—"West Centre", 1260 Hay Street, West Perth Please RSVP to Toni Rossow on Phone No. (09) 327 8715, no later than 4.00 pm, Monday 7 November 1994 .....	November 17
October 28	687A1994	Computing Resources and Services for CALM .....	November 24
October 28	688A1994	Facility Management of Wide Area Network (WAN) for CALM .....	November 24
<i>Purchase and Removal</i>			
Sept 23	666A1994	112 x 25 kg boxes of Mesurol Snail Baits for the Agriculture Protection Board of WA .....	November 3
October 28	699A1994	Emu and/or Emu Products for the Medina Research Centre .....	November 3

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.

I. W. STEELE, A/Chairman, State Supply Commission.

**ZT302**

*Accepted Tenders*

Schedule No.	Particulars	Contractor	Rate
<i>Supply and Delivery</i>			
160A1994	Police Uniforms for the WA Police Supply Branch, Kewdale	Adelphi Tailoring Company	Details on Request
588A1994	Supply, free delivery, installation and commissioning of Three (3) only High Temperature Short Time Mini Pasteurisers for the Education Department of WA	Kalorama Technical Services Pty Ltd	\$34 343.10 per unit
610A1994	Supply, delivery, installation and maintenance of Computing Equipment and Associated Software Services to WorkCover WA	Osborne Computers Ltd	Details on Request
634A1994	Supply, delivery, installation and commissioning of a Fully Automated Blood Culture Detection System for Royal Perth Hospital	Acorn Biological .....	\$506 745.00 Total
<i>Provision of Service</i>			
185A1994	Transport of Furniture and Effects to and from Christmas and Cocos Islands for the Education Department	Allied Pickfords Pty Ltd	Details on Request



STATE SUPPLY COMMISSION—*continued**Accepted Tenders—continued*

Schedule No.	Particulars	Contractor	Rate
<i>Provision of Service—continued</i>			
580A1994	Corporate Data Analysis Services for the Health Department of WA	Trilogy Resources .....	Details on Request
599A1994	Computer Operations Support for DOLA	Winthrop Technology .....	Details on Request
647A1994	Co-ordination Team for the Curriculum Module of the College Management Information System for the Department of Training	Computer Power Pty Ltd	Details on Request
<i>Purchase and Removal</i>			
664A1994	1973 Bosich Tilt Bed Trailer (MR 0549) (XQW 994) for Main Roads, Welshpool	Soltoggio Bros .....	\$2 626.00

## 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 40241	Removal of existing reinforced concrete roof and columns—Stage 2, Claisebrook Wastewater Pumping Station.	8 November
FS 40242	Carting of water from Hopetoun to Ravensthorpe .....	8 November

## ZT402

*Accepted Tenders*

Contract	Particulars	Contractor	Price
AM 40643	The construction of Gravity Sewers for Metropolitan Sewerage Reticulation Area Perth 59A Part 2—Civil Works.	Carrara Contractors	Schedule of Rates
AM 40642	The construction of Gravity Sewers for Metropolitan Sewerage Reticulation Area Perth 59A Part 1—Civil Works.	The Construction Branch, Water Authority of Western Australia	Schedule of Rates
AM 40645	The construction of Gravity Sewers for Metropolitan Sewerage Reticulation Areas Balcatta 2S and Scarborough 19D Part 2—Civil Works.	Island Drainage Pty. Ltd.	\$176 000.00
AM 40646	The construction of Gravity Sewers for Metropolitan Sewerage Reticulation Area as Balcatta 2S and Scarborough 19D Part 3—Civil Works.	H. & L. Projects Pty. Ltd.	Schedule of Rates

WATER AUTHORITY OF WESTERN AUSTRALIA—*continued*  
*Accepted Tenders—continued*

Contract	Particulars	Contractor	Price
AM 40647	The construction of Gravity Sewers for Metropolitan Sewerage Reticulation Areas Balcatta 2S and Scarborough 19D Part 3A—Civil Works.	G. & O. Drainage Pty. Ltd.	\$185 000.00
FM 40648	The construction of Busselton Sewerage Reticulation Area 12A.	Ideal Contractors (W.A.) Pty. Ltd.	Schedule of Rates
WP 42009	Supply and delivery of Lime Putty and the Provision of On-site Storage and Dosing Facilities for a five year period 1994/99.	Lime Industries Pty. Ltd.	Schedule of Prices
WP 42010	Supply of Pressure transmitters for period 1994/96.	Fisher-Rosemount Pty. Ltd.	Schedule of Prices
AV 43320	Supply of one (1) only 13 000 kg G.V.M. 4 wheel drive side tip truck in accordance with Specification 94V/11.	Prestige Motors	\$98 677.00

W. COX, Managing Director.

**ZT501**

**FREMANTLE PORT AUTHORITY**

Expressions of Interest

Aquaculture

The Fremantle Port Authority and the Fisheries Department have identified water areas adjacent to the Kwinana Grain Jetty in Cockburn Sound which are potentially available for the development of aquaculture industries including mussel farming.

The water area measures approximately 40 hectares and is located approximately on latitude South 32° 15' 46" and longitude East 115° 44' 82".

The Fremantle Port Authority and the Fisheries Department are seeking proposals for the establishment of mussel farming or other commercial aquaculture in these areas by inviting Expressions of Interest from parties who have expertise to develop these ventures.

In submitting proposals, interested parties will need to address specific criteria set out in Guidelines relating to this development. The Guidelines are available by contacting the Property Development Branch on (09) 430 3314 during normal business hours.

Expressions of Interest close at 10.00 am, Friday, 11 November 1994.

Submission to: The Secretary  
 Fremantle Port Authority  
 PO Box 95  
 Fremantle WA 6160  
 Attention: Leigh Smith-Knox

**PUBLIC NOTICES**

**ZZ101**

**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 particular of their claims to me on or before the 28th November 1994, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Acton, Robert George, late of Unit 311 Belgrade Park Village, Belgrade Road, Wanneroo, died 6/9/94 (DEC 275906 DS4).

Angear, Reuben Frank, late of Unit 208 Moline House, Jeans Road, Karrinyup, died 17/9/94 (DEC 276410 DL4).

- Beton, Isabella, late of Two Pines Nursing Home, 61 Clarkson Road, Maylands, died 31/8/94 (DEC 274970 DS4).
- Brazill, Marget Petrie, late of Homes of Peace, 125 Thomas Street, Subiaco, died 15/8/94 (DEC 275621 DL4).
- Burnsnel, James Banister Keith, late of 27 Cerberus Avenue, Parkwood, died 11/9/94 (DEC 275865 DL4).
- Currie, Elsie Florence, late of 61 Reserve Street, Wembley, died 30/8/94 (DEC 275855 DG2).
- Fairbanks, Marjorie Florence, late of 16 Chrystal Gardens, 84 Kitchener Street, Trigg, died 28/8/94 (DEC 275878 DS3).
- Franché, Aaron Carl, late of 20 Malsbury Road, Bicton, died 12/9/94 (DEC 275557 DE2).
- Gastaldo, Lila Edna May, late of 21 Buckin Street, Collie, died 5/9/94 (DEC 276144 DL3).
- Graham, Andrew John Graham, late of 18 Pepperling Way, Balga, died 19/9/94 (DEC 276152 DG3).
- Greig, Phyllis May, formerly of 118 Piesse Street, Boulder, late of Little Sisters of the Poor, 1 Croesus Street, Kalgoorlie, died 29/8/94 (DEC 275588 DG2).
- Gulley, Marjorie Dorene, late of Howard Solomon Nursing Home, Hybanthus Road, Ferndale, died 16/9/94 (DEC 275626 DG3).
- Heath, Edward Reginald, late of Gracewood Nursing Home, 20 Roebuck Drive, Manning, died 21/9/94 (DEC 275952 DG4).
- Jackson, George Henry, late of Unit 17 Quambie Park, Eastcott Street, Waroona, died 14/9/94 (DEC 275837 DL3).
- Jahamin, Gynan, late of 36 Griffith Way, Thornlie, died 2/10/94 (DEC 276469 DD2).
- Jakobsen, Ellen Mary (also known as Jacobsen Ellen Mary), late of Unit 3/115 Peninsula Road, Maylands, died 17/7/94 (DEC 273305 DA3).
- Kehoe, Anne, late of Home of Peace, Thomas Street, Subiaco, died 23/9/94 (DEC 275476 DA1).
- Lanyon, Clare May, formerly of Valencia Nursing Home, Carmel, died 12/7/94 (DEC 274043 DS4).
- Lea, Edna, late of 20/10 Hefron Street, Rockingham, died 30/9/94 (DEC 276269 DC2).
- Leggo, Hazel Dorothy, late of 4 Cliff Place, Gosnells, died 24/9/94 (DEC 275851 DA2).
- Matthews, Colleen Vera, late of 12 Alice Street, Bellevue, died 27/9/94 (DEC 276211 DA2).
- Powell, Elsie, late of Unit 420/31 Williams Road, Nedlands, died 25/9/94 (DEC 276109 DC2).
- Robins, Vera Lilian, late of Catherine McAuley Nursing Home, Barrett Street, Wembley, died 15/9/94 (DEC 276128 DS2).
- Ruthven, Norman, late of 41 Renegade Drive, Kingsley, died 12/9/94 (DEC 275413 DS4).
- Scattini, Lois Vilma, late of 37 Northmore Crescent, Winthrop, died 21/9/94 (DEC 276180 DP3).
- Shaddick, William Allen, late of Unit 17/89 Broadway, Bassendean, died 23/9/94 (DEC 275978 DS4).
- Sharples, Mary Helene, late of Concorde Nursing Home, 25 Anstey Street, South Perth, died 24/8/94 (DEC 274884 DD1).
- Stalker, John Francis, late of 37B Modillion Avenue, Shelley, died 1/10/94 (DEC 275936 DA3).
- Stones, Edward Charles Hudson, late of 9 Cascade Avenue, Dianella, died 29/7/94 (DEC 276120 DL4).
- Ugle, Rueben James, late of 15 Irwin Street, Collie, died 24/2/91 (DEC 274852 DE2).
- Walker, Alice Marion, formerly of 108 Fifth Avenue, Mount Lawley, late of Craigwood Nursing Home, 29 Gardner Street, Como, died 3/10/94 (DEC 275912 DG3).
- Wandarri, Bruce, formerly of Warralong Station, late of Port Hedland Nursing Home, Port Hedland, died 30/5/92 (DEC 250447 DD3).

K. E. BRADLEY, Public Trustee,  
Public Trust Office, 565 Hay Street,  
Perth, WA 6000, Telephone: 222 6777.

**ZZ201**

#### **TRUSTEES ACT 1962**

Eileen Clara Tucker late of Glover House, Farrelly Street, Margaret River in the State of Western Australia.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of the abovenamed deceased, who died on the 13th day of September 1994, are required by the trustee, Jean Paula Bishop of care of Beere & May, Solicitors of 37 Kent Street, Busselton in the said State, to send particulars of their claims to the Executor by the 25th day of November 1994, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the Executor then has notice.

BEERE & MAY, Barristers and Solicitors,  
37 Kent Street, Busselton.  
Phone (097) 52 4166, Fax (097) 54 1732.

ZZ202

**TRUSTEES ACT 1962**

Estate of William George Albert Jones late of Hillview Nursing Home, Armadale and formerly of 2 Brady Street, Augusta in the State of Western Australia.

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the estate of the abovenamed deceased who died on the 20th August 1994 are required to send particulars of their claims to the Executor care of PO Box 142, Augusta 6290 within one month of the date of publication of this notice after which date the Executor may convey or distribute the assets having regard only to the claims of which notice has been given.

D. W. COOLEY, Executor,  
Telephone (097) 58 1717.

ZZ203

**TRUSTEES ACT 1962**

With reference to the estate of Malcolm Campbell McIntyre, late of 1A Yawl Court, Ballajura, Western Australia, Company Director, deceased, who died on 18 September 1992, any creditors and claimants under the Trustees Act 1962, please lodge their claims to the estate's solicitors, Slee Anderson & Pidgeon, 9 Stirling Street, Bunbury 6230, in writing within 30 days of the date of this advertisement.

ZZ301

**INQUIRY AGENTS LICENSING ACT 1954****APPLICATION FOR LICENCE IN THE FIRST INSTANCE**

To the Court of Petty Sessions at Rockingham.

I, Robert Graham Millard of 16 Castlerock Avenue, Waikiki, Fitter, having attained the age of twenty-one years, hereby apply on my own behalf for a licence under the abovementioned Act. The principal place of business will be at 16 Castlerock Avenue, Waikiki.

Dated the 5th day of October 1994.

R. G. MILLARD, Signature of Applicant.

**Appointment of Hearing**

I hereby appoint the 28th day of November 1994 at 9.30 o'clock in the forenoon as the time for the hearing of the foregoing application at the Court of Petty Sessions at Rockingham.

Dated the 11th day of October 1994.

R. W. STEVENSON, Clerk of Petty Sessions.

Objection to the granting of the application may be served on the applicant and the Clerk of Petty Sessions at any time prior to seven days before the date appointed for the hearing.

ZZ401

**IN THE MATTER of the MEDICAL ACT 1894 and amendments  
and**

**IN THE MATTER of an INQUIRY with reference to the conduct of DR. KIM ANTHONY ESPINOS**  
The MEDICAL BOARD OF WESTERN AUSTRALIA held an Inquiry on the 7th October 1994 with reference to allegations that Dr. Kim Anthony Espinos was guilty of infamous or improper conduct in a professional respect as a medical practitioner in the State of Western Australia on seven (7) counts pursuant to Section 13 (1) (a) and one (1) count pursuant to 13 (1) (b) of the Medical Act 1894. The particulars of the charges were:

**Section 13 (1) (a) charges:**

- (1) In the course of his employment at Sir Charles Gairdner Hospital, Dr. Espinos prescribed pethidine for patients attending at the emergency department of the hospital, part of which pethidine prescribed for the said patients he administered to himself without lawful authority or approval.
- (2) Being a servant of Sir Charles Gairdner Hospital, Dr. Espinos stole 40 Temazepam tablets, the property of Sir Charles Gairdner Hospital.

- (3) Dr. Espinos uttered a false record purporting to be a doctor's bag order with intent to defraud, in breach of section 473 (1) (b) of the Criminal Code.
- (4) By a false representation of a doctor's bag order, Dr. Espinos caused a person licensed under the Poisons Act to sell or supply a prohibited drug, to supply a prohibited drug, namely pethidine, in breach of section 8 (2) of the Misuse of Drugs Act.
- (5) Dr. Espinos forged a record purporting to be a doctor's bag order with intent to defraud, in breach of section 473 (1) (a) of the Criminal Code.
- (6) Dr. Espinos practiced medicine in Nollamara in breach of his written undertaking dated 6 May 1994 not to practice medicine until proceedings with the Board were complete.
- (7) Dr. Espinos wrote prescriptions for pethidine at a time when his prescribing rights conferred by the Poisons Act were revoked.

Section 13 (1) (b) Charge—

- (8) Dr. Espinos, being a medical practitioner duly registered under the Act may be affected by a dependence or an addiction to a deleterious drug, being pethidine.

Dr. Espinos pleaded guilty to all charges, and the Board imposed the following penalties—  
Section 13 (1) (a)

Charge 1—Reprimand

Charge 2—Suspension for twelve (12) months

Charges 3 and 4—Suspensions of six (6) months each charge, to be served concurrently with Charge 2

Charges, 5, 6 and 7—Suspensions of twelve (12) months each charge, to be served concurrently with Charge 2.

Section 13 (1) (a) Charge—

Charge 8—in lieu of a period of suspension, conditions will be imposed following resumption to the Register.

The Board also ordered that Dr. Espinos pay the costs of the Inquiry.

By Order of the Medical Board of Western Australia.

K. I. BRADBURY, Registrar.

## NOW AVAILABLE !!

### Order your Bound Volumes of Government Gazette 1995

An attractively presented set of 4 Bound Volumes of Government Gazette

For Government Departments and private firms who presently arrange binding for their copies of Government Gazettes, the State Print is now offering a subscription covering 4 Quarterly Volumes at a cost of \$808.00.

The Gazettes will be bound in black cloth with gold foil lettering on the spine and personalised by the addition of the client's name in gold lettering on the front cover.

#### PLEASE NOTE

On the rare occasion where extra gazettes are published in one quarter, a fifth volume may be required. In this instance an invoice will be issued to recoup the binding costs only of \$105.00 over and above the subscription.

For further information please contact:  
State Law Publisher, State Print  
Telephone: 383 8851

WESTERN AUSTRALIA

**RETIREMENT VILLAGES ACT 1992**

Price: \$12.00 Counter Sales  
Plus Postage on 260 grams

**RETIREMENT VILLAGES CODE REGULATION 1992**

\*Price: \$3.60 Counter Sales  
Plus Postage on 25 grams

\* Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

**FREEDOM OF INFORMATION ACT 1992**

\*Price: \$19.00 Counter Sales  
Plus Postage on 420 grams

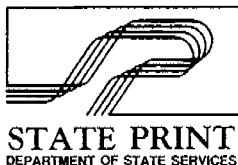
\* Prices subject to change on addition of amendments.

# THE COMPLETE SOLUTION

TO DESKTOP PUBLISHING

Contact our Marketing Branch  
and discuss your needs with one  
of our Client Liaison Officers on  
383 8811 or call into:

State Print  
22 Station Street  
Wembley, W.A. 6014

**DESKTOP PUBLISHING**

Enhance the look of your document by  
using our desktop service. We can offer  
you an IBM or Apple Macintosh  
Applications.

**QUALITY OF OUTPUT,  
THE CHOICE IS YOURS!**

We offer you a range of qualities in  
final camera-ready output to suit your  
budget, ready for negative or printing  
plate preparation.

**DOCUMENT CONVERSION**

State Print can save you printing and  
publishing costs by converting your  
final draft document.

**DISK CONVERSION**

We offer you fast and accurate data and  
document conversion between virtually  
any 8", 5.25", or 3.5" disk formats, or  
magnetic tape with conversion options.



22 STATION STREET, WEMBLEY

For Fast Instant Printing, Photocopying and Binding "While You Wait" or 24 hour "Desk to Desk" Courier Pick-up and Delivery Service.

TELEPHONE: 383 8877

## CLAIMS FOR MISSING ISSUES

### (SUBSCRIPTION ITEMS)

For a claim to be recognised as valid, written notification must be lodged at Law Publisher, State Print within 28 days of publication of the missing item.

Claims lodged after this date will attract payment in full.

## STATE PRINT (STATE LAW PUBLISHER) SUBSCRIPTION CHARGES 1995

All subscriptions and standing orders run from 1 January to 31 December 1995.

The policy of the State Print is that no refunds or credits will be given if a subscription is cancelled during the year.

Quoted price includes postage by surface mail unless stated otherwise.

### GOVERNMENT GAZETTE

The *Government Gazette* is published on Tuesday and Friday of each week, unless disrupted by public holidays or unforeseen circumstances.

Special *Government Gazettes* and Extraordinary *Government Gazettes* are published periodically. Only the special gazettes are included in the subscription price.

Subscription rates:	\$
Within WA	506.00
Interstate	533.00
Overseas (airmail)	664.00
Bound Volumes of <i>Government Gazette</i>	808.00

### INDUSTRIAL GAZETTE

*Industrial Gazette* is published monthly.

Subscription rates:	\$
Within WA	227.00
Interstate	266.00
Overseas (airmail)	378.00

### HANSARD

*Hansard* is printed and posted weekly during a parliamentary session.

Subscription rates:	\$
Within WA	277.00
Interstate	324.00
Overseas (airmail)	640.00
Bound Volumes of <i>Hansard</i> :	
Within W.A.	470.00
Interstate	500.00

### STATUTES

Bound Statutes:	\$
Within W.A.	195.00
Interstate	215.00
Overseas	220.00
Half Calf Bound Statutes	537.00
Loose Statutes:	
Within W.A.	157.00
Interstate	180.00
Overseas	221.00
Sessional Bills	
Within W.A.	187.00
Interstate	196.00
Overseas	239.00

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

	Page
Agriculture and Related Resources Protection (Fencing) Amendment Regulations 1994 .....	5461
Board of Visitors Appointments Instrument (No. 2) 1994 .....	5476
Cane River Water Reserve Order 1994 .....	5559
Casino Control (Authorized Games) Amendment Notice (No. 3) 1994 .....	5549
City of Bayswater By-laws Relating to Parking Facilities .....	5497
City of Bunbury By-laws Control and Management of Parking Stations and Management and Operation of Parking Facilities .....	5498
City of Canning By-law Relating to the Operation of City of Canning Refuse and Recycling Facility .....	5499-5500
City of Cockburn By-law Relating to Dogs .....	5501
City of Geraldton By-law Relating to Parking Facilities .....	5500
City of Melville By-law Relating to Parking Facilities (2 Notices) .....	5502
City of Perth By-law Relating to Standing Orders By-law No. 1 (Town of Cambridge) .....	5496
City of Perth By-law Relating to Standing Orders By-law No. 1 (Town of Shepperton) .....	5496
City of Perth By-law Relating to Standing Orders By-law No. 1 (Town of Vincent) .....	5497
City of Stirling By-laws Relating to Parking .....	5503, 5504
Environmental Protection (Ravenswood International Raceway) Exemption Order 1994 .....	5464-7
Hospitals (Board Name and Appointment) Notice 1994 .....	5475
Hospitals (Services Charges) Amendment Regulations (No. 5) 1994 .....	5474
Mental Health Amendment Order 1994 .....	5476
Mental Health (Public Hospitals) Order 1994 .....	5475
Mental Health (Treatment Fees) Amendment Regulations (No. 3) 1994 .....	5474-5
Plant Diseases Amendment Regulations (No. 4) 1994 .....	5462
Plant Diseases Amendment Regulations (No. 8) 1994 .....	5462-3
Shire of Ashburton—By-laws Relating to Use of and Activities in Streets .....	5478-82
Shire of Brookton—By-laws Relating to Removal and Disposal of Obstructing Animals or Vehicles .....	5482-4
Shire of Broome—By-laws Relating to the Broome Aquatic Centre .....	5484-7
Shire of Busselton—By-law Relating to Eating Areas in Streets and Other Public Places .....	5487
Shire of Busselton By-law Relating to Extractive Industries .....	5488
Shire of Carnarvon By-law Relating to the Conduct of Proceedings and the Business of Council .....	5488-91
Shire of Roebourne By-laws Relating to Signs, Hoardings and Bill Postings .....	5491
Shire of Serpentine-Jarrahdale By-laws Relating to Extractive Industries .....	5492
Shire of Swan By-law Relating to Parking and Parking Facilities .....	5492-3
Shire of Yalgoo By-laws Relating to Fencing .....	5493-5
Skeleton Weeds and Resistant Grain Insects (Eradication Funds) (Contribution) Order 1994 .....	5461
Stock (Brands and Movement) Amendment Regulations (No. 2) 1994 .....	5463
Town of Albany By-laws—Eating Houses No. 6 .....	5473
Town of Shepperton (Alteration of Council Name and Common Seal) Order 1994 .....	5507
Water Authority (Charges) Amendment By-laws (No. 10) 1994 .....	5556-7
Water Authority (Infringements) Regulations 1994 .....	5553-6
Water Authority Vesting Order (No. 6) of 1994 .....	5557-9

## **GENERAL CONTENTS**

	Page
Agriculture .....	5461-3
Environmental Protection .....	5464-7
Fair Trading .....	5468-73
Health .....	5473-6
Land Administration—General Information .....	5477-8
Local Government .....	5478-5513
Main Roads .....	5513-16
Minerals and Energy .....	5516-17
Planning and Urban Development .....	5517-49
Public Notices—	
Deceased Persons Estates .....	5564-6
Inquiry Agents .....	5566
Medical Board .....	5566-7
Racing and Gaming .....	5549-50
State Taxation .....	5551
Tenders—	
Fremantle Port Authority .....	5564
Main Roads .....	5560
State Supply Commission .....	5560-3
Water Authority .....	5563-4
Transport .....	5551-2
Water Authority .....	5553-9

