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|                                    | \$     |
|------------------------------------|--------|
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| Up to 2 pages .....                | 2.30   |
| Over 2 pages .....                 | 4.60   |
| Hansard .....                      | 13.00  |
| Industrial Gazette .....           | 11.60  |
| Bound Volumes of Statutes .....    | 202.00 |

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JOHN A. STRIJK,  
Acting Government Printer.

## CEMETERIES

CC401

**CEMETERIES ACT 1986**  
**BUNBURY CEMETERY BOARD**  
 Scale of Fees and Charges

In pursuance of the powers conferred upon it by section 53 of the Cemeteries Act, the Bunbury Cemetery Board hereby records having resolved on the 7th May 1996 that the following Bunbury Cemetery Board fees and charges shall apply from 1/7/96.

**BUNBURY CEMETERY BOARD**  
 Schedule of Fees and Charges

**GENERAL CEMETERY**

|  | \$      |
|--|---------|
| <b>A: IN OPEN GROUND</b>   |         |
| Interment in grave any depth to 2.13m including registration fee and use of number plate .....                                 | 440.00  |
| Interment of any stillborn child in ground set aside for that purpose .....  | 95.00   |
| <b>B: IN PRIVATE GROUND</b>  |         |
| Ordinary land for grave 2.44m x 1.22m where directed .....   | 620.00  |
| Ordinary land for grave 2.44m x 2.44m where directed .....   | 1150.00 |
| Ordinary land for grave 2.44m x 0.30m where directed .....   | 250.00  |
| Interment in grave any depth to 2.13m including registration fee and use of number plate .....                                 | 440.00  |
| Interment of a stillborn child .....   | 95.00   |
| Pre-need purchase of grave site .....  | 720.00  |
| Reserved position .....  | 160.00  |
| <b>C: EXTRA CHARGES</b>  |         |
| Interment in open ground, without due notice .....   | 200.00  |
| Interment in private ground, without due notice .....  | 200.00  |
| Interment not in usual hours, as prescribed .....  | 200.00  |
| Interment on a Saturday, Sunday or Public Holiday .....  | 280.00  |
| Interment of cremated ashes .....  | 95.00   |
| Fee of exhumation .....  | 900.00  |
| Reinterment in new grave .....   | 440.00  |
| Plaque for stillborn grave .....   | 82.00   |
| <b>LAWN CEMETERY</b>   |         |
| <b>A:</b> Ordinary land for grave 2.44m x 1.22m .....  | 620.00  |
| Interment in grave any depth to 2.13m including registration fee and use of number plate .....                                 | 440.00  |
| Interment of a stillborn child .....   | 95.00   |
| Interment of cremated ashes .....  | 95.00   |
| Limited access graves .....  | 430.00  |
| <b>B: EXTRA CHARGES</b>  |         |
| Interment without due notice .....   | 200.00  |
| Interment not in usual hours as prescribed .....   | 200.00  |
| Interment on Saturday, Sunday or Public Holiday .....  | 280.00  |
| Fee of exhumation .....  | 900.00  |
| Reinterment in new grave .....   | 440.00  |
| Pre-need purchase of grave site .....  | 720.00  |
| <b>VAULTS</b>  |         |
| Standard vault including reservation for two interments (excluding land fee) .....   | 3750.00 |
| First interment .....  | 440.00  |
| Second Interment .....   | 440.00  |
| Interment without due notice .....   | 200.00  |
| Interment not in usual hours as prescribed .....   | 200.00  |
| Interment on Saturday, Sunday or Public Holiday .....  | 280.00  |
| <b>MISCELLANEOUS CHARGES</b>   |         |
| Funeral Director's Annual Licence fee .....  | 150.00  |
| Single Funeral Permit (Funeral Directors Only) .....   | 75.00   |
| Single Funeral Permit (Other than Funeral Director) .....  | 250.00  |
| Monumental Mason's Annual fee .....  | 150.00  |
| Single Monument Permit (Monumental Masons Only) .....  | 75.00   |
| Permit to erect a headstone .....  | 110.00  |
| Copy of By-laws and regulations .....  | 20.00   |
| Copy of Grant of Right of Burial .....   | 40.00   |
| Refund of an unexpired Grant of Right of Burial, not to exceed the amount originally paid, less an administration fee of ..... | 60.00   |
| Renewal of Grant of Right of Burial .....  | 125.00  |

|   | \$     |
|---|--------|
| Annual maintenance of grave 2.44m x 1.22m .....   | 220.00 |
| Annual Maintenance of grave 2.44m x 2.44m .....   | 330.00 |
| <b>CREMATORIUM</b>  |        |
| <b>A: CREMATION FEES</b>  |        |
| Persons thirteen (13) years or over .....   | 440.00 |
| Child under thirteen (13) years .....   | 270.00 |
| Stillborn child .....   | 95.00  |
| Pre-need purchase of cremation .....  | 490.00 |
| <b>B: EXTRA CHARGES</b>   |        |
| Cremation without due notice .....  | 200.00 |
| Cremation not in usual hours as prescribed .....  | 200.00 |
| Cremation on a Saturday, Sunday or Public Holiday .....   | 280.00 |
| Refund of Pre-need Cremation Certificate not to exceed the amount originally paid,<br>less an administration fee of .....                 | 60.00  |
| <b>C: DISPOSAL OF ASHES</b>   |        |
| <b>1: NICHE WALLS</b>   |        |
| Placement in single niche including bronze plaque and inscription .....   | 240.00 |
| Placement in double niche including bronze plaque and first inscription .....   | 350.00 |
| Second inscription .....  | 120.00 |
| Plaque for reserved position: Single Niche .....  | 90.00  |
| Plaque for reserved position: Double Niche .....  | 150.00 |
| <b>2: GARDEN OF REMEMBRANCE</b>   |        |
| Interment including chrome plated plaque and reservation for a second<br>interment .....  | 250.00 |
| Second interment .....  | 125.00 |
| Second inscription .....  | 125.00 |
| <b>2:1 GARDEN OF REMEMBRANCE</b>  |        |
| Interment including bronze plaque 80mm x 66mm and reservation for a second<br>interment .....   | 255.00 |
| Second interment .....  | 125.00 |
| Second inscription .....  | 130.00 |
| <b>3: KERBED GARDEN MEMORIALS</b>   |        |
| Interment including bronze plaque and reservation for a second interment .....  | 250.00 |
| Second interment .....  | 125.00 |
| Second inscription .....  | 125.00 |
| <b>4: MEMORIAL GARDEN OF REMEMBRANCE</b>  |        |
| Interment including bronze plaque and reservation for three additional interments .....   | 460.00 |
| Second, third and fourth interments (each) .....  | 125.00 |
| Second, third and fourth inscriptions (each) .....  | 130.00 |
| <b>5: MEMORIAL GARDEN</b>   |        |
| Interment under Family Rose Bush or Shrub, including 143mm x 118mm bronze<br>plaque and reservation for three additional interments ..... | 760.00 |
| Second, third and fourth interments (each) .....  | 150.00 |
| Additional inscription (each) .....   | 145.00 |
| Plaque for reserved position .....  | 145.00 |
| <b>6: SELECTED FAMILY SHRUB</b>   |        |
| Interment under selected Shrub or Tree including 229mm x 229mm bronze plaque<br>and reservation for three additional interments .....     | 990.00 |
| Second, third and fourth interments (each) .....  | 150.00 |
| Additional inscriptions (each) .....  | 160.00 |
| Plaque for reserved position .....  | 165.00 |
| <b>7: MEMORIAL WALLS</b>  |        |
| Single position including bronze plaque and interment .....   | 370.00 |
| Reservation for second position .....   | 60.00  |
| <b>8: NATURE SERIES GROUND NICHES</b>   |        |
| Interment in selected position including bronze plaque 229mm x 229mm and<br>reservation for one additional interment—                     |        |
| Bushland Niche .....  | 520.00 |
| Parkland Niche .....  | 530.00 |
| Lakeside Niche .....  | 630.00 |
| <b>9: OTHER FEES</b>  |        |
| Interment in family grave .....   | 95.00  |
| Scattering to the winds .....   | 60.00  |
| Postage of ashes within Australia .....   | 75.00  |
| Postage of ashes overseas .....   | 130.00 |
| Collection of ashes from crematorium .....  | 60.00  |
| Transfer of ashes to a new position (plus cost of plaque if required) .....   | 60.00  |

|  |              |
|--|--------------|
|  | \$           |
| Acceptance and registration of ashes from other crematoria ..... | 60.00        |
| Storage of cremated ashes per month after six months .....       | 5.00         |
| Garden position reservation (no plaque) .....                    | 60.00        |
| Other memorials .....  | by quotation |

**BUNBURY CEMETERY BOARD  
SCHEDULE OF PRE-NEED SERVICES**

**GENERAL CEMETERY**

|   |        |
|---|--------|
| Pre-Need Purchase of Grave Site 2.44m x 1.22m ..... | 720.00 |
| Reserved Position .....                             | 160.00 |
| Interment .....                                     | 490.00 |

**LAWN CEMETERY**

|                  |        |
|------------------|--------|
| Grave Site ..... | 720.00 |
| Interment .....  | 490.00 |

**CREMATION**

|   |         |
|---|---------|
| Cremation .....   | 490.00  |
| Single Niche Position and Plaque .....                                | 290.00  |
| Double Niche Plaque and First Inscription .....                       | 400.00  |
| Double Niche Plaque and 2 Inscriptions .....                          | 550.00  |
| Garden of Remembrance with Chrome Plaque each .....                   | 300.00  |
| Garden of Remembrance with Bronze Plaque each .....                   | 305.00  |
| Kerbed Memorial Garden and Bronze Plaque each .....                   | 305.00  |
| Memorial Garden of Remembrance: 1 interment and Bronze Plaque .....   | 510.00  |
| Memorial Garden of Remembrance: 2 interments and Bronze Plaques ..... | 815.00  |
| Memorial Garden: 1 interment and Bronze Plaque .....                  | 810.00  |
| Memorial Garden: 2 interments and Bronze Plaques .....                | 1150.00 |
| Family Shrub: 1 interment and Bronze Plaque .....                     | 1060.00 |
| Family Shrub: 2 interments and Bronze Plaques .....                   | 1410.00 |
| Memorial Wall Position with Bronze Plaque .....                       | 420.00  |
| Bushland Niche Position with Bronze Plaque .....                      | 570.00  |
| Parkland Niche Position With Bronze Plaque .....                      | 580.00  |
| Lakeside Niche Position with Bronze Plaque .....                      | 680.00  |

If a specific position is selected, a Reservation Fee will apply.

## EDUCATION

**ED301**

**INDUSTRIAL TRAINING ACT 1975**

**INDUSTRIAL TRAINING (APPRENTICESHIP TRAINING)  
AMENDMENT REGULATIONS (No. 1) 1996**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Industrial Training (Apprenticeship Training) Amendment Regulations (No. 1) 1996*.

**Principal regulations**

2. In these regulations the *Industrial Training (Apprenticeship Training) Regulations 1981\** are referred to as the principal regulations.

[\* *Published in Gazette of 17 July 1981 at pp. 2935-40.  
For amendments to 3 April 1996 see 1994 Index to Legislation of  
Western Australia, Table 4, p. 147 and Gazette of 10 October and 28  
November 1995.*]

**Schedule 1 amended**

3. Schedule 1 to the principal regulations is amended by deleting the item "Farming".

## Savings

4. (1) In this regulation "former trade" means the trade deleted by regulation 3 of these regulations from the trades listed in Schedule 1 to the principal regulations.

(2) Notwithstanding anything in these regulations an apprenticeship agreement relating to the former trade continues in force subject to the *Industrial Training Act 1975*, the principal regulations and the *Industrial Training (General Apprenticeship) Regulations 1981* as though the former trade continued to be a trade listed in Schedule 1 to the principal regulations after the commencement of these regulations.

(3) Any record, certificate or order made or given in relation to an apprenticeship in the former trade continues to have effect notwithstanding anything in these regulations.

(4) Any person who completes the course of training prescribed in relation to the former trade under the principal regulations as in force before the commencement of these regulations is entitled to be issued with a certificate to that effect as though the former trade continued to be a trade listed in Schedule 1 to the principal regulations at the time of completion.

By Command of the Lieutenant-Governor and deputy of the Governor,

J. PRITCHARD, Clerk of the Council.

## FAIR TRADING

FT401

### RETAIL TRADING HOURS ACT 1987

#### RETAIL TRADING HOURS (TOWN OF ALBANY) AMENDMENT ORDER, 1996

Made by the Minister for Fair Trading under Section 13 of the Act.

#### Citation

1. This Order may be cited as the *Retail Trading Hours (Town of Albany) Amendment Order 1996*.

#### Amendment

2. The *Retail Trading Hours (Town of Albany) Order 1988* [Published in the Gazette of 2 September 1988 at p. 3461] is amended by deleting—

“other than the Saturdays falling on:

2, 9, 16, 23, 30 December 1995; 6, 13, 20, 27 January 1996; 6 April 1996; 28 September 1996; 7, 14, 21, 28 December 1996 and 4, 11, 18, 25 January 1997.”

and inserting after “week” the following—

“other than the Saturdays falling on:

1 June 1996; 28 September 1996; 7, 14, 21, 28 December 1996 and 4, 11, 18, 25 January 1997.”

CHERYL EDWARDES, Minister for Fair Trading.

## HEALTH

HE301

### HOSPITAL AND HEALTH SERVICES ACT 1927

#### HOSPITALS (SERVICES CHARGES) AMENDMENT REGULATIONS (No. 2) 1996

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

#### Citation

1. These regulations may be cited as the *Hospitals (Services Charges) Amendment Regulations (No. 2) 1996*.

**Schedule amended**

2. The Schedule to the *Hospitals (Services Charges) Regulations 1984\** is amended in item 2 of Part III —

- (a) in paragraph (a) (ii) by deleting "\$2.60" and substituting the following —  
" \$2.70 ";
- (b) in paragraph (b) (ii) by deleting "\$2.60" and substituting the following —  
" \$2.70 ";
- (c) in paragraph (c) (i) by deleting "\$2.60" and substituting the following —  
" \$2.70 "; and
- (d) in paragraph (c) (ii) by deleting "\$13.00" and substituting the following —  
" \$14.50 ".

[\* Reprinted as at 14 February 1995.  
For amendments to 4 April 1996 see Gazette 31 March, 27 June  
and 17 October 1995 and 2 April 1996.]

By Command of the Lieutenant-Governor and deputy of the Governor,

J. PRITCHARD, Clerk of the Council.

**HE302****HOSPITALS AND HEALTH SERVICES ACT 1927****HOSPITALS (SERVICES CHARGES) REGULATIONS 1984****HOSPITALS (SERVICES CHARGES FOR COMPENSABLE PATIENTS)  
AMENDMENT DETERMINATION 1996**

Made by the Minister for Health under section 37 (3) (af) of the Act and regulation 5 (2).

**Citation**

1. This determination may be cited as the *Hospitals (Services Charges for Compensable Patients) Amendment Determination 1996*.

**Commencement**

2. This determination comes into operation on the day on which the *Hospitals (Services Charges) Amendment Regulations (No. 2) 1996* come into operation.

**Schedule amended**

3. The Schedule to the *Hospitals (Services Charges for Compensable Patients) Determination 1994\** is amended in item 3 of Part 3 by deleting "\$13.00" and substituting the following —

" \$14.50 ".

[\* Published in Gazette 24 June 1994, p. 2878-79.  
For amendments to 4 April 1996 see Gazette 2 August 1994 and  
5 March 1996.]

KEVIN PRINCE, Minister for Health.

**HE303**

**HEALTH ACT 1911**  
**HEALTH ACT (MUNGLINUP TOWNSITE SEWERAGE SCHEME)**  
**ORDER 1996**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under section 60.

**Citation**

1. This order may be cited as the *Health Act (Munglinup Townsite Sewerage Scheme) Order 1996*.

**Commencement**

2. The order comes into operation on the day on which it is published in the *Gazette*.

**Munglinup Townsite Sewerage Scheme**

3. The Shire of Ravensthorpe is empowered to undertake the construction of a sewer to service Munglinup Townsite.

By Command of the Lieutenant-Governor and deputy of the Governor,

J. PRITCHARD, Clerk of the Council.

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**HE304**

**MENTAL HEALTH ACT 1962**  
**MENTAL HEALTH AMENDMENT ORDER 1996**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

**Citation**

1. This order may be cited as the *Mental Health Amendment Order 1996*.

**Principal order**

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

[\*Published in *Gazette* 25 November 1988, pp. 4697-8.

For amendments to 30 April 1996 see 1995 *Index to Legislation of Western Australia*, Table 4, p. 190.]

**Clause 4 varied**

3. Clause 4 of the principal order is amended by deleting paragraph (f) (iv).

By Command of the Lieutenant-Governor and deputy of the Governor,

J. PRITCHARD, Clerk of the Council.

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**HE305**

**HEALTH ACT 1911**  
**HEALTH ACT (APPLICATION OF DIVISION 3 OF PART V) ORDER 1996**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under section 161(c).

**Citation**

1. This order may be cited as the *Health Act (Application of Division 3 of Part V) Order 1996*.

**Commencement**

2. This order shall take effect on and from the day it is published in the *Government Gazette*.

**Application to health district of Shire of East Pilbara**

3. The provisions of Division 3 of Part V of the *Health Act 1911* operate and have effect in the health district of the Shire of East Pilbara.

By Command of the Lieutenant-Governor and deputy of the Governor,

J. PRITCHARD, Clerk of the Council.



**HE306****HEALTH ACT 1911***Municipality of the City of Cockburn***HEALTH BY-LAWS—EATING HOUSES**

Whereas under the provisions of the Health Act 1911 a local authority may make By-Laws and may amend, repeal or alter any By-laws so made; now, therefore the Council of the Municipality of the City of Cockburn, being a Local Authority, doth hereby make and publish the following By-laws.

## Definitions

## 1. In these By-laws—

“Act” means the Health Act 1911.

“Approved” means approved by an Environmental Health Officer or the Principal Environmental Health Officer.

“Classified” means classified by an Environmental Health Officer.

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

“Deputy Principal Environmental Health Officer” means the person appointed by the Local Authority to be the Deputy Principal Environmental Health Officer and includes any person acting in that capacity.

“Dining Room” means an eating house, in which meals may be either consumed on the premises (by not more than 20 members of the public at any one time) or taken away, but does not include a restaurant or tea room.

“Eating House” has the same meaning as given to it in the Act.

“Environmental Health Officer” means a person appointed by the local authority to be an Environmental Health Officer pursuant to the provisions of the Act.

“Food Regulations” means the Health (Food Hygiene) Regulations 1993.

“Licence” means a licence to conduct an eating house issued pursuant to these By-laws.

“Local Authority” means the municipality of the City of Cockburn.

“Meals” has the same meaning as given to it in the Act.

“Principal Environmental Health Officer” means the person appointed by the Local Authority to be the Principal Environmental Health Officer and includes any person acting in that capacity.

“Prescribed Date” means the date upon which the By-laws are published in the *Government Gazette*.

“Proprietor” has the same meaning as given to it in the Act.

“Restaurant” means an eating house in which meals may be either consumed on the premises by the public or taken away, but does not include a dining room or a tea room.

“Schedule” means a schedule to these By-laws.

“Take-Away Food Premises” means an eating house, where meals are served or prepared for service only in a state in which they may be taken away from the eating house and consumed in a state in which they are served or prepared but does not include—

(a) an eating house in which meals are served or consumed at tables;

(b) a tea room; or

(c) an eating house where the only meals served are confectionery, or pre-packaged meals which require heating only.

“Tea Room” means an eating house, classified as a tea room where the only meals served or prepared for service are—

(a) tea, coffee and similar beverages; and

(b) food which does not require cooling on the premises.

“Town Clerk” means the Town Clerk of the Local Authority and includes a person acting in that capacity.

Unless inconsistent with the context terms in these By-laws not defined in this By-law have the meaning given to them in the Act.

## Classification

## 2. For the purpose of these By-laws eating houses are classified as—

(1) dining rooms;

(2) restaurants;

(3) take-away food premises; and

(4) tea rooms.

#### Prescribed Date

3. For the purpose of section 163 of the Act, the 31st day of December each year is hereby prescribed as the date on or before which the application shall be made for registration of an eating house or application for the issue of a licence to the proprietor thereof.

#### Requirement for registration and licencing

4. A person shall not occupy or use or cause, suffer, or permit to be occupied or used any premises as an eating house unless and until, in accordance with the provisions of these By-laws—

- (a) the premises are registered; and
- (b) each of the proprietors of the premises is licensed.

#### Registration of an Eating House

5. (1) Any person seeking the registration of or intending to establish or carry on the business of an eating house shall make application in the form prescribed in the First Schedule and shall forward the application to the Town Clerk together with—

- (a) the fee prescribed in the Sixth Schedule;
- (b) two complete sets of drawings including a floor plan and elevations (to scale of not less than 1-100) a site plan (to scale of not less than 1-200) showing the following details—
  - (i) the proposed use of every room;
  - (ii) the finished surface of every wall, floor and ceiling;
  - (iii) the position and type of every fitting and fixture;
  - (iv) all sanitary conveniences, changerooms, ventilating systems, rubbish storage areas, drains, grease traps and provision for waste disposal;
  - (v) use of any outside areas; and
  - (vi) the estimated number of persons of each sex, including the proprietor or proprietors, engaged in the preparation, manufacture, processing, cooking or serving of meals.
- (c) two copies of specifications describing materials to be used in the design and construction and, where not indicated on the drawings, the sizes thereof together with all other information not shown on the drawings, which is necessary to show that the premises will, if constructed in accordance with the specifications, comply with the provisions of the Food Regulations.

(2) A certificate of registration for an eating house granted by the Local Authority under these By-laws shall be in the form of the Second Schedule.

#### Licence to Conduct an Eating House

6. (1) Any person seeking the issue of a licence or intending to establish or carry on the business of an eating house shall make application in the form prescribed in the Third Schedule and shall forward the application to the Town Clerk together with the fee prescribed in the Sixth Schedule.

(2) Where there are to be two or more proprietors of an eating house—

- (a) each person shall sign the application for a licence in the form prescribed in the Third Schedule; and
- (b) the licence shall be issued in the joint names of the applicants.

(3) A licence shall be in the form of the Fourth Schedule.

(4) Any person seeking the transfer of a licence shall make application in the form prescribed in the Fifth Schedule and shall forward the application to the Town Clerk together with the fee prescribed in the Sixth Schedule. The application shall be signed by the proposed transferee of the licence and the holder of the licence.

#### Licence Conditions

7. (1) A licence shall be issued subject to the following conditions—

- (a) The holder of the licence shall display the licence and the certificate of registration of the eating house in a conspicuous place in the eating house and shall, upon the request of an Environmental Health Officer to do so, produce to him or her the licence and the certificate of registration.
- (b) If the holder of the licence changes his or her place of residence, he or she shall within 14 days thereafter give notice in writing to the Town Clerk specifying in such notice his or her new place of residence.
- (c) The holder of the licence shall not make or permit to be made any structural alteration in, or addition to the eating house without, the prior written approval of the Local Authority, nor make or permit to be made any other alterations in or addition to the eating house of any furniture, fixture, counters and food preparation equipment without prior written consent of the Principal Environmental Health Officer or Deputy Principal Environmental Health Officer.

- (d) The holder of the licence shall notify the Local Authority of any circumstances existing in the eating house which give rise on the possibility that food may be, or has been contaminated on any part of the eating house used for the storage, manufacture, preparation, processing, inspection, handling, packaging or sale of food, forthwith upon such circumstances arising.

(2) The holder of the licence shall comply with and observe the conditions of the licence imposed under these By-laws.

Power to Refuse and Cancel Registration of an Eating House

8. (1) Council may refuse registration of an eating house for any of the reasons set out in Section 165(2) of the Act or—

- (a) if the premises intended to be used as an eating house are not constructed in any respect in accordance with the Food Regulations or these By-laws;
- (b) in the case of an application for renewal of a previous registration, if it considers that the eating house is not being maintained, or the business of the eating house is not being conducted, in accordance with the requirements of the Food Regulations or these By-Laws; or
- (c) the proprietor has been convicted of an offence against the Food Regulations or these By-laws.

(2) Council may cancel the registration of an eating house during the currency of its registration for any of the reasons set out in Section 165(3) of the Act or—

- (a) if in its opinion the premises in which the eating house is established are not being maintained or the business of the eating house is not being carried on in accordance with the requirements of the Food Regulations or these By-laws; or
- (b) the holder of the licence has been convicted of an offence against the Food Regulations or these By-Laws.

Power to Refuse and Cancel Licences

9. (1) Council may refuse to issue a licence to the proprietor of an eating house—

- (a) for any of the reasons set out in Section 166(2) of the Act; or
- (b) if the applicant for the licence, while previously licensed as the proprietor of an eating house, has been convicted of an offence against the Food Regulations or these By-laws.

(2) Council may cancel the existing licence of the proprietor of an eating house—

- (a) for any of the reasons set out in Section 166(3) of the Act; or
- (b) if the holder of the licence has been convicted of an offence against the Food Regulations or these By-Laws in respect of the eating house.

Penalties

10. A person committing any breach of these By-laws or failing to comply with any of the requirements of these By-laws or any conditions imposed on the granting of the licence commits an offence and shall be liable to—

- (a) a penalty which is not more than \$2500 and not less than—
  - (i) in the case of the first such offence, \$250;
  - (ii) in the case of the second such offence, \$500; and
  - (iii) in the case of a third or subsequent such offence, \$1250; and
- (b) if that offence is a continuing offence, to a daily penalty which is not more than \$250 and not less than \$125.

FIRST SCHEDULE  
CITY OF COCKBURN  
HEALTH ACT 1911

APPLICATION FOR REGISTRATION OF AN EATING HOUSE

TO: TOWN CLERK  
CITY OF COCKBURN  
PO BOX 1215  
BIBRA LAKE WA 6163

I .....  
(Full Name in Block Letters)

of .....  
(Full Residential Address)

hereby make application for registration of the premises described below as a—

- \* (a) Dining Room
- \* (b) Restaurant
- \* (c) Take-away Food Premises
- \* (d) Tea Room

Address of Premises:.....  
 .....  
 Name of Premises: .....  
 .....  
 Dated this ..... day of ..... 19.....  
 .....  
 Signature of Owner of Premises  
 \* Delete which is not applicable

SECOND SCHEDULE  
 CITY OF COCKBURN  
 HEALTH ACT 1911

CERTIFICATE OF REGISTRATION OF AN EATING HOUSE

This is to certify that the following premises are registered as a—  
 \* (a) Dining Room  
 \* (b) Restaurant  
 \* (c) Take-away Food Premises  
 \* (d) Tea Room  
 from the ..... day of ..... 19.....  
 until the ..... day of ..... 19.....  
 unless this certificate is previously cancelled.  
 Address of Premises:.....  
 .....  
 Name of Premises: .....  
 .....  
 Dated this ..... day of ..... 19.....  
 The maximum number of patrons to be accommodated in the premises at any one time is  
 .....  
 .....  
 Town Clerk  
 City of Cockburn  
 \* Delete which is not applicable

THIRD SCHEDULE  
 CITY OF COCKBURN  
 HEALTH ACT 1911

APPLICATION FOR A LICENCE TO CONDUCT AN EATING HOUSE

TO: TOWN CLERK  
 CITY OF COCKBURN  
 PO BOX 1215  
 BIBRA LAKE WA 6163

I .....  
 (Full Name in Block Letters)  
 of .....  
 (Full Residential Address)  
 Phone Number (Home) .....  
 being the proprietor of the following eating house:  
 Address of Premises:.....  
 .....  
 Name of Premises: .....  
 .....  
 hereby apply for a licence to conduct a—  
 \* (a) Dining Room  
 \* (b) Restaurant  
 \* (c) Take-away Food Premises  
 \* (d) Tea Room  
 Dated this ..... day of ..... 19.....  
 .....  
 Signature of Applicant  
 \* Delete which is not applicable

FOURTH SCHEDULE  
CITY OF COCKBURN  
HEALTH ACT 1911

LICENCE TO CONDUCT AN EATING HOUSE

This is to certify that: .....

.....

of .....

is licensed to conduct a—

- \* (a) Dining Room
- \* (b) Restaurant
- \* (c) Take-away Food Premises
- \* (d) Tea Room

on the following premises from the ..... day of ..... 19.....

until the ..... day of ..... 19.....

unless the licence is previously cancelled.

Address of Premises:.....

.....

Name of Premises: .....

.....

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

.....

TOWN CLERK  
CITY OF COCKBURN

\* Delete which is not applicable

NOTE: Conditions on reverse side

This licence is issued subject to the following conditions—

- (a) The holder of a licence shall display this licence and the certificate of registration of the eating house in a conspicuous place in the eating house and shall, upon request of an Environmental Health Officer to do so, produce to that person this licence and the certificate of registration.
- (b) If the holder of a licence changes place of residence he or she shall within fourteen (14) days thereafter give notice in writing to the Town Clerk specifying in such notice the new place of residence.
- (c) The holder of the licence shall not permit or permit to be made any structural alteration in or addition to the premises without the prior written approval of the Local Authority nor make or permit to be made any other alteration in or addition to the premises or any furniture, fixtures, counters and major food preparation equipment without the prior written consent of the Principal Environmental Health Officer or Deputy Principal Environmental Health Officer.
- (d) The holder of a licence shall notify the Local Authority of any circumstances existing on the eating house which give rise to the possibility that food may be or has been contaminated on any part of the eating house used for storage, manufacture, preparation, processing, inspection, handling, packaging or sale of food.

Endorsement of Transfer

This licence is hereby transferred to:

.....

of .....

from and including the date of this endorsement.

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

.....

TOWN CLERK  
CITY OF COCKBURN

FIFTH SCHEDULE  
CITY OF COCKBURN  
HEALTH ACT 1911

APPLICATION FOR TRANSFER OF A LICENCE TO CONDUCT AN EATING HOUSE

TO: TOWN CLERK  
CITY OF COCKBURN  
PO BOX 1215  
BIBRA LAKE WA 6163

I .....  
(Full Name in Block Letters)  
of .....  
(Full Residential Address)  
hereby make application for transfer of the Eating House Licence applicable to: .....  
.....  
situated at: .....  
which was issued to: .....  
residing at: .....  
by the City of Cockburn on the ..... day of .....  
19..... for such period as is still unexpired and I attach hereto the Licence issued.  
Dated this ..... day of ..... 19.....  
.....  
Signature of Applicant  
I consent to the transfer of the above Eating House Licence.  
.....  
Signature of Applicant

SIXTH SCHEDULE  
CITY OF COCKBURN  
HEALTH ACT 1911

EATING HOUSE BY-LAWS SCALE OF FEES

- 1. The registration fee shall be—
  - (a) Restaurant ..... \$270.00
  - (b) Dining Room ..... \$270.00
  - (c) Take-Away ..... \$270.00
  - (d) Tea Room ..... \$ 50.00Provided that the registration fee shall be pro-rata  
(calculated on a monthly basis for any period prior  
to 31st day of December).
- 2. The Licence fee shall be ..... \$ 30.00
- 3. The transfer of a Licence fee shall be ..... \$ 30.00

Passed by resolution at a meeting of the Council of the City of Cockburn held on the  
5th day of March 1996.  
Dated this 12th day of March 1996.

R. A. LEES, Mayor.  
R. W. BROWN, City Manager/Town Clerk.

Confirmed—

P. PSAILA-SAVONA, Executive Director Public Health.

Approved by the Lieutenant-Governor and deputy of the Governor in Executive Council  
on this 7th day of May 1996.

J. PRITCHARD, Clerk of the Council.

**HE401****HOSPITALS AND HEALTH SERVICES ACT 1927**

Health Department of WA,  
Perth, 10 May 1996.

94-00224, Ex Co No. 0480.

His Excellency the Governor in Executive Council has appointed under the provisions of the Hospitals and Health Services Act 1927 Michael George McCall as a member of The Western Australian Centre for Pathology and Medical Research (PathCentre) for the period ending 9 April 1999.

ALAN BANSEMER, Commissioner of Health.

**HE402****HOSPITALS AND HEALTH SERVICES ACT 1927**

HOSPITALS AND HEALTH SERVICES (APPOINTMENT OF MEMBERS) NOTICE (No. 2) 1996

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under section 15.

1. This notice may be cited as the Hospitals and Health Services (Appointment of Members) Notice (No. 2) 1996.

2. The board of a public hospital the name of which is specified in column 1 of the Schedule is to include the persons whose names are specified opposite and corresponding to the name of the hospital in column 2 of the Schedule each of whom is appointed to hold office as a member for the period ending at the close of business on the date specified opposite and corresponding to his or her name in column 3 of the Schedule.

## Schedule

| Column 1<br>Name of Hospital | Column 2<br>Member | Column 3<br>Expiry Date |
|------------------------------|--------------------|-------------------------|
| Wickepin Health Service      | Stephen Gollan     | 30 September 1998       |
|                              | Sydney Martin      | 30 September 1998       |
|                              | Esther Fulford     | 30 September 1998       |
|                              | Tina Simpson       | 30 September 1997       |
|                              | Judy Lang          | 30 September 1997       |
|                              | Colin Hemley       | 30 September 1997       |
|                              | Rod Otway          | 30 September 1996       |

By Command of the Lieutenant-Governor and deputy of the Governor,

J. PRITCHARD, Clerk of the Council.

**LAND ADMINISTRATION****LA101**

*CORRECTION*  
CITY OF BELMONT  
(Road Closure)

Department of Land Administration,  
Midland, May 6, 1996.

DOLA FILE REF: 2631/992.

On page 660 of the *Government Gazette* dated 23 February, 1996 after subheading City of Belmont (b) read—

“Plan 21039”

in lieu of—

“Diagram 21039”

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

**LA201****LAND ACT 1933**  
**ORDER IN COUNCIL**  
**(VESTING OF RESERVE)**

By the direction of the Lieutenant Governor and deputy of the Governor under Section 33(2), the following reserve has been vested.

DOLA File 434/995.

Reserve No 44326 (Jurien Lot 428) vested in the Shire of Dandaragan for the designated purpose of "Drainage".

JOHN PRITCHARD, Clerk of the Council.

**LA401****LOCAL GOVERNMENT ACT 1960**  
**DECLARATION OF CLOSURE OF STREETS**

Made by the Minister for Lands  
Under Section 288A

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

**SCHEDULE**

1. City of Bunbury (DOLA File No. 2880/985; Closure No. B1369).  
All that portion of Stockley Road as shown bordered blue and marked closed road and Bunbury Lot 770 shown bordered red on Crown Survey Diagram 92272.  
Public Plan: BG30(2) 01.31.
2. Shire of Esperance (DOLA File No. 1658/991; Closure No. E272).  
All that portion of Hughes Road shown bordered blue on Crown Survey Diagram 90907.  
Public Plan: CG29(2) 16.12.
3. Town of Kwinana (DOLA File No. 2036/992; Closure No. K1118).  
All that portion of Mandurah Road (No. 1255) shown bordered blue on Crown Survey Diagram 92594.  
Public Plan: BG33(2) 8.34.
4. City of Perth (DOLA File No. 2507/993; Closure No. P821).  
All that portion of Ulster Road (No. 13354) as shown bordered blue on Crown Survey Diagram 92623.  
Public Plan: BG34(2) 9.27.
5. Shire of Williams (DOLA File No. 2010/990; Closure No. W1361).  
All those portions of Pollard, Bingham and Roughan Streets and Right of Way now contained in Williams Lot 360 as shown on Crown Survey Diagram 92072.  
Public Plan: BH31(2) 34.27.

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

**LA701****LAND ACT 1933**  
**RESERVATION NOTICES**

Made by the Lieutenant-Governor and deputy of the Governor under Section 29.

The Crown Lands described below have been set apart as public reserves.

DOLA File 1058/996.

Reserve No. 44320 comprising Swan Location 12558 with an area of 5655 square metres on Land Administration Diagram 92688 for the designated purpose of "Use and Requirements of the Minister for Works".

Public Plan: BG34 (2) 13.30. Fairway East.

Local Authority—City of Stirling.

DOLA File 919/995.

Reserve No. 44323 comprising Balingup Lot 259 with an area of 1789 square metres on Land Administration Diagram 92689 for the designated purpose of "Use and Requirements of the Minister for Works".

Public Plans: BG29 (2) 22.21 and 22.22. Brockman Street.

Local Authority—Shire of Donnybrook-Balingup.



DOLA File 434/995.

Reserve No. 44326 comprising Jurien Lot 428 with an area of 800 square metres on Land Administration Diagram 81215 for the designated purpose of "Drainage".

Public Plan: BF39 (2) 03.06. Ackland Street.

Local Authority—Shire of Dandaragan.

A. A. SKINNER, Chief Executive.

**LA801**

**LAND ACT 1933**

**AMENDMENT OF RESERVE**

Made by the Lieutenant-Governor and deputy of the Governor under Section 37.

The following reserve has been amended.

DOLA File 256/958.

Reserve No 25523 (Swan Location 6907) "School Site—Yokine" to exclude that portion containing 5655 square metres now comprised in Location 12558 as surveyed and shown bordered green on Land Administration Diagram 92688 and of its area being reduced to 4.0492 hectares accordingly.

Public Plan: BG34 (2) 13.30. Fairway East.

Local Authority—City of Stirling.

A. A. SKINNER, Chief Executive.

**LA901**

**LAND ACT 1933**

**CHANGE OF PURPOSE OF RESERVE**

Made by the Lieutenant-Governor and deputy of the Governor under Section 37.

The purpose of the following reserve has been changed.

DOLA File 1154/960.

Reserve No 27048 (Carnamah Lot 114) being changed from "School Quarters Site" to "Use and Requirements of the Minister for Works".

Public Plan: BG40 (2) 13.36. Macpherson Street.

Local Authority—Shire of Carnamah.

A. A. SKINNER, Chief Executive.

**LB301**

**LAND ACQUISITION AND PUBLIC WORKS ACT 1902**

**SALE OF LAND**

NOTICE is hereby given that the Lieutenant-Governor and Deputy of the Governor has approved under Section 29(7)(a)(ii) of the Land Acquisition and Public Works Act 1902 (as amended) of the sale by public auction or private contract of the land hereinafter described, such land being no longer required for the purpose for which it was acquired.

**LAND**

File No. 832/996

Portion of Victoria Location 6309 and being Lot 2 the subject of Diagram 43290 and being the whole of the land comprised in Certificate of Title Volume 1325 Folio 977.

File No. 975/996

Canning Locations 4059 to 4066 inc. comprising Reserve 44297 as shown on DOLA Plan.

File No. 990/968

Dalwallinu Lot 337 comprising Reserve 35857 as shown on DOLA Plan 9872.

File No. 1001/996

Merredin Lots 1378 to 1387 inclusive, 1389 to 1396 inclusive and 1408 to 1412 inclusive, comprising Reserve 44302 as shown on DOLA Plan 18511.

File No. 1058/996

Swan Location 12558 comprising Reserve 44320 as shown on DOLA Diagram 92688.

File No. 1154/960

Carnamah Lot 114 comprising Reserve 27048 (formerly Lot 7 of Victoria Location 1936 the subject of Office of Titles Diagram 26810).

File No. 2520/989

Geraldton Lots 991 and 2487 comprising Reserve 17590 as shown on DOLA Plan 10012.

File No. 2792/991

Portion of Wellington Location 1 being Lot 6 as shown on Plan 6133 and being the whole of the land comprised in Certificate of Title Volume 1735 Folio 835.

NOTICE is hereby given that the Lieutenant-Governor and Deputy of the Governor has approved under the provisions of Section 29B(1)(a)(i) of the Land Acquisition and Public Works Act, 1902 of the sale by public auction or private contract of the land hereinafter described, which was compulsorily taken or resumed under that Act for a public work, namely the Donnybrook - Bridgetown Railway and used for that public work for a period of ten years or more and being no longer required for that work.

#### LAND

File No. 919/995

Balingup Lot 259 comprising Reserve 44323 as shown on DOLA Diagram 92689.

Dated this 7th day of May 1996.

A. A. SKINNER, Chief Executive.

#### LB901

#### LAND ACQUISITION AND PUBLIC WORKS ACT 1902 NATIVE TITLE ACT 1993 (COMMONWEALTH)

#### Notice of Intention To Take Land For A Public Work

The Minister for Works gives notice in accordance with section 17(2) of the *Land Acquisition and Public Works Act* that it is intended to take under section 17(1) of that Act, the land described in the Schedule ("land") for the respective public work listed.

#### SCHEDULE

| Locality/Local Government/Region | Description of land affected   | Interest holder/Registered native title claimant  | Public Work  | Plan                                       | Job Number/Reference |
|----------------------------------|--|---|--|--|----------------------|
| Albany (Town)                    | Portion of Albany Town Lot 327 and Albany Town Lot 329 being part of reserve 22406 set aside for the purpose of "Public Cemetery" (area 53 square metres).   | 1. Crown - Albany Cemetery Board as Trustees<br>2. HOLMES, Teresa Boxer (WC95/84).  | Road widening to Boronia Street, road widening to Suffolk Street (Road No. 18619).   | Diagram 91621                              | 913071<br>1816/993   |
| Brookton (Shire)                 | Portion of Avon Location 29083 set aside as Reserve 19741 for the purpose of "Conservation of Flora and Fauna" (983 square metres).  | Crown - National Parks and Nature Conservation Authority as vestee.   | Widening of Brookton Highway (Road No. 3187).  | Diagram 92241                              | 916343<br>1279/1994  |
| Dandaragan (Shire)               | Portion of Reserve 18865 set aside for the purpose of "Excepted from Sale" to be known as Victoria Location 12085 (565.6005 hectares).   | Crown.  | Water supply - Reservation with vesting in the Water Authority of Western Australia. | Reserve Diagram 1368                       | 940679<br>2826/1995  |
| Esperance (Shire)                | 1. Portion of Esperance Location 1976 set aside as Reserve 34777 for the purpose of "Recreation, Dune Buggies and Trail Bikes".<br>2. Portion of Esperance Locations 2066, 780, 799, 776, 777, set aside as part of Reserve 24486 for the purpose of "Flora",<br>3. Portion of Esperance Location 499 set aside as part of Reserve 4180 for the purpose of "Common". | 1. Crown - Shire of Esperance as vestee.<br>2. Crown.<br>3. Crown - Control of Shire of Esperance.<br>4. Crown - Shire of Esperance as vestee with power to lease (50 years).<br>5. HOLMES Teresa Boxer (WC95/84) | 1. Dedication of Twilight Beach Road.<br>2. Dedication of Road.                      | Plans 18242,<br>18243,<br>18424,<br>18425. | 914564<br>3152/1983  |

SCHEDULE—*continued*

| Locality/Local Government/Region | Description of land affected   | Interest holder/Registered native title claimant   | Public Work  | Plan                | Job Number/Reference |
|----------------------------------|--|--|--|---------------------|----------------------|
|                                  | 4. Portion of Esperance Location 1920 set aside as Reserve 29925 for the purpose of "Caravan Park and Chalets". (57.5048 hectares).  |  |  |                     |                      |
| Gingin (Shire)                   | Portion of State Forest 65 (6.8019 hectares)   | Crown - Lands and Forest Commission  | Dedication of public road.   | Misc Diagram 512    | 914027<br>2289/1993  |
| Gingin (Shire)                   | Portion of Swan Location set aside as Reserve 28462 for the purpose of "National Park" (4284 square metres).   | Crown - National Parks and Nature Conservation Authority as vestee.  | Widening of Brand Highway (Road No. 10419).  | Diagram 91753       | 914066<br>2006/1993  |
| Irwin (Shire)                    | 1. Portion of Victoria Location 10023 set aside as Reserve 24829 for the purpose of "Water Supply"<br>2. Portion of Victoria Location 11316 set aside as Reserve 36040 for the purpose of "Aerial Landing Ground"<br>3. Portion of Victoria location 11702 set aside as Reserve 137 for the purpose of "Common"<br>4. Portion of Victoria Location 9947 set aside as part of Reserve 24496 for the purpose of "Protection of Flora" (31.9752 hectares) | 1. Crown<br>2. Crown - Shire of Irwin as vestee with power to lease with approval of the Minister<br>3. Crown - Control of Shire of Irwin<br>4. Crown - National Parks & Nature Conservation Authority as vestee   | Widening of George Street and extension and widening of Pye Road (Road No. 17911)                                | L.A.WA 1151         | 961184<br>754/1996   |
| Kalgoorlie-Boulder (City)        | 1. Portion of Hampton Location 122 set aside as part of Reserve 35662 for the purpose of "Parklands"<br>2. Vacant Crown land (3.8745 hectares).  | 1. Crown - Shire of Boulder as vestee<br>2. Crown<br>3. STRICKLAND Marjorie May and NUDDING Anne Joyce (WC94/3)<br>4. CHAMPION Tim on behalf of the CHAMPION, SAMBO, DONALDSON and WILSON (GUBRUN) families (WC95/27).<br>5. FORREST Merle and McKENZIE Arthur William (WC96/19) | Dedication of road.  | Plans 18339 & 18340 | 914861<br>1033/1991  |
| Kalgoorlie-Boulder (Shire)       | Boulder Lot 3642 being vacant Crown land (3187 square metres)  | 1. Crown<br>2. FORREST Merle & MCKENZIE Arthur William (WC 96/19)<br>3. CHAMPION Tim on behalf of the Champion, Sambo, Donaldson & Wilson (Gubrun) Families (WC 95/27)<br>4. STRICKLAND Marjorie May & NUDDING Anne Joyce (WC 94/3)  | Dedication of road   | Diagram 84908       | 951740<br>4690/1903  |
| Kojonup (Shire)                  | Portion of Kojonup Location 7545 being vacant Crown land (2578 square metres)  | Crown  | Widening of Albany Highway (Road No. 6963)   | Plan 18661          | 955492<br>481/1995   |
| Laverton (Shire)                 | 1. Weld Location 26 being reserve 6884 set aside for the purpose of "Common".<br>2. Weld Location 42 being Pastoral Lease 3114-1270 (Crown Lease 683-1992) issued to Mount Weld Pastoral CO. PTY. LTD.<br>3. Reserve 4771 set aside for the purpose of "Water".  | 1. Crown-Shire of Laverton as vestee.<br>2. Crown - Mount Weld Pastoral CO. PTY. LTD. as lessee.<br>3. Crown<br>4. TUCKER Quinton Paul (WC95/32)<br>5. SULLIVAN Dimple A. (WC95/57)<br>6. CANNING Sadie Miriam (WC96/4)<br>7. MEREDITH Fred and SCOTT Bobby (WC96/11)            | Dedication of road.  | Plan 19085          | 940836<br>2376/1994  |
| Leonora (Shire)                  | 1. Portion of Reserve 7521 set aside for the purpose of "Common"<br>2. Portion of Reserve 17398 set aside for the purpose of "Stock Route"<br>3. Portions of Malcolm Location 25 and Leonora Lot 975 set aside as Reserve 35852 for the purpose of "Recreation"<br>4. Vacant Crown land  | 1. Crown - Shire of Leonora as controller<br>2. Crown<br>3. Crown - Shire of Leonora as vestee<br>4. Crown<br>5. TUCKER Quinton Paul (WC95/32)<br>6. EVANS Ted Coomanoo (WC95/1)<br>7. ASHWIN Raymond (WC96/22)<br>8. PASSMORE Thomasisha Lila (WC96/42)                         | Creation of Leonora-Mt Ida Road, RaceCourse Road and Biggs Avenue as public roads and deviation of Rajah Street. | Plan 17783          | 906914<br>1080/1975  |

SCHEDULE—*continued*

| Locality/Local Government/Region | Description of land affected   | Interest holder/Registered native title claimant  | Public Work  | Plan                                      | Job Number/Reference |
|----------------------------------|--|---|--|---|----------------------|
| Port Hedland (Town)              | Portion of Port Hedland Lot 1693 being vacant Crown land (5.8166 hectares)   | Crown   | Residential accomodation facilities.                                     | L.A.W.A. 1095                             | 941248<br>2013/1992  |
| Serpentine - Jarrahdale (Shire)  | Portion of Reserve 16634 set aside for the purpose of "Catchment Area" being part of State Forest Number 22 (50.3538 hectares) | 1. Crown - Lands and Forest Commission<br>2. BROPHO Robert Charles (WC95/81)<br>3. CORNWALL Terry, STAMMERS Barbara, CORBETT Donald John, HILL Leonard, HILL Donna, HILL Jacqueline, HILL Tania on behalf of the NYUNGAH people (WC95/85)<br>4. BODNEY Christopher Robert (WC95/86) | Extensions and widening of Kingsbury Drive (Road Numbers 2782 and 14873) | Diagram 92293 and 18864 - 18869 inclusive | 917343<br>1794/1994  |
| Wyndham - East Kimberley (Shire) | Wyndham Lot 1764 being vacant Crown land (9982 square metres)  | Crown   | Recreation - Reservation with vesting in Shire Wyndham - East Kimberley  | Diagram 92257                             | 916313<br>1345/1994  |

The plan(s) listed may be inspected at the office of the Department of Land Administration, Midland Square, Midland 6056, telephone (09) 273 7089.

**NATURE OF ACT:** The compulsory taking of the land to undertake the public work specified in the Schedule.

**COMMENCEMENT OF ACT:** The taking of the land is subject to the procedural requirements of section 17(2) of the *Land Acquisition and Public Works Act* and section 23(6) of the *Native Title Act*.

The taking of the land will proceed if upon the completion of the procedures provided by section 17(2) of the *Land Acquisition and Public Works Act* the Minister for Works decides to proceed.

Persons having or claiming an interest in any of the land may under section 17(2) of the *Land Acquisition and Public Works Act* lodge an objection in writing to the proposed taking with the Department of Land Administration, PO Box 2222, Midland, no later than 22 July 1996. Objections must be in the Form of Objection, copies of which are available from the Department of Land Administration telephone (09) 273 7089 or (09) 273 7293.

**TIME DURING WHICH THE ACT WILL CONTINUE TO BE DONE:** Following the taking of the land it will be used for the public work specified in the Schedule including the construction of all appropriate improvements.

**KIND OF DISTURBANCE TO LAND:** Disturbance of the land may be caused by the use of and/or construction of improvements on the land for the purpose(s) of the public work specified in the Schedule.

Enquiries relating to the proposed taking of the land may be directed to the Native Title Unit, Department of Land Administration, PO Box 2222, Midland 6056 (telephone (09) 273 7089 or (09) 279 7217).

Dated this 10th day of May 1996.

GRAHAM KIERATH, Minister for Lands.

## LOCAL GOVERNMENT

### LG401

#### SHIRE OF DARDANUP

##### Administration of Acts and By-laws

It is notified for public information that Mr Donald Keith Craigie has been appointed to act as a Ranger within the Shire, with authority to administer the following Acts and By-laws, effective from the 25th March 1996.

The Local Government Act—Part XX 1990

The Litter Act 1979

The Dog Act 1976

By-laws relating to Dogs

By-laws relating to Public Reserves

Parking By-laws

The appointment of Mr Brian F. Hastie is cancelled.

C. J. SPRAGG, Shire Clerk.

**LG402****DOG ACT 1976***Shire of Donnybrook / Balingup*

It is hereby notified for public information that the following persons have been appointed under the provisions of the Dog Act 1976.

## Registration Officers—

Jeffrey D. Corker  
Jodie E. Emberton  
Melanee G. Gardiner  
David A. Hunter  
Robert G. Jeffreys  
Fiona K. Rudd

## Authorised Persons—

John R. Attwood  
Robert G. Jeffreys  
Noel M. Welsh

All previous appointments are hereby cancelled.

J. R. ATTWOOD, Shire Clerk.

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**LG403****DOG ACT 1976***Shire of Quairading*

It is hereby notified for public information that the following persons have been appointed as Dog Registration Officers under the provisions of the Dog Act 1976—

Graeme Ashley Fardon  
Gregory Neville Harris  
Francis Peter Martinovich  
Janice Leeanne Clemens  
Tanya Joyce Copping

The following persons have been appointed as Authorised Control Officers under the provisions of the Dog Act 1976—

Graeme Ashley Fardon  
Gregory Neville Harris  
Ronald Reginald Sims  
Russell John Chandler  
Brian Kevin Peacock

All other appointments are hereby cancelled.

G. A. FARDON, Shire Clerk.

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**LG404****CITY OF GOSNELLS**

It is hereby notified for public information that the following persons have been appointed Honorary Inspectors, effective from the 23 April 1996, pursuant to the Local Government Act 1960 to enforce the requirements of the Litter Act 1979 and Parking Facilities Bylaws, within the precinct of the South East Metropolitan College of TAFE, Burslem Drive, Thornlie.

Mathew Turlon  
Roy Messom  
Michael Duncan  
Simon Jones  
Richard Cohn

The appointments of Mr Bob Cooper and Ms Christine Donnelley as Honorary Parking and Litter Inspectors are hereby revoked.

G. WHITELEY, Town Clerk.

**LG405****LOCAL GOVERNMENT ACT 1960***Town of Bassendean*Memorandum of Imposing Hire Fees and Charges  
for the Ashfield Community Centre

At a meeting of the Bassendean Town Council held on 28 August 1995, it was resolved that the following fees and charges be imposed for the hire and use of the Ashfield Community Centre.

Dated this 10th day of May 1996.

## Children's Services Room

## Community Group

\$4.00 per hour day

\$5.00 per hour night

## Community/Commercial Group

\$5.00 per hour day

\$6.00 per hour night

## Meeting Room

## Community Group

\$2.00 per hour day

\$2.50 per hour night

## Community/Commercial Group

\$3.00 per hour day

\$3.50 per hour night

## Consulting Rooms

## Community Group

\$3.00 per hour day

\$3.50 per hour night

## Community/Commercial Group

\$4.00 per hour day

\$4.50 per hour night

## Aged Services Room

## Community Group

\$4.00 per hour day

\$5.00 per hour night

## Community/Commercial Group

\$5.00 per hour day

\$6.00 per hour night

**LG901****LOCAL GOVERNMENT ACT 1960***Shire of Mt Marshall*

## Proposed Loan

No. 107—\$150,000

Pursuant to Section 610 of the Local Government Act 1960, the Council of the Shire of Mt Marshall hereby gives notice of its proposal to borrow by the sale of debentures on the following terms and for the following purpose.

\$150,000 for a period of five (5) years repayable at the office of the Council by the ten (10) equal half yearly instalments of Principal and Interest.

Purpose: Grader Purchase

Specifications and Estimates of costs are required by Section 609 of the Local Government Act are open for inspection at the office of the Council during office hours for thirty-five (35) days after publication of this notice.

Dated the 14th May 1996.

L. W. O'NEIL, President.  
M. SIMMONDS, Shire Clerk.

**PARLIAMENT****PA401****PARLIAMENT OF WESTERN AUSTRALIA****Bills Assented To**

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

| Short Title of Bill                              | Date of Assent | Act No.   |
|--|----------------|-----------|
| Human Reproductive Technology Amendment Act 1996 | 4 April 1996   | 1 of 1996 |

L. B. MARQUET, Clerk of the Parliaments.

May 14, 1996.

**PLANNING****PD101****CORRECTION****WESTERN AUSTRALIAN PLANNING COMMISSION ACT****NOTICE OF DELEGATION**

Please note that in the notice published in the *Government Gazette* (No. 58 of 1996, pages 1938-1940) dated 3 May 1996, under the heading printed above, there is an error. In Schedule 8 to that Notice the words "POWERS DELEGATED" head that schedule but the heading should read—

**SCHEDULE 8—APPLICATION OF DELEGATION**

That correction is hereby effected.

PETER MELBIN, Secretary,  
Western Australian Planning Commission.

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

## Town Planning Scheme No. 40—Amendment No. 44

Ref: 853/2/16/44, Pt. 44.

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

1. extending the boundary to which Serial No. 51 in Appendix 5 applies, to include a further 1 390 m<sup>2</sup> (approximately) located at the rear of the existing additional use boundary.
2. making the following text alterations to Serial No. 51 of Appendix 5—

| No. | Lot No.        | Address                        | Additional Purpose for which the premises may be used (Any or All of the following Uses) | Additional Development Requirements |
|-----|----------------|--------------------------------|--|-------------------------------------|
| 51  | Portion of 304 | 382-412 Orrong Road, Welshpool | Service Station, Convenience Store   |                                     |

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 1317 Albany Highway, Cannington, and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 28 June 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 28 June 1996.

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

I. F. KINNER, Chief Executive/Town Clerk.

**PD402**

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

*City of Mandurah*

Town Planning Scheme No. 1A—Amendment No. 248

Ref: 853/6/13/9, Pt. 248.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Mandurah Town Planning Scheme Amendment on 1 May 1996 for the purpose of—

1. rezoning Lot 23 Creery Road, Dudley Park from "Residential 2" to "Residential 3".
2. amending the Residential Planning Code map by deleting the R25 Code over Lot 23 Creery Road, Dudley Park and the inclusion of the subject Lot within the R40 Code.
3. amending the Scheme Map accordingly.

K. A. HOLMES, Mayor.  
S. K. GOODE, Town Clerk.

**PD403**

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

*City of Nedlands*

Town Planning Scheme No. 2—Amendment No. 103

Ref: 853/2/8/4, Pt. 103.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Nedlands Town Planning Scheme Amendment on 8 May 1996 for the purpose of recoding No. 1 (Lot 15) Florence Road and No. 58 (Lot 6) Dalkeith Road from "Residential R10" to "Residential R20".

C. E. BARNS, Mayor.  
N. G. LEACH, Town Clerk.

**PD404**

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

*City of Stirling*

District Planning Scheme No. 2—Amendment No. 272

Ref: 853/2/20/34, Pt. 272.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Stirling Town Planning Scheme Amendment on 8 May 1996 for the purpose of—

1. Rezoning Lot 200, H.N. 474 and Lot 21, H.N. 472, Wanneroo Road, Westminster from "Business" and "Medium Density Residential R50" respectively to "Special Use Zone—Consulting Rooms Group Practice and Day Surgery".
2. Altering Schedule II of the Scheme by the addition thereto of the following—

|                              |   |  |
|------------------------------|---|--|
| Wanneroo Road<br>Westminster | Portion of Swan Loc 1113 and being<br>Lot 200 on Diagram 65636 and Lot 21<br>on Plan 8708 | Consulting<br>Rooms Group<br>Practice and<br>Day Surgery |
|------------------------------|---|--|

T. W. CLAREY, Mayor.  
G. S. BRAY, Town Clerk.



PD405

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

*Shire of Albany*

Town Planning Scheme No. 3—Amendment No. 125

Ref: 853/5/4/5, Pt. 125.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Albany Town Planning Scheme Amendment on 9 May 1996 for the purpose of—

1. Rezoning portions of Lots 1 & 6 Rocky Crossing Road and Lot 5 Neilsen Road from Rural to Special Rural zone and Parks and Recreation (non restricted) reserve and the Scheme Maps are hereby amended accordingly.
2. Incorporating within Schedule 1 of the Scheme Text, "Special Rural Zones, Provisions Relating to Specified Areas", the following provisions—

SCHEDULE 1

| AREA | LOCALITY                            | LOT(S)        | LOCATION   |
|------|-------------------------------------|---------------|------------|
| 12   | Rocky Crossing Road<br>Neilsen Road | Pt 1 & 6<br>5 | 441<br>441 |

SPECIAL PROVISIONS

1.0 PLAN OF SUBDIVISION

1.1 Subdivision of Special Rural Zone Area No. 12 shall be generally in accordance with the Subdivision Guide Plan endorsed by the Chief Executive Officer.

1.2 The Council will not recommend lot sizes less than 1.0 hectare. The Council may recommend that the Western Australian Planning Commission approve minor variations to the Subdivision Guide Plan.

2.0 OBJECTIVES OF THE ZONE

2.1 Within the Special Rural Zone Area No. 12 the objective is to provide for rural residential living, conserve remnant vegetation, (particularly adjacent to creek lines) contain all nutrients within the site, minimise the visual impact of development and allow for low intensity rural pursuits.

3.0 LAND USE

3.1 Within Special Rural Area No. 2 the following uses are permitted—

- Residential Dwelling House
- Livestock Grazing

3.2 The following uses may be permitted subject to the special approval of Council—

- Home Occupation
- Stables
- Public Utility
- Cottage Industry
- Other incidental or non defined activities considered appropriate by Council which are consistent with the objective of the zone.

4.0 KEEPING OF LIVESTOCK/ANIMALS

4.1 Intensive agricultural pursuits such as piggeries, horticultural operations are not permitted. The keeping of livestock shall be restricted to fenced pastured areas of the lot. The owner shall be responsible for the maintenance of stock proof fencing to protect remnant vegetation and revegetation areas. Animal numbers shall not exceed the stocking rates recommended by Agriculture W.A. The keeping of animals shall not result in the removal or damage of vegetation and trees or result in soil degradation and dust nuisance.

4.2 Where in the opinion of Council the continued presence of animals on any portion of land is likely to contribute, or is contributing to the dust nuisance or soil degradation, notice may be served on the owner of the land, requiring immediate removal of those animals specified in the notice.

4.3 Where notice has been served on a landowner in accordance with this Clause the Council may also require the land to be rehabilitated to its satisfaction within three (3) months of serving the notice.

4.4 In the event that such action is not undertaken, Council may carry out such works as are deemed necessary, with all costs being borne by the landowner.

5.0 LOCATION OF BUILDINGS AND STRUCTURES

5.1 Buildings, tanks and structures shall not be constructed within the public open space designated on the Subdivision Guide Plan.

5.2 Buildings and structures shall be setback a minimum of 30 metres from the lot boundary abutting Rocky Crossing Road and 15 metres from all other lot boundaries.

5.3 Buildings shall be sited to allow a "low fuel buffer" not less than 20 metres wide, which does not encroach into public open space designated on the Subdivision Guide Plan.

5.4 Fences shall not be permitted within the public open space areas designated on the Subdivision Guide Plan.

5.5 All dams require the approval of Council prior to construction. Dams shall be sited to avoid visual impact from Rocky Crossing Road to the satisfaction of Council.

#### 6.0 BUILDING DESIGN, MATERIALS & COLOUR

6.1 Dwellings and outbuildings shall be designed and constructed of materials which allow them to blend into the landscape of the site. Council will be supportive of walls and roofs with natural tonings in keeping with the amenity of the area, however Council shall refuse to approve walls and roofs constructed of reflective materials such as unpainted zincalume and off-white colours.

6.2 Dwelling houses shall not exceed 7.5 metres in height which is measured vertically from the natural ground level. The maximum height of all outbuildings will be at the discretion of Council in order to minimise the visual impacts of such buildings when viewed from Rocky Crossing Road and within the subdivision.

6.3 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of Council.

6.4 Water tanks shall be painted or coloured an appropriate shade of brown or green or suitably screened with vegetation to the satisfaction of Council.

#### 7.0 VEGETATION AND REVEGETATION

7.1 No clearing of vegetation shall occur except for—

- (a) clearing to comply with the requirements of the Bush Fires Act 1954 (as amended);
- (b) clearing as may reasonably be required to construct an approved building and curtilage;
- (c) trees which are dead, diseased or dangerous;
- (d) clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the Council;
- (e) clearing required to establish a low fuel buffer.

7.2 Council may request the Commission to impose a condition at the time of subdivision for the revegetation of areas shown on the Subdivision Guide Plan. Such revegetation areas shall be appropriately maintained for a minimum of 3 years.

7.3 Council may request the Commission to impose a condition at the time of subdivision for the fencing of remnant vegetation, revegetation and public open space areas.

7.4 Additional tree planting may be required as a condition of development approval.

#### 8.0 WATER SUPPLY

8.1 Council may request the Commission to impose a condition at the time of subdivision for the provision or reticulated water to the lots.

#### 9.0 EFFLUENT DISPOSAL

9.1 On-site effluent disposal shall be the responsibility of the individual landowners.

9.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by Council and the Health Department of WA. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or ground water. Conventional effluent disposal areas for new dwellings shall be set back a minimum of 100 metres from the natural permanent watercourse and situated 2 metres above the highest known ground water level.

9.3 Council shall require the use of amended soil type effluent disposal systems, such as Ecomax/ATU Systems in the following situations.

- where a 100 metre setback from a creek line or water course cannot be achieved;
- where soil conditions are not conducive to the retention of nutrients; and
- in low lying areas.

Separation from waterways and ground water shall be determined by Council in accordance with the Health Department of WA and Department of Environmental Protection guidelines.

9.4 Variations to the design or location of effluent disposal areas will require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impacts to the satisfaction of Council and the Health Department of WA.

9.5 No more than one effluent disposal system will be permitted per lot.

#### 10.0 BUSHFIRE MANAGEMENT & CONTROL

10.1 Council may request the Commission to impose a condition at the time of subdivision for the construction of the strategic firebreaks as shown on the Subdivision Guide Plan.

10.2 The strategic firebreaks shall be constructed to a standard suitable for all year access by heavy duty fire appliances and two wheel drive vehicles.

10.3 Where a lot is traversed by a strategic fire break as shown on the Subdivision Guide Plan, the owner of the lot shall maintain such firebreak to the satisfaction of Council. Fencing and/or unlocked gates across the strategic firebreak shall only be permitted at the discretion of and to the satisfaction of Council and the Bush Fires Board.

10.4 Low fuel buffers, at least 20 metres wide shall be established and maintained around all buildings.

10.5 In cases where only part of the zone is developed, an interim firebreak system or strategic fire break system shall be prepared and put in place, to the satisfaction of Council and the Bush Fires Board.

10.6 Council may request the Commission to impose a condition at the time of subdivision for a contribution towards the provision of fire fighting facilities.

10.7 Fire hydrants shall be provided at intervals of 200 metres along the proposed subdivisional road together with a standpipe to the satisfaction of Council and the Bush Fires Board.

10.8 The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959 "Construction of Buildings in Bushfire Prone Areas."

#### 11.0 ROAD UPGRADING, ACCESS AND DESIGN

11.1 Council may request the Commission to impose a condition at the time of subdivision for a contribution to the upgrading of Neilsen Road.

#### 12.0 NOTIFICATION OF PROSPECTIVE OWNERS

12.1 Provision shall be made to Council's satisfaction to ensure prospective purchasers of land with Special Rural Zone Area No. 12 are given a copy of these Special Provisions prior to entering into an agreement to acquire any property.

K. G. BEECK, President.  
R. P. BOARDLEY, Acting Shire Clerk.

### PD406

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

*Shire of Bridgetown-Greenbushes*

Town Planning Scheme No. 3—Amendment No. 37

Ref: 853/6/5/3, Pt. 37.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Bridgetown-Greenbushes Town Planning Scheme Amendment on 8 May 1996 for the purpose of—

1. rezoning Lot 3 of Bridgetown Town Lots 34, 35 and 36 Bunbury Street, Bridgetown, from the Industrial Zone to the Service Industry Zone.
2. rezoning Lot 51 of Bridgetown Town Lot 34 Bunbury Street, Bridgetown, from the Industrial Zone to the Service Industry Zone.
3. rezoning Lot 46 of Bridgetown Town Lots 34 and 35 Rose Street, Bridgetown, from the Industrial Zone to the Service Industry Zone.
4. rezoning Part Bridgetown Town Lot 33 Bunbury Street, Bridgetown, from the Industrial Zone to the Service Industry Zone.
5. rezoning Lot 5 of Bridgetown Town Lot 33 Roe Street, Bridgetown, from the Industrial Zone to the Service Industry Zone.

S. L. GRANT, President.  
I. M. BODILL, Shire Clerk.

### PD407

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

*Shire of Busselton*

Town Planning Scheme No. 5—Amendment No. 288

Ref: 853/6/6/6, Pt. 288.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Busselton Town Planning Scheme Amendment on 8 May 1996 for the purpose of—

1. Rezoning portion of Lot 20 Sussex Location 1 Bussell Highway, Busselton from 'General Farming' to 'Special Rural' and 'Recreation' as depicted on the Scheme Amendment Map.

2. Amending the Scheme Text by adding to Appendix X—'Special Rural Zones—Provisions Relating to Specified Areas' as follows—

|                            |  |
|----------------------------|--|
| (A)                        | (B)  |
| Specified Area of Locality | Special Provisions To Refer to Area Listed in Column (A) |

Special Rural Zone—  
being Lot 20 of Sussex  
Location 1, Bussell Highway,  
Busselton.

Subdivision

1. Subdivision of Lot 20 shall generally be in accordance with a Subdivision Guide Plan Endorsed by the Shire Clerk.

2. No further subdivision of the lots shall be permitted.

Land Use

3. No lot shall be used except for residential, recreational agriculture and limited grazing purposes as may be approved by Council.

4. Commercial agriculture is not permitted.

5. Any agricultural development must be in keeping with the principles of sound agricultural practice and in this respect the Council may request the advice of the Department of Agriculture before determining any application.

6. The indiscriminate use of pesticides and fertilisers and overstocking with animals is not permitted.

7. Where in the opinion of Council an existing or proposed use of land is likely to adversely affect the Conservation Area, as shown on the Subdivision Guide Plan, Council may require the owner to take such action as may be necessary to obviate any adverse affects.

Building Development

8. All buildings, structures and on-site effluent disposal systems shall be located within the building envelopes as defined on the Subdivision Guide Plan.

9. Where in the interests of retaining natural flora or protecting the sites environment makes siting any structure difficult Council may set an alternative building envelope.

10. Houses shall be designed and constructed of materials which allow them to blend into the landscape of the site. Council will refuse the use of roofing material in accordance with Council Policy. External materials are to have natural green/brown toning which is in harmony with the rural landscape character of the area as determined by Council.

11. There shall be no filling of or development on the Flood Fringe.

Fencing

12. Boundary fencing shall be post and four strand wire, 1.0 metre to 1.3 metre high, or post and ringlock or similar as approved by Council. Solid fencing such as super 6 or pickets shall not be permitted on boundaries and only permitted in proximity to buildings where Council determines that it will not adversely affect the rural amenity of the area.

Services

13. Prior to obtaining a building licence for any dwelling the owners shall demonstrate that they are able to obtain a sufficient supply of potable water for domestic use. The minimum requirement shall be the provision of a 135,000 litre capacity rainwater tank. All water tanks shall be fitted with a 50mm male threaded outlet with a gate valve attached at the base of the tank so that the total tank capacity is available for fire fighting purposes in times of emergency.

14. Disposal of on-site effluent is to be to the specification and satisfaction of the Local Authority and the Health Department of WA and is to have a nutrient retention capacity.

- | (A)<br>Specified Area of Locality  | (B)<br>Special Provisions To Refer to Area Listed in Column (A)  |
|--|--|
|  | Vegetation Protection and Tree Planting<br>15. No trees or substantial vegetation shall be felled or removed from the site except where— <ul style="list-style-type: none"> <li>• required for approved development works;</li> <li>• the establishment of a firebreak is required by regulation or by-law;</li> <li>• trees are dead, diseased or dangerous.</li> </ul> |
| 3. Amending Clause 1.9.1 Interpretations of the Scheme Text by inserting the following term and meaning between 'Licesned Motel' and 'Liquor Store'—<br>“ 'Limited Grazing' means the grazing of land by a specified number and type of grazing animals, approved by Council, for the prime purpose of preventing pastureland from becoming a fire risk and for other domestic household requirements.”  |  |
| 4. Amending Clause 1.9.1 Interpretations of the Scheme Text by inserting the following term and meaning between 'Public Utility' and 'Residential Building'—<br>“ 'Recreational Agriculture' means the cultivation of land within a specified area of the property, as approved by Council, for crops and flowers, and other horticultural practices and the keeping of animals and birds for consumption and enjoyment of the occupants of the subject allotment only. The activity is not undertaken on a commercial basis.” |  |
- M. C. SULLY, President.  
K. A. WHITE, Acting Shire Clerk.

**PD408**

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

Town Planning Scheme No. 1—Amendment Nos. 1 & 6

Ref: 853/3/5/1, Pts. 1 & 6.

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

Amendment No. 1—

- (a) reclassifying Reserves 28699 and 28700, and Lots 404 and 405 bounded by McNeill Street, Myers Street, Annetts Road and James Street, within the boundaries of Dalwallinu Townsite, from Local Reserve for 'Public Purposes' to 'Residential', 'Recreation', 'Commercial' and 'Special Use—Church Hall', as more clearly shown on the Scheme Amendment Map.
- (b) amending Schedule II by adding a new Special Use accordingly.

Amendment No. 6—rezoning portion of the Vacant Crown Land on the south side of Dodd Street, Kalannie, from 'Rural' to 'Industrial', as more clearly shown on the Scheme Amendment Map.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Johnston Street, Dalwallinu and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including June 28, 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before June 28, 1996.

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

W. T. ATKINSON, Shire Clerk.

**PD409**

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

Town Planning Scheme No. 1—Amendment No. 2

Ref: 853/3/5/1, Pt. 2.

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

- (a) rezoning Lot 11 Sawyers Avenue on the northern aspect of the townsite of Dalwallinu from 'Residential' to 'Special Use—Church', as more clearly shown on the Scheme Amendment Map.
- (b) amending Schedule II by amending Lot 2 by adding '11', before '12' under the heading 'Lot Description'.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Johnston Street, Dalwallinu and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including June 21, 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before June 21, 1996.

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.

W. T. ATKINSON, Shire Clerk.

**PD410**

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

Town Planning Scheme No. 1—Amendment No. 5

Ref: 853/3/5/1, Pt. 5.

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

- (a) rezoning Reserve 42409 Kalanni (Lot 150) cnr Roche Street and Hathway Drive, Kalannie, from 'Special Use—Tourist Accommodation' to 'Special Use—Caravan Park' as more clearly shown on the Scheme Amendment Map.
- (b) amending Schedule II by adding a new Special Use accordingly.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Johnston Street, Dalwallinu and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including June 14, 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before June 14, 1996.

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.

W. T. ATKINSON, Shire Clerk.

**PD411**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*Shire of Katanning*

Town Planning Scheme No. 3—Amendment No. 9

Ref: 853/5/10/3, Pt. 9.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Katanning Town Planning Scheme Amendment on May 8, 1996 for the purpose of—

1. Introducing a "Special Residential" zone into the Scheme Text, and modifying the existing Text as follows—
  - Modify Clause 4.1—Zones—of the Scheme Text by adding: 10: Special Residential.

- Adding a "Special Residential" zone to Table No. 1—Zoning Table—of the Scheme Text and cross referencing the following Land Use and Development Classes with the following symbols—

## Residential Uses

|                          |   |    |
|--------------------------|---|----|
| Single House             | — | P  |
| Additional Accommodation | — | IP |
| Home Occupation          | — | AA |
| Cottage Industry         | — | AA |

## Public &amp; Community Uses

|                   |   |   |
|-------------------|---|---|
| Public Recreation | — | P |
| Public Utility    | — | P |

- Adding the following clauses to the Scheme Text—

## 4.9 Development in Special Residential Zones

4.9.1 The objective of the Special Residential Zone is to provide for a high standard of Special Residential development on lots of between 2000m<sup>2</sup>-9999m<sup>2</sup> in area in order to retain a semi-rural character and amenity.

4.9.2 Development in a Special Residential zone shall comply with the requirements of the following in addition to meeting the objectives of the Zone outlined in Clause 4.9.1.

- 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.
- Not more than one (1) dwelling per lot shall be erected. Council may approve the construction of "Additional Accommodation" in accordance with the residential planning codes.
- In addition to other provisions of the Scheme that may affect it, any land that is included in a "Special Residential" zone shall be subject to those provisions as may be specifically set out against it in Appendix No. 8—Schedule of Special Residential Zones.
- Keeping of stock is subject to Council approval and shall be prohibited on lots of less than 8000m<sup>2</sup> area. Any stock causing degradation shall be removed at the direction of Council.
- The Council will not recommend lot sizes less than 2000m<sup>2</sup> or lot frontage less than 20 metres.
- No more than 20% of a lot shall be built upon.

- Adding the following to the Scheme Text—

## APPENDIX NO. 8—SCHEDULE OF SPECIAL RESIDENTIAL ZONES

In addition to the provisions set out in Clause 4.9, the following requirements shall apply to the localities specified in this Schedule.

| COLUMN (a)<br>SPECIFIED AREA AND LOCALITY      | COLUMN (b)<br>SPECIAL PROVISIONS  |
|--|---|
| Lot 3 of Katanning Agricultural Area<br>Lot 54 | <ol style="list-style-type: none"> <li>Subdivision shall generally be in accordance with the adopted Guide Subdivision Plan for this locality. The Council will not recommend lot sizes less than 4000m<sup>2</sup>, however, the Western Australian Planning Commission may approve minor variations.</li> <li>All development shall be setback from lot boundaries in accordance with the following requirements—<br/>Front setback—15m<br/>Rear setback—15m<br/>Side setback—10m</li> <li>Not more than one dwelling may be constructed on any allotment. The provision shall not exclude the approval by the Council of additional accommodation in accordance with the residential planning codes.</li> <li>Dwellings and all ancillary buildings shall be constructed of non-reflective material (with the exception of glazed areas) and shall comprise either timber, stone, rammed earth, brick or steel construction and shall be of colour(s) and textures which are essentially natural and earthy. All such materials shall be to the satisfaction of the Council and shall be compatible with the rural character of the locality.</li> </ol> |

| COLUMN (a)<br>SPECIFIED AREA AND LOCALITY | COLUMN (b)<br>SPECIAL PROVISIONS   |
|---|--|
|   | <p>5. Dwellings shall be restricted to a maximum height of 9.0 metres and ancillary buildings to a height of 5.0 metres. The height of buildings shall be measured vertically from the mean natural surface of that part of the land contained within the boundaries of the building.</p> <p>6. Radio masts, TV antenna and satellite disks shall be located such that they do not detract from the local visual amenity or cause offence to neighbouring properties.</p> <p>7. No clearing of vegetation shall occur within any allotment except for the following—</p> <ul style="list-style-type: none"> <li>(a) Clearing to comply with the requirements of the Bush Fires Act 1954 (as amended).</li> <li>(b) Clearing within the approved Building Envelope as may be reasonably required to construct an approved building and curtilage thereto.</li> <li>(c) Clearing to gain vehicular access to the curtilage of an approved dwelling or any other clearing which may be approved by the Council.</li> </ul> <p>8. At the time of development application for a dwelling, each lot owner will be required to plant, and maintain for a period of two years, 20 trees capable of growing to at least 3 metres in height.</p> <p>9. The Council may request the Western Australian Planning Commission to impose a condition at the time of subdivision for the provision of reticulated water, underground power, and telecommunications to the lots.</p> <p>10. (a) The disposal of liquid and/or solid wastes shall be carried out by the installation of an Aerobic Treatment Unit (ATU) or similar system, to the satisfaction of the Council and the Health Department of Western Australia.</p> <p>(b) No dwelling shall be occupied without the prior approval and installation of such a disposal system.</p> <p>11. The keeping and resting of stock shall not be permitted within the subdivision on any lot less than 8000m<sup>2</sup> in area.</p> <p>12. Boundary fencing shall comprise non-electrified stock proof wire or ring-lock fencing to a maximum height of 1.2 metres above the natural surface of the land, with posts being a split jarrah, or treated pine.</p> <p>Internal fencing for courtyards, swimming pools or tennis courts, etc shall comprise materials other than asbestos cement, tyres or corrugated iron.</p> <p>13. Low fuel areas (areas clear of all flammable material with the exception of live trees) shall be maintained around all buildings for a minimum distance of 20 metres or such greater distance as the Council may consider reasonable having regard for the slope of the land and the general vegetation cover of the surrounding land.</p> <p>14. A building envelope, with an area that is no greater than 20% of the lot area, must be approved by Council and identified on a plan, for each lot within the subdivision. No development shall occur on any lot unless a building envelope has been identified and approved by Council.</p> |



- | COLUMN (a)<br>SPECIFIED AREA AND LOCALITY   | COLUMN (b)<br>SPECIAL PROVISIONS  |
|---|---|
|   | 15. Council will not permit second-hand relocated/or transported dwellings or ancillary buildings to be located on any lot within the subdivision. New transportable dwellings and/or ancillary buildings may be permitted. |
|   | 16. No dams or lakes shall be created on any allotment without the prior approval of Council.   |
|   | 17. All land and buildings within the subdivision shall be kept in a clean and tidy condition.  |
| 2. Rezoning Lot 3 of Katanning Agricultural Area Lot 54 from "Rural" to "Special Residential".  |   |
| 3. Modifying Appendix No. 3—Interpretations—of the Scheme Text by adding—<br>Building Envelope—means an area of land within a lot marked on a plan within which all buildings on the lot must be contained.<br>Cottage Industry—means a business, professional service, trade or light industry producing arts and craft goods which cannot be carried out under the provisions relating to a "home occupation" and which, in the opinion of Council— |   |
|   | (a) Does not cause injury to or prejudicially affect to amenity of the neighbourhood;   |
|   | (b) Where operated in a Residential Zone, does not entail the employment of any person other than a member of the occupier's household;   |
|   | (c) Is conducted in an out-building which is compatible within the principal uses to which land in the zone in which it is located may be put;  |
|   | (d) Does not occupy an area in excess of 50m <sup>2</sup> ;   |
|   | (e) Does not display a sign exceeding 0.2m <sup>2</sup> in area.  |
| 4. Modifying Table 1—Zoning Table—of the Scheme Text to include "Cottage Industry" as a Residential Use, and to designate "Cottage Industry" as an "AA" Use within the following zones—<br>Residential<br>Special Residential<br>Rural<br>Special Rural   |   |
| 5. Modifying the Scheme Maps to include a "Special Residential" zone in the Legend. Land zoned "Special Residential" shall be shown on the Scheme Maps using the same colour as that for the Residential Zone, with the addition of a dark brown border.  |   |

I. R. BOLTO, President.  
M. S. ARCHER, Shire Clerk.

**PD412**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*Shire of Manjimup*

Town Planning Scheme No. 2—Amendment No. 68

Ref: 853/6/14/20, Pt. 68.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Manjimup Town Planning Scheme Amendment on May 9, 1996 for the purpose of—

1. Adding to the Scheme a Policy Precinct (Special Design) Walpole 1 for the purpose of controlling development within Boronia Ridge Residential Estate as shown on the amending map.
2. Adding a new Clause to Section 5.3.3. Policy Precincts (Special Design) to read—  
5.3.3 Precinct Walpole 1

Council's objective in adopting controls is to ensure the retention of the character of the precinct in landscape and environmental terms. These objectives include—

- To maximise retention of vegetation for—  
maintenance of fauna habitat  
prevention of erosion  
uptake of nutrients  
maintenance of landscape and visual character;
- To protect the habitat of fauna within the development area;
- To provide a vegetation buffer and habitat areas on the periphery of the development area;

- To minimise the impacts of development on the local populations of the Southern Brown Bandicoot and other vertebrate species;
- To adopt a domestic effluent disposal system which prevents nutrient export to Walpole Inlet and Walpole River;
- To prevent surface and subsurface nutrient discharge to Walpole Inlet and Walpole River;
- To ensure the effective treatment of stormwater which is important for both nutrient export and water quality;
- To facilitate management of POS in a manner which will minimise the contribution of nutrients to the environment.

In order to achieve this objective the Boronia Ridge Estate, Stage One is to be developed in accordance with the controls adopted to form this clause and includes provisions regarding—

- the removal of vegetation;
- the development of buildings and other works on the subject land—
  - (a) Council will have regard to the following controls which have been adopted to facilitate the retention of the established landscape and environmental character of the Precinct.
  - (b) Development shall be in accordance with the conditions listed against the Precinct in Appendix 6 in the Scheme.

2. Adding Appendix 6 to read as follows—

Appendix 6

Policy Precinct Walpole 1 (Special Design)

The following provisions shall apply to all land within Boronia Ridge Estate Stage One in addition to any provisions which are generally more applicable to such land uses under the Provisions of the Scheme.

- (i) Subdivision, provision of building envelopes and development of land within Boronia Ridge shall generally be in accordance with the Subdivision Plan (Plan No.90/10/8) and the Landscape Master plan (Plan No.90/10/5) and as endorsed by the Shire Clerk. Minor modifications to the Subdivision Guide Plan may be approved by Council and the Western Australian Planning Commission.
- (ii) Not more than one permanent, non-transportable, private residence shall be constructed, erected or installed or be permitted on an individual allotment.
- (iii) Residences of less than one hundred and forty (140) square metres inclusive of external walls and exclusive of outbuildings, carports, garages, verandahs and other unenclosed areas shall not be permitted, constructed, erected or installed on any allotment.
- (iv) Roof materials for residences or other improvements (including but not limited to an alteration or addition to a residence or improvement) shall be of materials other than zincalume or any other reflective material.
- (v) Residences shall include either a single or double carport or garage.
- (vi) Carports and garages not located under the main roof of the residence shall be constructed of materials which match or complement the existing residence in respect of the pitch of roof, materials used, the design, colour and external appearance.
- (vii) Any other structure(s) erected, constructed or installed on an allotment shall complement the residence in respect of the materials used, the design, external appearance, including colour and the quality of construction.
- (viii) All fencing shall be constructed of posts, rail and wire, to Council satisfaction.
- (ix) All ground areas visible from the street or to any neighbouring owner shall be properly landscaped within four (4) months after completion of the construction of the residence. "Properly landscaped" means that all visible areas must be tidied and grassed and/or planted with trees and/or shrubs.
- (x) No rubbish, trash, garbage or other waste material shall be accumulated, caused or permitted to be kept or accumulated on the lot except in containers screened from the public view obtained from the front street.
- (xi) Site disturbance and earthworks to the land shall not be permitted or allowed other than those required for the completion of a residence, outbuildings, driveways, and other associated services in accordance with the Guidelines.
- (xii) No residence or any part of a residence shall be built or cause to be built on land which is outside of the building envelope as shown on the Subdivision Guide Plan and as endorsed by the Shire Clerk.
- (xiii) No rainwater run off from hard paved areas on the lot or roof shall be permitted or allowed to flow directly onto neighbouring lots or public open space so as to cause erosion damage or inconvenience.
- (xiv) No livestock, animals, or insects shall be raised or kept on the land for commercial purposes.
- (xv) No horses, goats, or any other animals likely to ringbark trees or damage vegetation and foliage shall be raised or kept on the land.

- (xvi) No native vegetation or trees on the land shall be removed, damaged, destroyed or cause to be removed, damaged or destroyed except for the purpose of building a residence and access thereto or to accommodate sensible bushfire prevention measures as determined by any relevant authority. Tree removal for the purpose of building is to be a maximum area of 600m<sup>2</sup>. This includes a 400m<sup>2</sup> building envelope and 200m<sup>2</sup> surrounding the building for the required fuel reduction zone.
- (xvii) No domestic cat or cats (*felis catus*) shall be kept or be caused to be kept on the land.
- (xviii) The provisions of this schedule shall run with the land for the benefit of every other lot on the plan or diagram of subdivision.
- (xix) Prospective purchasers of any lot shall be advised in writing of these conditions.
- (xx) Prior to a dwelling being constructed on any lot, the subdividing owner shall erect a sign at the entrance of the estate and this sign shall be located to the satisfaction of the Council. The sign shall be set up as follows—  
 “Boronia Ridge Estate: Shire of Manjimup  
 ‘Persons are advised that this is a Special Environmental Area and that special environmental and development controls designed to preserve the character and environment of the area apply. Prior to commencing any development (fencing, building and tree removal clearing etc.) you should contact the Council for advice and assistance with your proposals.’  
 Shire Clerk  
 Shire of Manjimup”

3. Adding to the Scheme Map a new Precinct as shown on the Amendment Map.

W. E. THOMPSON, President.  
 G. FITZGERALD, Shire Clerk.

**PD413**

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

*Shire of Murray*

Town Planning Scheme No. 4—Amendment No. 89

Ref: 853/6/16/7, Pt. 89.

Notice is hereby given that the Shire of Murray has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 36 McLarty Street, Dwellingup from ‘Residential (R10)’ to ‘Commercial’.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Pinjarra Road, Pinjarra, and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including June 28, 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before June 28, 1996.

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.

D. A. McCLEMENTS, Shire Clerk.

**PD414**

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

*Shire of Roebourne*

Town Planning Scheme No. 6—Amendment No. 46

Ref: 853/8/5/4, Pt. 46.

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

1. modifying the current zoning of a parcel of vacant crown land (formerly portion of Karratha Station Pastoral Lease 3114/464) Karratha-Dampier Road, south of the Karratha Airport, from “Pastoral” to “Special Uses—Aquaculture, Caretakers Dwelling and Ancillary uses”.
2. amending the Scheme Maps accordingly.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Welcome Road, Karratha, and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including June 21, 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before June 21, 1996.

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.

T. RULAND, Chief Executive Officer.

PD415

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

*Shire of Serpentine-Jarrahdale*

Town Planning Scheme No. 2—Amendment No. 44

Ref: 853/2/29/3, Pt. 44.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Serpentine-Jarrahdale Town Planning Scheme Amendment on May 8, 1996 for the purpose of—

1. Rezoning Lot 27 Cockburn Sound Locations 43 & Pt 295 Nettleton Road, Byford from "Rural" to "Rural Living A".
2. Amending the Scheme Map in accordance with the Scheme Amendment Map.
3. Amending the Scheme Text by inserting in Appendix 4A Special Provisions, the following—
 

|   |   |
|---|---|
| <ol style="list-style-type: none"> <li>a) SPECIFIED AREA OF LOCALITY</li> <li>Lot 27 Cockburn Sound Locations 43 &amp; Pt 295 Nettleton Road, Byford</li> </ol> | <ol style="list-style-type: none"> <li>b) SPECIAL PROVISIONS TO REFER TO a)</li> <li>1. Within the Rural Living zone the following landuses are permitted or are permitted at the discretion of the Council.<br/>Use classes permitted (P)<br/>Single Dwelling<br/>Public Recreation<br/>Public Utility<br/>Discretionary Uses (AA):<br/>Ancillary Accommodation<br/>Home Occupation<br/>Rural Use/Intensive Agriculture<br/>Stables—Rural Living A zone—1 hectare lots and above only.<br/>In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with Government Agencies that the land use does not involve excessive nutrient application or the clearing of the land.</li> <li>2. No dwelling shall be approved by the Council unless it is connected to an alternative domestic wastewater treatment system as approved by the Health Department of WA with an adequate phosphorus retention capacity, as determined by the Department of Environmental Protection, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</li> <li>3. Notwithstanding the controls specified by provision 1, development and use of the land is subject to the provisions of the Water Authority of Western Australia By-laws applying to underground water supply and pollution control.</li> </ol> |
|---|---|

## a) SPECIFIED AREA OF LOCALITY

## b) SPECIAL PROVISIONS TO REFER TO a)

4. No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate the discretionary uses identified under provision 1.
5. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.
6. The subdivider shall, in accordance with the Subdivision Guide Plan for this estate, plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the Transfer of the lot(s) to a new owner.
7. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the local authority.
8. Although the land is not situated within the catchment of the Peel-Harvey system Beenyup Brook flows into that system where nutrient control through fertiliser application is to be promoted. Therefore the application, type and distribution of fertiliser to the land shall be subject to the prior approval of the Council who shall consult the Department of Environmental Protection before approval is granted.
9. The subdivider shall install fire breaks around each lot to the satisfaction of Council and the Bush Fires Board of W.A.
10. No development other than post and rail fences shall be built within 50m on each side of Beenyup Brook as shown on the Subdivision Guide Plan as "NO DEVELOPMENT AREA".

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

PD416

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION**  
*Shire of Serpentine-Jarrahdale*  
Town Planning Scheme No. 2—Amendment No. 62

Ref: 853/2/29/3, Pt. 62.

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

1. rezoning part of Lot 701 Beenyup Road from "Rural" to "Special Residential".
2. amending Appendix 3(1) "Special Residential" Zones, by adding the words "Lot 701 Beenyup Road" after the word "Road" and before the words "and Lot 555".
3. amending the existing subdivisional guide plan and inserting a new subdivisional guide plan in its place.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 6 Paterson Street, Mundijong, and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including June 28, 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before June 28, 1996.

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. A. GIBB, Acting Shire Clerk.

**PD417**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
APPROVED TOWN PLANNING SCHEME AMENDMENT  
*Shire of Swan*

Town Planning Scheme No. 9—Amendment No. 267

Ref: 853/2/21/10, Pt. 267.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Swan Town Planning Scheme Amendment on May 8, 1996 for the purpose of—

1. Amending the Scheme Text by adding to Appendix 6B "Additional or Restricted" uses on the following particulars—

| Locality   | Street & Land Particulars | Additional or Restricted Uses and Conditions   |
|------------|---------------------------|--|
| Ellenbrook | Lot 15 Gnangara Road      | (i) The following use is additional use "P" use Rural Produce Sales.<br>(ii) The additional use Rural Produce Sales referred to in (i) is subject to the following conditions—<br>(a) The maximum Gross Leaseable Area used for display and sale of produce being limited to 75m <sup>2</sup><br>(b) The sale and display of untreated or processed vegetables, fruit, crops, cereals or produce<br>(c) the sale of flowers<br>(d) The "Rural Produce Sales" being accommodated within a building that is sympathetic to the Swan Valley, to the satisfaction of Council's Planning Service<br>(e) The display of tourist related information<br>(iii) The additional use "Rural Produce Sales" referred to in (i) is restricted to the area indicated on the plan. (see plan 2) |

2. Amending the Scheme Map by inserting on "Additional Use" symbol on portion of Lot 15 Gnangara Road, Ellenbrook as shown on the Scheme Amendment Map.

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

**PD418**

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

Town Planning Scheme No. 2—Amendment Nos. 4, 5 and 6

Ref: 853/4/2/10, Pts. 4, 5 and 6.

Notice is hereby given that the Town of Narrogin has prepared the abovementioned scheme amendments for the purpose of—

- Amendment No. 4: amending the Additional Use Zone Table in the Scheme Text by the addition of the use "Pre-School Centre" for Reserve 10524, Lot 244 Earl Street; and amending the Scheme Map accordingly.

Amendment No. 5: rezoning Narrogin Town Lots 674, 675, 676, 677 and 678 Walker Street from their existing Zone "Recreation" to "Rural" Zone.

Amendment No. 6: amending the Additional Use Zone Table in the Scheme Text by the addition of the use "Tourism, Arts & Crafts and Retail Sales" for Part Reserve 10317 (Railway Station); and amending the Scheme Map accordingly.

Plans and documents setting out and explaining the scheme amendments have been deposited at Council Offices, 89 Earl Street, Narrogin, and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including June 21, 1996.

Submissions on the scheme amendments should be made in writing on Form No. 4 and lodged with the undersigned on or before June 21, 1996.

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

G. O'NEIL, A/Town Clerk.

**PD419**

**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959**

DECLARATION OF PLANNING CONTROL AREA No. 34

GARRATT ROAD-GRAND PROMENADE ROAD/BRIDGE LINK

*City of Bayswater*

File: 835-2-14-3.

**GENERAL DESCRIPTION**

The Hon Minister for Planning has granted approval to the declaration of a Planning Control Area over Garratt Road-Grand Promenade Road/Bridge Link as shown on Western Australian Planning Commission Plan No. 2.0714.

**PURPOSE OF THE PLANNING CONTROL AREA**

The area intended for the Planning Control Area has been protected in this form since 1986. A new Planning Control Area in the vicinity of the proposed new bridge crossing is required to ensure the Western Australian Planning Commission can protect the land, provide affected landowners with an appropriate compensation mechanism and to allow time for full agency consultation prior to the completion of a study and the finalisation of a related amendment to the Metropolitan Region Scheme.

**DURATION AND EFFECTS**

The declaration remains in effect for a period of five years from the date of publication of this notice in the *Gazette* or until revoked by the Western Australian Planning Commission with approval by the Minister.

A person shall not commence and carry out development in a Planning Control Area without the prior approval of the Western Australian Planning Commission. The penalty for failure to comply with this requirement is \$2,000.00, and, in the case of a continuing offence a further fine of \$200.00 for each day during which the offence continues.

Compensation is payable in respect of land injuriously affected by this declaration, and land so affected may be acquired by the Western Australian Planning Commission in the same circumstances and in the same manner as if the land had been reserved in the Metropolitan Region Scheme for a public purpose.

**WHERE THE PCA IS AVAILABLE FOR PUBLIC INSPECTION**

1. Ministry for Planning, 1st floor 469 Wellington Street, Perth WA 6000.
2. J S Batty Library, Alexander Library Building, Cultural Centre, Northbridge WA 6000.
3. Office of the Municipality of the City of Bayswater, 61 Broun Avenue, Embleton WA 6062.

PETER MELBIN, Secretary,  
Western Australian Planning Commission.

**PD502**

**METROPOLITAN REGION TOWN PLANNING SCHEME ACT**

METROPOLITAN REGION SCHEME—S.33 AMENDMENT

SOUTH EAST CORRIDOR OMNIBUS No. 2

—CALL FOR PUBLIC SUBMISSIONS—

Amendment No: 979/33.

File No: 809-2-1-37.

The Western Australian Planning Commission intends to amend the Metropolitan Region Scheme and is seeking public comment.

The purpose of Amendment No. 979/33 is to modify and update various zones and reservations over land areas in the South East Corridor of the Metropolitan Region Scheme. This amendment is a continuation of the MRS "major amendments program". The proposed changes include new urban, urban deferred and industrial zoned areas; rationalisation of existing parks and recreation, public purpose and regional roads reservation providing for various land use proposals or complementing the previous major amendments.

The procedure for amending the Scheme, as set out in section 33 of the Metropolitan Region Town Planning Scheme Act, is to be used to advertise this proposal. Public submissions are invited and the amendment will eventually be put to Parliament for final approval. In accordance with the procedure in section 33, the Hon Minister for Planning has approved the amendment for public display and for the calling of submissions.

Copies of the maps showing the proposed changes to the zones and reservations of the Scheme and other information, is available for the public inspection at each of the places listed hereunder.

The amending plan No's 1.3495, 1.3496/1, 1.3497/1 and 1.3498 are available for inspection from Monday 13 May 1996 to Friday 16 August 1996 at each of the following places—

- (a) Ministry for Planning  
1st Floor Albert Facey House  
469-489 Wellington Street  
Perth WA 6000
- (b) Council Offices of the municipalities of—
  - (i) City of Perth  
Westralia Square  
141 St Georges Terrace  
Perth WA 6000
  - (ii) City of Fremantle  
Cnr Newman & William Street  
Fremantle WA 6160
  - (iii) City of Gosnells  
2120 Albany Highway  
Gosnells WA 6110
  - (iv) City of Armadale  
7 Orchard Avenue  
Armadale WA 6112
  - (v) City of South Perth  
Sandgate Street  
South Perth WA 6151
  - (vi) City of Belmont  
215 Wright Street  
Cloverdale WA 6105
  - (vii) City of Canning  
1317 Albany Highway  
Cannington WA 6107
  - (viii) Shire of Serpentine-Jarrahdale  
6 Paterson Road  
Mundijong WA 6202
  - (ix) Town of Victoria Park  
99 Shepperton Road  
Victoria Park WA 6100
- (c) J S Battye Library  
Alexander Library Building Cultural Centre  
Francis Street  
Northbridge WA 6003
- (d) Main Roads WA  
"Don Aitken Centre"  
Waterloo Crescent  
East Perth WA 6004

Any person who desires to make a submission either supporting or objecting to any provisions of the proposed amendment may do so on a Form 6A. Submission forms are available on request from the display locations and must be lodged with the—

Secretary,  
Western Australian Planning Commission  
469-489 Wellington Street  
Perth WA 6000

on or before 4.30pm Friday 16 August 1996.

Secretary, Western Australian Planning Commission.

**PD701**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

**APPROVED TOWN PLANNING SCHEME**

*Shire of York*

Town Planning Scheme No. 2

Ref: 853/4/34/2, Vol. 2.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of York Town Planning Scheme No. 2 on May 1, 1996—the Scheme Text of which is published as a Schedule annexed hereto.

G. W. MARWICK, President.  
E. R. FISHER, Shire Clerk.



## SCHEDULE

*Shire of York*

## TOWN PLANNING SCHEME No. 2

THE YORK SHIRE COUNCIL, UNDER AND BY VIRTUE OF THE POWERS CONFERRED UPON IT IN THAT BEHALF BY THE TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED), HEREBY MAKES THE FOLLOWING TOWN PLANNING SCHEME FOR THE PURPOSES LAID DOWN IN THE ACT.

SCHEME TEXT  
ARRANGEMENT

## Part 1—Preliminary

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

## Part 2—Reserves

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

## Part 3—Zones

- 3.1 Zones
- 3.2 Zoning Table
- 3.3 Additional or Restricted Uses

## Part 4—General Development Requirements

- 4.1 Development of Land
- 4.2 Residential Development: Residential Planning Codes
- 4.3 Car Parking Requirements
- 4.4 Discretion to Modify Development Standards
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## Schedules

1. Interpretations
2. Additional or Restricted Uses
3. Car Parking

4. Additional Requirements for the Residential Zone
5. Special Rural Zones
6. Control of Advertisements

#### PART 1—PRELIMINARY

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

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

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

1.4 Revocation: The Shire of York Town Planning Scheme No. 1 published in the *Government Gazette* of 18 March 1983 and all amendments thereto is hereby revoked.

1.5 Contents of Scheme: The Scheme comprises:

- (a) this Scheme Text
- (b) the Scheme Map.

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

PART 1—PRELIMINARY

PART 2—RESERVES

PART 3—ZONES

PART 4—GENERAL DEVELOPMENT REQUIREMENTS

PART 5—SPECIAL CONTROLS

PART 6—NON-CONFORMING USES

PART 7—PLANNING CONSENT

PART 8—ADMINISTRATION

1.7 Scheme Objectives: The objectives of the Scheme are:

- (a) to zone the Scheme Area for the purposes described in the Scheme;
- (b) to secure the amenity health and convenience of the Scheme Area and the residents thereof;
- (c) to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;
- (d) the preservation of places of natural beauty, of historic buildings, and objects of historical and scientific interest;
- (e) to make provision for other matters necessary or incidental to Town Planning and housing;
- (f) to make provision for the protection and management of the natural environment within the Scheme area; and
- (g) to recognise the special historic significance of the town of York to Western Australia and to preserve this through the implementation of Design Guidelines.

1.8 Interpretations

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

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

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

#### PART 2—RESERVES

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

PUBLIC PURPOSE

RECREATION AND OPEN SPACE

STATE FOREST

RAILWAY

ROAD

2.2 Matters to be Considered by the 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.

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 3—ZONES

#### 3.1 Zones

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

RESIDENTIAL  
TOWN CENTRE  
RURAL TOWNSITE  
INDUSTRIAL  
SPECIAL RURAL  
FARMING

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

#### 3.2 Zoning Table

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

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

“P” means that the use is permitted by the Scheme.

“AA” means that the use is not permitted unless the Council has granted planning consent.

“SA” means that the use is not permitted unless the Council has granted planning consent after giving notice in accordance with clause 7.2.

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

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

3.2.5 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the 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 “AA” advertising procedures of clause 7.2 in considering an application for planning consent.

3.3 Additional or Restricted Uses: Notwithstanding anything contained within the Zoning Table the land specified in Schedule 2 may, subject to compliance with any condition specified in Schedule 2 with respect to the land, be used for the purpose set against the 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 are excluded or modified by a condition specified in Schedule 2.

#### ZONING TABLE

| Uses                                  | Residential | Town Centre | Rural Townsite | Industrial | Special Rural | Farming |
|---------------------------------------|-------------|-------------|----------------|------------|---------------|---------|
| 1 aged or dependent persons' dwelling | AA          |             |                |            |               |         |
| 2 ancillary accommodation             | AA          |             | AA             |            | AA            | AA      |
| 3 caretaker's dwelling                |             | AA          | AA             | AA         |               | AA      |
| 4 civic building                      | AA          | AA          | AA             | AA         |               |         |
| 5 club premises                       |             | AA          | AA             |            |               | AA      |
| 6 consulting rooms                    | SA          | P           | SA             |            |               |         |
| 7 dog kennels                         |             |             |                |            |               | SA      |
| 8 education establishment             | SA          | AA          | AA             |            |               | AA      |
| 9 fuel depot                          |             |             |                | AA         |               |         |
| 10 grouped dwelling                   | AA          |             | SA             |            |               |         |
| 11 home occupation                    | AA          |             | AA             |            | AA            | AA      |
| 12 hotel                              |             | AA          | SA             |            |               |         |
| 13 industry—cottage                   | SA          |             | AA             |            | AA            | AA      |
| 14 industry—extractive                |             |             |                |            |               | AA      |
| 15 industry—general                   |             |             |                | AA         |               |         |

ZONING TABLE—*continued*

| Uses                            | Residential | Town Centre | Rural Townsite | Industrial | Special Rural | Farming |
|---------------------------------|-------------|-------------|----------------|------------|---------------|---------|
| 16 industry—light               |             |             | SA             | P          |               |         |
| 17 industry—noxious             |             |             |                | SA         |               | SA      |
| 18 industry—rural               |             |             |                |            | SA            | P       |
| 19 industry—service             |             |             | SA             | P          |               |         |
| 20 intensive agriculture        |             |             |                |            | SA            | P       |
| 21 motel                        | SA          | AA          |                |            |               |         |
| 22 motor vehicle repair station |             |             | SA             | P          |               |         |
| 23 office                       |             | P           |                | AA         |               |         |
| 24 piggery                      |             |             |                |            |               | AA      |
| 25 plant nursery                | SA          |             | AA             | P          | SA            | AA      |
| 26 poultry farm                 |             |             |                |            |               | AA      |
| 27 public recreation            | AA          |             | AA             | AA         |               | AA      |
| 28 public utility               | AA          | AA          | AA             | AA         | AA            | AA      |
| 29 residential building         | AA          |             |                |            |               | SA      |
| 30 restaurant                   |             | P           | AA             |            |               |         |
| 31 rural pursuit                |             |             |                |            | SA            | P       |
| 32 service station              |             | SA          | SA             | P          |               | AA      |
| 33 shop                         |             | P           | AA             | SA         |               |         |
| 34 single house                 | P           |             | P              |            | P             | P       |
| 35 tavern                       |             | AA          | SA             |            |               |         |
| 36 transport depot              |             |             |                | P          |               | SA      |
| 37 veterinary hospital          |             | SA          | SA             | P          | SA            | AA      |

## PART 4—GENERAL DEVELOPMENT REQUIREMENTS

## 4.1 Development of Land

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

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

- (a) the use of land in a reserve, where such land is held by the Council or vested in a public authority;
  - (i) for the purpose for which the land is reserved under the Scheme; or
  - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.
- (b) the use of land which is a permitted (“P”) use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works.
- (c) the erection on a lot of a single house including ancillary outbuildings in a zone where the use is a permitted (“P”) use in the zone in which that land is situated except where the lot does not have frontage to a constructed road, or is in a heritage precinct or a heritage place, or as otherwise provided by the Scheme.
- (d) the erection of a boundary fence except as otherwise provided by the Scheme.
- (e) the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act.
- (f) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building.
- (g) the carrying out of works urgently necessary for public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

## 4.2 Residential Development: Residential Planning Codes

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

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

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

4.2.4 The R Code density shall be determined by reference to the R Code density numbers superimposed on the areas shown on the Scheme Map as being contained within the outer edges of the black borders or, where such an area abuts on another area having an R Code density, as being contained within the centre lines of those borders.

#### 4.3 Car Parking Requirements

4.3.1 A person shall not develop or use any land or erect use or adapt any building for the purpose indicated in Schedule 3 unless car parking spaces as specified in Schedule 3 are provided and such spaces are constructed and maintained in accordance with the Scheme.

4.3.2 When considering any application for planning consent, the Council shall have regard to and may impose conditions on the provision of car parking spaces and the details of locating and designing the required spaces; landscaping, and pedestrian spaces on the lot. In particular, the Council shall take into account and may impose conditions concerning:

- (a) the proportion of car spaces to be roofed or covered;
- (b) the means of access to each car space and the adequacy of any vehicle maneuvering area;
- (c) the location of the car spaces on the site and their effect on the amenity of adjoining development, including the potential effect if those spaces should later be roofed or covered;
- (d) the extent to which car spaces are located within required building setback areas;
- (e) the locations of proposed public footpaths, vehicular crossing, or private footpaths within the lot, and the effect on both pedestrian and vehicular traffic movement and safety;
- (f) the suitability and adequacy of proposed screening or landscaping;
- (g) the suitability and adequacy of elevated structural decks for development and service as a proportion of the required area for landscaping and pedestrian space.

4.3.3 The parking spaces shall measure not less than the dimensions as shown in Schedule 3 for the type of parking layout adopted, except that the Council may exercise absolute discretion to vary the number or dimension of spaces where to do so would allow for retention of existing vegetation worthy of such retention.

4.3.4 Parking bays shall be serviced by all necessary accessways, and the parking area shall be surfaced to the satisfaction of the Council.

4.3.5 Where the Council so decides, it may accept cash payment in lieu of the provision of parking spaces but only subject to the following requirements:

- (a) the cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the Scheme plus the value, as determined by the Valuer General or a Licensed Valuer appointed by the Council, of that area of the land which would have been occupied by the parking spaces.
- (b) payments made under this clause shall be paid into a parking fund to be used for the provision of public car parking facilities. The Council may use this fund to provide public parking facilities anywhere within reasonable proximity to the subject land in respect of which a cash-in-lieu arrangement is made.

4.4 Discretion to Modify Development Standards: Except for development in respect of which the R Codes apply under this Scheme, if a development the subject of an application for planning consent does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, 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.

#### 4.5 Home Occupation

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

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

#### 4.6 Residential Zone

##### 4.6.1 Objectives

- (a) to encourage single houses as the predominant form of residential development.
- (b) to require infill residential development in Heritage Precincts to be in accordance with Design Guidelines adopted by the Council.
- (c) to achieve a high standard of development and residential amenity.

4.6.2 Site Requirements: In accordance with the R Codes.

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

- (a) the Outline Development Plan shall include:
  - (i) the topography of the area;
  - (ii) the location and width of proposed roads;

- (iii) the location of recreation, open space, and pedestrian accessways proposed;
  - (iv) an assessment of site suitability for subdivision of unsewered land;
  - (v) the layout of comprehensive drainage; and
  - (vi) such other information as may be required by the Council.
- (b) if the Council resolves to adopt the Outline Development Plan it shall circulate the Outline Development Plan to all owners of land within the area covered by the Outline Development Plan with an invitation for submissions to be lodged with the Council within twenty-one days.
  - (c) the Council shall consider any submissions to the Outline Development Plan and may, if the applicant agrees, amend the Outline Development Plan after such consideration of submissions.
  - (d) the Council may decide not to proceed or may submit the Outline Development Plan to the Commission together with the submissions and request the Commission to adopt the plan submitted as the basis for approval of subdivision within the area covered by the plan.
  - (e) a proponent who is dissatisfied with a decision of the Council or a requirement of a decision in respect of an Outline Development Plan, may appeal against the decision in accordance with Part V of the Act and the Rules and Regulations made pursuant to the Act.
  - (f) any departures from or alterations to the Outline Development Plan may, subject to the approval of the Commission, be permitted if the Council considers that the proposed departure or alteration will not prejudice the progressive development of the area the subject of the Outline Development Plan.

4.6.4 Additional requirements for subdivision and/or development which the Council may apply in the Residential zone shall be as laid down in Schedule 4.

#### 4.7 Town Centre Zone

##### 4.7.1 Objectives

- (a) to retain the town centre of York as the principal place for retail, commercial, civic, and tourist-oriented uses in the District.
- (b) to preserve the unique qualities of the town centre as a heritage place, and to avoid development which will detract from those qualities.
- (c) to ensure development complies with Design Guidelines adopted by the Council for the town centre.
- (d) to encourage a high standard of development of commercial facilities to service the residents, the farming sector, tourists, and travellers.
- (e) to encourage a high standard of landscaping in and around the town centre; the Council will undertake planting of shade trees in road reserves and public carparks where appropriate.

4.7.2 Site Requirements: The following minimum building setbacks shall apply:

- Front : ) At the
- Rear : ) Council's
- Side : ) discretion

##### 4.7.3 Development Requirements

- (a) Development shall not exceed 2 storeys in height except where the Council considers that particular circumstances may warrant an exception being made and provided the Council's objectives are not compromised.
- (b) In considering an application for planning consent for a proposed development (including additions and alterations to existing development) in the Town Centre the Council shall have regard to Design Guidelines adopted by the Council, and:
  - (i) the colour and texture of external building materials; (the Council may require the building facade and side walls to a building depth of 3 m to be constructed in masonry);
  - (ii) building size, height, bulk, roof pitch;
  - (iii) setback and location of the building on its lot;
  - (iv) architectural style and design details of the building;
  - (v) function of the building;
  - (vi) relationship to surrounding development; and
  - (vii) other characteristics considered by the Council to be relevant.
- (c) Landscaping shall complement the appearance of the proposed development and the town centre.
- (d) Layout of carparking shall have regard for traffic circulation in existing carparking areas and shall be integrated with any existing and adjoining carpark.
- (e) Where the ground floor of a two-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:
  - (i) the residential use is confined to the upper floor; and
  - (ii) the residential use is used only by the owner/occupier of the shop or office within the same building.

#### 4.8 Rural Townsite Zone

##### 4.8.1 Objectives

To allow for a wide range of land uses such as may be found in a small country town, but subject to preservation of local amenities.

4.8.2 Site Requirements: In accordance with the R Codes.

#### 4.9 Industrial Zone

##### 4.9.1 Objectives

- (a) to encourage industrial development with diverse employment opportunities.
- (b) to provide for industry to support development in the District.
- (c) to include development requirements for building facades, with particular attention to minimizing any adverse effects on the nearby Blandstown residential area.

4.9.2 Site Requirements: The following minimum building setbacks shall apply:

- Front : 7.5m
- Rear : 7.5m
- Side : 5.0m on one side

##### 4.9.3 Development Requirements

4.9.3.1 The first 5.0 metres of the front setback on any lot shall be landscaped to the satisfaction of the Council. Where a lot has frontage to two or more streets the Council may vary the landscaping requirement only where the Council has approved a reduced setback pursuant to clause 4.4 in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the Council.

4.9.3.2 No building or any other structure shall be erected closer than a distance of 15.0 metres from any part of the Residential zone, except with the approval of the Council. The setback area shall be landscaped and maintained to provide a suitable screen as may be required by the Council as a condition of such approval.

4.9.3.3 The whole of any wall or building facing any street shall be constructed in brick, concrete, or masonry provided however that the Council may permit the use of such other materials where it is satisfied that such use will not detract from local amenities.

4.9.3.4 Each open yard on an industrial lot shall be screened from any street by a closed fence or wall not less than 1.8 metres in height unless with the approval of the Council.

#### 4.10 Special Rural Zone

##### 4.10.1 Objectives

- (a) to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural residential retreats; and
- (b) to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

##### 4.10.2 General Provisions:

- (a) before making provision for a Special Rural Zone, the Council will require the owner(s) of the land to prepare a submission supporting the creation of the Special Rural Zone and such submission shall include:
  - (i) a statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area the subject of the proposed zone.
  - (ii) a plan or plans showing contours at such intervals as to adequately depict the land-form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, creeks, wells and significant improvements.
  - (iii) information regarding the method whereby it is proposed to provide a potable water supply to each lot as set out in clause 5.7.
  - (iv) in the absence of a Rural Strategy, it will be the responsibility of each applicant for rezoning to Special Rural zone to prepare a land capability and land suitability assessment to the satisfaction of both the Council and the Commission.
- (b) the Scheme provisions for a specific Special Rural Zone shall include a plan of subdivision showing, amongst other things:
  - (i) the proposed ultimate subdivision including lot sizes and dimensions.
  - (ii) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities, etc. as may be considered appropriate.
  - (iii) those physical features it is intended to conserve.
  - (iv) the proposed staging of the subdivision where relevant.
- (c) in addition to the plan of subdivision, the Scheme provisions for a specific Special Rural Zone shall specify:
  - (i) any facilities which the purchasers of the lots will be required to provide (eg their own potable water supply, liquid or solid waste disposal, etc).
  - (ii) proposals for the control of land uses and development which will ensure that the purpose of intent of the zone and the rural environment and amenities are not impaired.
  - (iii) any special provisions appropriate to secure the objectives of the zone.

- (d) the provisions for controlling subdivision and development in specific Special Rural Zones shall be as laid down in Schedule 5 and future subdivision will generally accord with the plan of subdivision for the specified area certified by the Shire Clerk and approved by the Commission and such plan of subdivision shall show the minimum lot size for subdivision.

4.10.3 Site Requirements: The following minimum building setbacks shall apply:

- Front : 20.0m  
Rear : 10.0m  
Side : 10.0m

4.10.4 Development Requirements: Development in a Special Rural Zone shall comply with the following:

- (a) in addition to a building licence, the Council's planning consent 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 Part 7 of the Scheme.
- (b) not more than one dwelling per lot shall be erected but the Council may, at its discretion, approve ancillary accommodation.
- (c) in order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorized by the Council.
- (d) in order to enhance the rural amenity of the land in areas the Council considers deficient in tree cover it may require as a condition of any planning consent the planting of such trees and/or groups of trees and species as specified by the Council.
- (e) keeping of animals:
- (i) stocking rates shall not exceed those recommended by the Department of Agriculture for the applicable pasture types.
- (ii) the keeping of horses, sheep, goats, and other grazing animals shall be restricted to within an area which is set back 100m from any watercourse, and this area shall be fenced to the satisfaction of the Council.
- (f) any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the Council. With the intention of preventing erosion, overstocking, and any other practice detrimental to the amenity of a Special Rural zone, the Council may take any action which in the opinion of the Council is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the Council in taking such action shall be recoverable by the Council from the landowner.
- (g) any person who uses any land for any purpose associated with leisure activities whether or not involving the use of motorized vehicles shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the Council.

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

- (a) the colour and texture of external building materials;
- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;
- (d) architectural style and design details of the building;
- (e) relationship to surrounding development;
- (f) other characteristics considered by the Council to be relevant; and
- (g) provision to be made for bush fire control in accordance with a Planning Policy adopted by the Council.

4.11 Farming Zone

4.11.1 Objectives

- (a) to ensure the continuation of broad-hectare agriculture as the principal land use in the District encouraging where appropriate the retention and expansion of agricultural activities.
- (b) to consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment.
- (c) to allow for facilities for tourists and travellers, and for recreation uses.
- (d) to have regard to residential use of adjoining land at the interface of the Farming zone with other zones to avoid adverse effects on local amenities.

4.11.2 Development: Having regard to the scenic values of the District and the views from roads the Council may refuse an application for planning consent if, in the opinion of the Council, the development if approved will have a detrimental effect on the rural character and amenities.

4.11.3 Site Requirements: The following minimum building setbacks shall apply:

- Front : 15.0m  
Rear : 15.0m  
Side : 15.0m

4.11.4 Retention of Vegetation: Except for:

- (a) establishment of a firebreak required to comply with a regulation or by-law, or



- (b) provision of access to a building site, or
- (c) the area of building, or
- (d) cash crops;

not more than 2000m<sup>2</sup> on any lot shall be cleared of indigenous trees or substantial vegetation. If the Council is satisfied upon receipt of a submission the clearing of an area greater than 2000m<sup>2</sup> will not adversely affect the amenity, character and landscape qualities of the locality it may approve such land to be cleared subject to conditions as may be required by the Council.

4.11.5 Subdivision: Having regard to the prime agricultural importance of land in the zone the Council will only support further subdivision of existing lots where:

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

#### PART 5—SPECIAL CONTROLS

##### 5.1 Heritage—Precincts and Places of Cultural Significance

5.1.1 Purpose and Intent: The purpose and intent of the heritage provisions are:

- (a) to facilitate the conservation of places of heritage value;
- (b) to ensure as far as possible that development occurs with due regard to heritage values.

##### 5.1.2 Heritage List

5.1.2.1 The Council shall establish and maintain a Heritage List of buildings, objects, structures and places considered by the Council to be of heritage significance and worthy of conservation.

5.1.2.2 For the purposes of clause 5.1, the Heritage List means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the *Heritage of Western Australia Act 1990* (as amended), or such parts thereof as described in the Heritage List.

5.1.2.3 The Council shall keep copies of the Heritage List with the Scheme documents for public inspection during normal office hours.

##### 5.1.3 Designation of Heritage Precincts

5.1.3.1 The Council may designate an area of land to be a Heritage Precinct where, in the opinion of the Council, special planning control is needed to conserve and enhance the heritage values and character of the area.

5.1.3.2 The Council shall adopt for each Heritage Precinct a policy statement which shall comprise:

- (a) a map showing the boundaries of the precinct;
- (b) a list of any buildings, objects, structures or places of heritage significance; and
- (c) objectives and guidelines for the conservation of the precinct.

5.1.3.3 The Council shall keep a copy of the policy statement for any designated Heritage Precinct with the Scheme documents for public inspection during normal office hours.

5.1.3.4 The procedure to be followed by the Council in designating a Heritage Precinct shall be as follows:

- (a) the Council shall notify in writing each owner of land affected by the proposal;
- (b) the Council shall advertise the proposal by way of a notice in a newspaper circulating in the district, by the erection of a sign in a prominent location in the area affected by the proposal, and by such other methods as the Council considers necessary to ensure widespread notice of the proposal, describing the area subject of the proposal, and where the policy statement which applies to the precinct may be inspected;
- (c) the Council shall invite submissions on the proposal within 28 days of the date specified in the notice referred to in paragraph (b) above;
- (d) the Council shall carry out such other consultations as it thinks fit;
- (e) the Council shall consider any submissions made and resolve to designate the heritage precinct with or without modification or reject the proposal after consideration of submissions;
- (f) the Council shall forward notice of its decision to the Heritage Council of WA and the Commission.

5.1.3.5 The Council may modify or may cancel a Heritage Precinct or any policy statement which relates to it by following the procedure set out in clause 5.1.3.4.

##### 5.1.4 Applications for Development Approval

5.1.4.1 In dealing with any matters which may affect a Heritage Precinct or individual entry on the Heritage List, including any application for planning consent, the Council shall have regard to any heritage policy of the Council.

5.1.4.2 The Council may, in considering any application that may affect a Heritage Precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA, and those of any other relevant bodies, and take those views into account when determining the application.

5.1.4.3 Notwithstanding any existing assessment on record, the Council may require a heritage assessment to be carried out prior to the approval for any development proposed in a Heritage Precinct or individual entry listed on the Heritage List.

5.1.4.4 For the purposes of this part the term "development" shall have the meaning as set out in the Act but shall also include, in relation to any building, object, structure or place entered in the Heritage List or contained within a Heritage Precinct, any act or thing that is likely to significantly change the character of the building, object, structure, or place.

#### 5.1.5 Formalities of Application

5.1.5.1 In addition to the application formalities prescribed in clause 5.1.4 and any formalities or requirements associated with applications for planning consent contained in any other provision of the Scheme, the Council may require an applicant for planning consent, where the proposed development may affect a place of cultural heritage significance or a Heritage Precinct, to provide one or more of the following to assist the Council in its determination of the application:

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2.0 metres in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;
- (c) a detailed schedule of all finishes, including materials and colours of the proposed development, and unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
- (d) any other information which the Council indicates that it considers relevant.

#### 5.1.6 Variations to Scheme Provisions

5.1.6.1 Where desirable to facilitate the conservation of a place, area, building, object or structure of heritage value, or to enhance or preserve heritage values, the Council may vary any provision of the Scheme provided that, where in the opinion of the Council the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for variation, the Council shall:

- (a) consult the affected parties by following one or more of the provisions dealing with advertising pursuant to clause 7.2.3; and
- (b) have regard to any expressed views prior to making its decision to grant the variation.

5.1.6.2 In granting variations under clause 5.1.6.1 the Council may enter into a heritage agreement under Part 4 of the *Heritage of Western Australia Act 1990* (as amended) with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

#### 5.2 Advisory Panel

5.2.1 The Council may from time to time appoint an Advisory Panel to advise the Council on matters relating to the protection or enhancement of a heritage place and/or development in a heritage precinct.

5.2.2 An Advisory Panel shall consist of:

- (a) the President or a Councillor nominated by the President;
- (b) the Chair of the Committee of the Council which has been appointed by the Council to report on the matters referred to an Advisory Panel; and
- (c) at least three other persons (none of whom shall be a Councillor or an Officer of the Council), and one of whom shall if practicable be a town planner or an architect who in the opinion of the Council has the knowledge and experience to give a proper decision on the matters to be considered by the panel.

5.2.3 The Council may revoke the appointment of a member of an Advisory Panel other than the President or the nominee of the President, and may appoint a person to replace the person whose appointment has been revoked or who resigns or is unable to act. No person who has a direct or indirect pecuniary interest in a matter before an Advisory Panel shall act as a member of that panel.

5.2.4 The Council may limit the term of appointment of an Advisory Panel or may appoint an Advisory Panel to report only on a specific matter. The appointment of an Advisory Panel shall lapse at the expiry of a nominated term, or on the receipt by Council of its report on the specific matter, or at an earlier date by the resolution of the Council.

5.2.5 The Council shall not be bound by a recommendation of an Advisory Panel.

5.3 Control of Advertisements: The provisions of this clause shall apply only within the York townsite.

#### 5.3.1 Power to Control Advertisements:

- (a) 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 an approval to planning consent is required in addition to any licence pursuant to the Council's Signs, Hoarding and Bill Posting Bylaws.

- (b) applications for the Council's consent pursuant to this clause shall be submitted in accordance with the provisions of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out in Schedule 6 giving details of the advertisement(s) to be erected placed or displayed on the land.

5.3.2 Existing Advertisements: Advertisements which:

- (a) were lawfully erected, placed or displayed prior to the approval of the Scheme, or  
(b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of the Scheme, hereinafter in Part clause 5.3 referred to as "existing advertisements", may except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

5.3.3 Consideration of Applications: Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, the Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

5.3.4 Exemptions from the Requirement to Obtain Consent: Subject to the provisions of the *Main Roads (Control of Signs) Regulations 1983* and notwithstanding the provisions of clause 5.3.1 (a) the Council's prior consent is not required in respect of those advertisements listed in Schedule 6 which for the purpose of this clause are referred to as "exempted advertisements". The exemptions listed in Schedule 6 do not apply to places, buildings, conservation areas or landscape protection zones which are either:

- (a) listed by the National Trust; or  
(b) listed on the register of the National Estate; or  
(c) included in the Heritage List; or  
(d) in a Heritage Precinct.

5.3.5 Discontinuance: Notwithstanding the scheme objectives and clause 5.3.4 where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of the Scheme, 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.

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

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

5.3.7 Notices:

- (a) "the advertiser" shall be interpreted as any one or any group comprised of the landowner, occupier, or licensee.  
(b) any notice served in exceptional circumstances pursuant to clause 5.3.5 or pursuant to clause 5.3.6 shall be served upon the advertiser and shall specify:  
(i) the advertisement(s) the subject of the notice;  
(ii) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;  
(iii) the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.  
(c) any person upon whom a notice is served pursuant to this clause may within a period of 60 days from the date of the notice appeal 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.

5.3.8 Scheme to Prevail: Where the provisions of clause 5.3 are found to be at variance with the provisions of the Council's Signs, Hoarding and Bill Posting Bylaws, the provisions of the Scheme shall prevail.

5.3.9 Enforcement and Penalties: The offences and penalties provisions specified in clause 8.2 of the Scheme apply to the advertiser in this clause.

5.4 Avon River Flood Plain: Notwithstanding anything elsewhere appearing in the Scheme development of land identified in the Avon River Flood Study adopted by the Water Corporation as within the extent of 100 year flood shall be subject to the following:

- (a) in addition to a building licence, the Council's planning consent is required for all development including a single house and such application shall be made in accordance with the provisions of the Scheme.  
(b) in determining an application for planning consent the Council shall consult with the Water Corporation.  
(c) development which includes a building or structure shall not be permitted unless in accordance with recommendations of the Water Corporation.

5.5 Development Limited by Liquid Waste Disposal: Notwithstanding anything elsewhere appearing in the Scheme, the Council may refuse to issue planning consent for any development if in the opinion of the Council adequate provision is not made or cannot reasonably be made for the disposal of liquid wastes from that development.

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

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

5.7 Supply of Potable Water: As a condition of the issue of a building licence each dwelling shall be provided with a supply of potable water either from a reticulated system, or an underground bore, or a rainwater-storage system with a minimum capacity of 92,000 litres to the satisfaction of the Council.

#### 5.8 Transported Dwellings

5.8.1 Within the Scheme area a building may not be placed on a lot and occupied as a dwelling following transportation as a whole or as parts of a building unless the transported building to be placed on a lot and used as a dwelling is, in the opinion of the Council, in a satisfactory condition and will not detrimentally affect the amenity of the area, or such a building has been specifically constructed as a transportable dwelling.

5.8.2 An applicant for a building licence for a transported building may be required by the Council to enter into a contract and provide a bond to reinstate the building to an acceptable standard of presentation within a period of twelve months from the issue of a building licence.

### PART 6—NON-CONFORMING USES

6.1 Non-conforming use Rights: No provision of the Scheme shall prevent:

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the gazettal date of the Scheme; or
- (b) the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorize the development to be carried out, were duly obtained and are current.

6.2 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.

6.3 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.

6.4 Discontinuance of Non-conforming Use:

6.4.1 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.

6.4.2 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 occupier of that property, and may enter into an agreement with the owner for that purpose.

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

### PART 7—PLANNING CONSENT

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

#### 7.2 Advertising of Applications

7.2.1 Where an application is made for planning consent to commence or carry out development which involves an "SA" use the Council shall not grant planning consent to that application unless notice of the application is first given in accordance with the provisions of clause 7.2.3.

7.2.2 Where an application is made for planning consent to commence or carry out development which involves an "AA" use, or for any other development which requires the planning consent of the Council, the Council may give notice of the application in accordance with the provisions of clause 7.2.3.

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

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

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

### 7.3 Determination of Application

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

7.3.2 The Council having regard to:

- any matter which it is required by the Scheme to consider;
- the purpose for which the land is zoned or approved for the use under the Scheme;
- the purpose for which land in the locality is used;
- the purpose of any adjoining Reserve;
- 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.

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

### 7.4 Deemed Refusal

7.4.1 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 7.2.3 the application may be deemed to have been refused.

7.4.2 Where the Council has given notice of an application for planning consent in accordance with clause 7.2.3 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.

7.4.3 Notwithstanding that an application for planning consent may be deemed to have been refused under Clauses 7.4.1 or 7.4.2 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, and that decision shall be regarded as being valid.

### 7.5 Approval of Existing Development

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

7.5.2 The application to the Council for approval under clause 7.5.1 shall be made in accordance with the provisions of Part 7.

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

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

## PART 8—ADMINISTRATION

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

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

- (e) the Council may require a proponent for planning consent to pay the costs of the advertising of the proposal under clause 7.2 of the Scheme.

## 8.2 Offences

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

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

8.2.2 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.

## 8.3 Notice for Removal of Certain Buildings

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

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

8.4 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.

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

## 8.6 Planning Policies

8.6.1 The Council may prepare a planning policy (hereinafter called "a Policy") which may make a provision for any matter related to the planning or development of the Scheme Area and which may be prepared so as to apply:

- (a) generally or in a particular class of matter or in particular classes of matters; and
- (b) throughout the Scheme Area or in one or more parts of the Scheme Area

and may amend or add to or rescind a Policy so prepared.

8.6.2 A Policy shall become operative only after the following procedures have been completed:

- (a) the Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.
- (b) a policy which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.
- (c) the Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.
- (d) following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.

8.6.3 The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.

8.6.4 An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in sub-clause 8.6.2.

8.6.5 A Policy may be rescinded by:

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

8.6.6 A Policy shall not bind the Council in respect of any application for planning consent but the Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision.

8.6.7 Any Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

## 8.7 Delegation

8.7.1 The Council may, either generally or in a particular case or cases, by resolution passed by an absolute majority of the Council, delegate to the following eligible persons the authority to deal with an application for planning consent made under this Scheme:

- (a) a member of the Council being the Chairman of the committee required at the direction of Council to consider and report upon all applications for planning consent within its municipal district, and being qualified by experience with the work of any such committee; and/or

(b) that officer of the Council with overall responsibility for the planning functions of the Council or appointed by the Council to supervise the development control functions of the Council, or those persons who from time to time occupy the positions referred to in paragraphs (a) and (b) above.

8.7.2 Any delegation made under sub-clause 8.7.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.

8.7.3 A delegation of authority pursuant to the provisions of this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power.

8.7.4 A resolution to revoke or amend a delegation under this clause may be passed by a simple majority.

8.7.5 The performance of the function by a delegate under clause 8.7.1 shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.

8.7.6 Without affecting the generality of the provisions of this clause, where in the exercise of any power under this Scheme the Council is required to form any opinion or view or have any state of mind or to consider to have due regard to any matter, then that requirement shall be satisfied if a person exercising delegated authority in respect of that power performs the function.

8.7.7 An officer or member exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.

8.7.8 A person who is or has been a delegate of the Council is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any powers conferred, or the carrying out of any duty imposed on the Council by this Scheme.

#### SCHEDULE 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.

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

advertisement: means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements.

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 any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.

amusement parlour: means any land or building, 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.

aquaculture: means any fish farming operation for which a fish farm licence issued pursuant to the provisions of Part V of the *Fisheries Act, 1905* (as amended) and the *Fisheries Regulations, 1938* (as amended) is required.

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.

building envelope: means an area of land within a lot marked on a plan within which all buildings on the lot must be contained.

camping area: means land used for the lodging of persons in tents or other temporary shelter.

caravan park: means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.

caretaker's dwelling: means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

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

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

club premises: means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the *Liquor Licensing Act, 1988* (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

Commission: means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act, 1985* (as amended).

conservation: means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will:

- (a) enable the cultural heritage significance of that place or precinct to be retained; and

- (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilization, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting.

constructed road: means a track which has been graded and stabilised within a dedicated road reserve.

consulting rooms: means a building (other than a hospital or medical centre) used by practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors or persons ordinarily associated with a practitioner in the prevention or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.

cultural heritage significance: means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.

development: shall have the same meaning given to it in and for the purposes of the Act but shall also include in relation to any building, object, structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that:

- (a) is likely to change the character of the place or the external appearance of any building; or
- (b) would constitute an irreversible alteration to the fabric of any building.

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

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.

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

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

gazettal date: means the date of which notice of the Minister's approval of this Scheme is published in the *Government Gazette*.

heritage precinct: means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.

heritage list: means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the *Heritage of Western Australia Act, 1990* (as amended), or such parts thereof as described in the Heritage List.

hobby farm: means the use of land for the agistment of horses, the growing of vegetables, fruit and flowers and the keeping of domestic poultry for private use only and not for commercial purposes or sale and shall include any buildings normally associated therewith.

home occupation: means a business or activity carried out within a dwelling or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling to which it is appurtenant that:

- (a) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (c) does not detract from the residential appearance of the dwelling or domestic outbuilding;
- (d) does not entail employment of any person not a member of the occupier's household;
- (e) does not occupy an area greater than 20m<sup>2</sup>;
- (f) does not display a sign exceeding 0.2m<sup>2</sup> in area;
- (g) in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put;
- (h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- (i) does not entail the presence, parking, and garaging of a vehicle of more than two (2) tonnes tare weight.

hotel: means any land or building providing accommodation for the public the subject of a hotel licence granted under the provisions of the *Liquor Licensing Act, 1988* (as amended) and may include a betting agency operated in accordance with the *Totalisator Agency Betting Board Act, 1960* (as amended), but does not include a motel, tavern, or boarding house the subject of a limited hotel licence or other licence granted under that Act.

industry: means the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following:

- (a) the winning, processing or treatment of minerals;
- (b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing, or canning or adapting 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, or the incidental sale 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) on-site work on buildings or land,
- (iii) in the case of edible goods the preparation of food for retail sale from the premises.

industry—cottage: means a business, professional service, trade or light industry producing arts and craft goods which cannot be carried out under the provisions relating to a “home occupation” and which in the opinion of the Council:

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (b) where operated in a Residential Zone, does not entail the employment of any person other than a member of the occupier’s household;
- (c) is conducted in an outbuilding which is compatible within the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area greater than 50m<sup>2</sup>;
- (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 when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products;
- (b) the production of salt by the evaporation of salt water.

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

industry—hazardous: means an industry which, when in operation and when all measures proposed to minimize its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural, or service industries.

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, wastewater or other waste products; and
- (b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, electricity, sewerage facilities, or any other like services.

industry—noxious: means an industry which is subject to licensing as “Prescribed Premises” under the *Environmental Protection Act, 1986* (as amended).

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.

intensive agriculture: means the use of land for the purposes of trade, commercial reward or gain, including such buildings and earthworks normally associated with the following:

- (a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;
- (b) the establishment and operation of fruit nurseries;
- (c) the development of land for irrigated fodder production and irrigated pasture (including turf farms);
- (d) the development of land for the keeping, rearing, or fattening of rabbits (for either meat, or fur production), and other livestock in feedlots;
- (e) dairy milking sheds;
- (f) the development of land for the keeping, rearing, or fattening of other livestock above those stocking rates recommended by the Department of Agriculture in consultation with surrounding farmers for the applicable pasture type;
- (g) aquaculture.

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

local shop: means a building or part of a building wherein the only goods offered for sales are food-stuffs, toiletries, stationery or goods of a similar domestic nature intended for day to day consumption or use by persons living or working in the locality of the shop.

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.

market: means land and buildings used for a fair, a farmer's or producers' market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent 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 interpretation of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.

motel: means land and buildings used or intended to be used to accommodate patrons in a manner similar to a hotel or boarding house but in which special provision is made for the accommodation of patrons with motor vehicles and to which a licence under the *Liquor Licensing Act, 1988* (as amended) has been granted.

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

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

- (a) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

non-conforming use: means any use of land or building which was lawful immediately prior to the coming into operation of the scheme, but is not in conformity with the provisions of the scheme.

office: means a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial service, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.

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.

piggery: shall have the same meaning given to it in and for the purposes of the *Health Act, 1911* (as amended).

place: means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes:

- (a) an area of land situated in the bed of any watercourse or lake;
- (b) any works or buildings situated there, their contents relevant to the purpose of the Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- (c) as much of the land beneath the place as is required for the purposes of its conservation.

plant nursery: means any land or buildings used for the propagation, rearing, and sale of plants and the storage and sale of products associated with horticultural and garden decor.

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

poultry farm: means any land or 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).

private recreation: means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.

produce store: means any land or buildings wherein fodders, fertilisers and grain are displayed and offered for sale.

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

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

public recreation: means land used for a public park, public gardens, playground or other grounds for recreation which are normally open to the public without charge.

public utility: means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

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

restaurant: means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant.

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 rearing or agistment of goats, sheep, cattle, or beasts of burden;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial, or industrial gardens;
- (d) the sale of produce grown solely on the lot;

but does not include intensive agriculture.

schedule: means a schedule to the Scheme.

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

shop: means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in the Scheme.

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.

tavern: means land and buildings the subject of a Tavern License granted under the provisions of the *Liquor Licensing Act, 1988* (as amended).

transport depot: means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

veterinary hospital: means a building used in connection with the treatment of sick animals and includes the care and accommodation of animals during or after such treatment.

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

## SCHEDULE 2

### SPECIAL USE ZONES

#### PARTICULARS OF LAND

Lot 10 of Avon Locations A, B and C Northam Road (Tipperary Farm)

Lots 21 and 22 Avon Location Y Avon Terrace and Henrietta Street.

Lots 31 and 103 Avon Location Y Henrietta Street

Part of Sub-Lot 288 corner Cowan Road and York-Northam Road.

Lots 24, 25, 26, 27, 38, and Part 58 Location Y Henrietta Street.

#### ADDITIONAL OR RESTRICTED USES

The additional use subject to planning consent being granted by the Council may be a tourist farm based on restored farm buildings and incorporating camping and chalet accommodation, tavern and restaurant, and recreation facilities.

The restricted use shall be a service station.

The additional use subject to planning consent being granted by the Council may be a motel.

The additional use subject to planning consent being granted by the Council may be a local shop which may also include the sale of motor vehicle fuels.

The additional use subject to planning consent being granted by the Council may be furniture manufacture and display, and a dwelling.

SCHEDULE 2—continued  
SPECIAL USE ZONES

| PARTICULARS OF LAND  | ADDITIONAL OR RESTRICTED USES   |
|--|---|
| Lot 342 of Sub-Lot D Grey Street and Macartney Street, York. | The additional use subject to planning consent being granted by the Council may be craft rooms, printing museum, tearooms, and a printing works which is limited to the scale at the gazettal date. |

SCHEDULE 3  
CAR PARKING REQUIREMENTS

| USE   | NUMBER OF PARKING SPACES  |
|---|---|
| 1 SHOPPING  | Six (6) spaces for every 100 square metres of Nett Lettable Area (NLA).<br>Notes:<br>(i) Parking bays for the vehicles of disabled persons shall be provided in all shopping centres in the ratio of 1 bay for 100 car parking spaces. Such bays will be clearly marked "DISABLED DRIVER ONLY".   |
| 2 HOTEL, MOTEL, TAVERN, CLUB, PRIVATE HOTEL, LODGING HOUSE, RESTAURANT, NIGHTCLUB, PLACE OF PUBLIC ASSEMBLY | Where applicable to the particular use:<br><br>Thirty-four (34) spaces for every 100 square metres of drinking area other than public lounge drinking areas;<br><br>One (1) space for every four (4) seats which an eating area is designed to provide, or twenty-five (25) spaces for every 100 square metres of eating area or part thereof, whichever produces the greater number of parking spaces;<br>One (1) space for every bedroom;<br>One (1) space for every six (6) seats provided or capable of being provided in assembly areas, or twenty-two (22) spaces for every 100 square metres of assembly area, whichever produces the greater number of car parking spaces;<br>Twenty-two (22) spaces for every 100 square metres of beer garden or outdoor drinking area. |
| 3 OFFICE  | Five (5) spaces for every 100 square metres of NLA.   |
| 4 HEALTH CENTRE, CLINIC, CONSULTING ROOMS   | Four (4) spaces for every consulting room up to two (2) such rooms and two (2) for every additional consulting room.  |
| 5 HEALTH STUDIO   | Five (5) spaces for every 100 square metres of NLA.   |
| 6 SQUASH CENTRE   | Four (4) spaces for every court.  |
| 7 WAREHOUSE, SHOWROOM, INDUSTRY, WITH THE EXCEPTION OF A FACTORY UNIT BUILDING                              | Three (3) spaces for up to the first 200 square metres of NLA and thereafter one (1) space for every additional 100 square metres of NLA or part thereof.   |
| 8 FACTORY UNIT BUILDING   | As prescribed for warehouse, or two (2) spaces for every factory unit, whichever produces the greater number of car parking spaces.   |
| 9 VETERINARY HOSPITAL, CLINIC, OR SURGERY   | Four (4) spaces for every 100 square metres of NLA.   |
| 10 NURSERY  | A minimum of twelve (12) spaces plus any additional spaces as may be determined by the Council taking into account the specific nature and extent of the development.   |
| 11 DWELLINGS  | As set out in the Residential Planning Codes.   |

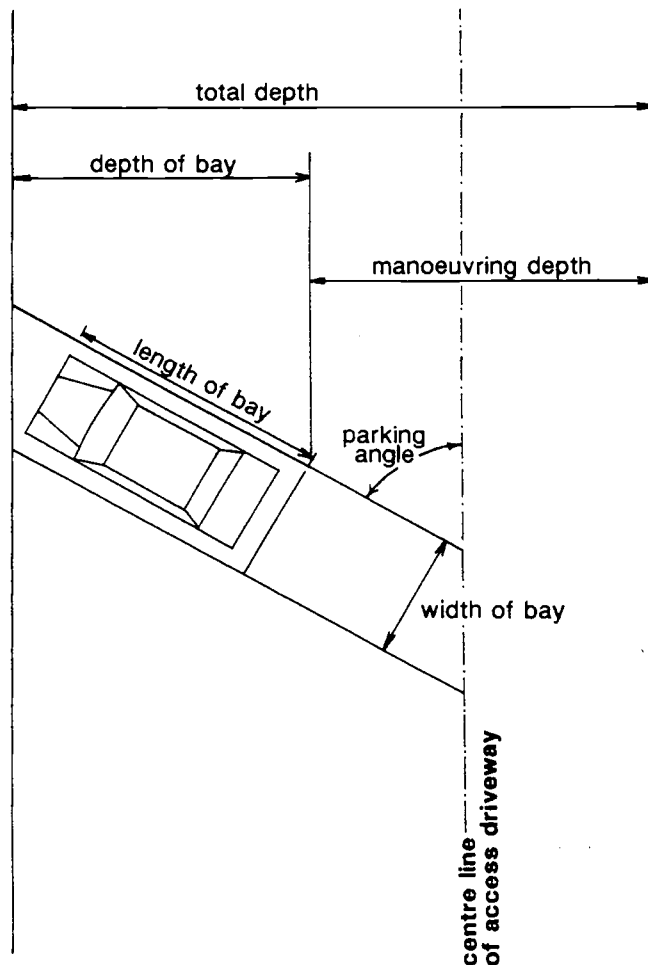
MINIMUM DIMENSIONS OF PARKING SPACES

| Parking Angle  | Width of Bay (Metres) | Length of Bay (Metres) | Depth of Bay (Metres) | Minimum Manoeuvring (Metres) | Total (Metres) |
|----------------|-----------------------|------------------------|-----------------------|------------------------------|----------------|
| ONE WAY ACCESS |                       |                        |                       |                              |                |
| 90°            | 2.4                   | 5.4                    | 5.4                   | 6.0                          | 11.4           |
|                | 2.6                   | 5.4                    | 5.4                   | 5.9                          | 11.3           |
|                | 2.7                   | 5.4                    | 5.4                   | 5.8                          | 11.2           |
| 75°            | 2.4                   | 5.4                    | 5.9                   | 5.4                          | 11.3           |
|                | 2.6                   | 5.4                    | 5.9                   | 5.3                          | 11.2           |
|                | 2.7                   | 5.4                    | 6.0                   | 4.8                          | 10.8           |
|                | 2.4                   | 5.4                    | 5.9                   | 5.2                          | 11.1           |

MINIMUM DIMENSIONS OF PARKING SPACES—*continued*

| Parking Angle            | Width of Bay (Metres) | Length of Bay (Metres) | Depth of Bay (Metres) | Minimum Manoeuvring (Metres) | Total (Metres) |
|--------------------------|-----------------------|------------------------|-----------------------|------------------------------|----------------|
| <b>ONE WAY ACCESS</b>    |                       |                        |                       |                              |                |
| 60°                      | 2.6                   | 5.4                    | 6.0                   | 5.0                          | 11.0           |
|                          | 2.7                   | 5.4                    | 6.0                   | 4.8                          | 10.8           |
| 45°                      | 2.4                   | 5.4                    | 5.9                   | 4.0                          | 9.9            |
|                          | 2.6                   | 5.4                    | 6.0                   | 3.6                          | 9.6            |
| 30°                      | 2.7                   | 5.4                    | 6.0                   | 3.3                          | 9.3            |
|                          | 2.4                   | 5.4                    | 4.8                   | 3.3                          | 8.1            |
| 0°<br>(Parallel Parking) | 2.6                   | 5.4                    | 4.8                   | 3.3                          | 8.1            |
|                          | 2.7                   | 5.4                    | 4.8                   | 3.3                          | 8.1            |
| 0°<br>(Parallel Parking) | 3.0                   | 6.7                    | 3.0                   | 3.0                          | 6.0            |
|                          | 3.0                   | 6.7                    | 3.0                   | 3.0                          | 6.0            |
| 0°<br>(Parallel Parking) | 3.0                   | 6.7                    | 3.0                   | 3.0                          | 6.0            |
|                          | 3.0                   | 6.7                    | 3.0                   | 3.0                          | 6.0            |
| <b>TWO WAY ACCESS</b>    |                       |                        |                       |                              |                |
| 90°                      | 2.4                   | 5.4                    | 5.4                   | 6.0                          | 11.4           |
|                          | 2.6                   | 5.4                    | 5.4                   | 6.0                          | 11.4           |
|                          | 2.7                   | 5.4                    | 5.4                   | 6.0                          | 11.4           |
| 75°                      | 2.4                   | 5.4                    | 5.9                   | 6.0                          | 11.9           |
|                          | 2.6                   | 5.4                    | 5.9                   | 6.0                          | 11.9           |
| 60°                      | 2.7                   | 5.4                    | 6.0                   | 6.0                          | 12.0           |
|                          | 2.4                   | 5.4                    | 5.9                   | 6.0                          | 11.9           |
| 45°                      | 2.6                   | 5.4                    | 6.0                   | 6.0                          | 12.0           |
|                          | 2.7                   | 5.4                    | 6.0                   | 6.0                          | 12.0           |
| 30°                      | 2.4                   | 5.4                    | 4.4                   | 6.0                          | 10.4           |
|                          | 2.6                   | 5.4                    | 4.4                   | 6.0                          | 10.4           |
| 0°<br>(Parallel Parking) | 2.7                   | 5.4                    | 4.4                   | 6.0                          | 10.4           |
|                          | 3.0                   | 6.7                    | 3.0                   | 6.0                          | 9.0            |
| 0°<br>(Parallel Parking) | 3.0                   | 6.7                    | 3.0                   | 6.0                          | 9.0            |
|                          | 3.0                   | 6.7                    | 3.0                   | 6.0                          | 9.0            |

LAYOUT OF PARKING BAYS



## SCHEDULE 4

## ADDITIONAL REQUIREMENTS FOR THE RESIDENTIAL ZONE

1 The Mt Brown residential area is to include Lots 265-270, 275-278 and 286 Pioneer Drive, Herbert Road, Mount Street, and Chandos Road. In this area the following additional provisions shall apply:

- (a) On-site effluent disposal systems servicing development on lots shall be to the specifications and satisfaction of the Local Authority. The use of "non-standard" effluent disposal systems [such as an Aerobic Treatment Unit which will attenuate nutrients to the specifications of the Health Department of Western Australia] may be required, and in any event the following requirements shall be satisfied:
  - (i) a 2 metre separation is achieved between the base of the leach drain and the highest recorded groundwater level and;
  - (ii) a minimum 100 metre horizontal separation is achieved between the disposal system and existing water bodies and;
  - (iii) the area around each effluent disposal system shall be planted with indigenous trees and shrubs by the landowner and be maintained to the satisfaction of the Council.
- (b) No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the landowner obtaining the prior consent in writing of the Council, where such vegetation and trees are dead, diseased, or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence and/or house driveways.
- (c) In areas considered deficient in tree cover, Council may require as a condition of development approval, the owner to plant up to 20 trees of native species.
- (d) The siting and erection of any building outbuilding or fence shall not be approved by Council unless it is satisfied that the design, construction, materials and position will be in harmony with the rural-residential character of the area.

2 The Newcastle Street residential area is to include the land bounded by the Avon River, Cowan Road, Northam-Cranbrook Road, Attfield Road, and Lewis Road. In this area any development including subdivision in accordance with the R Code R10 shall be connected to reticulated sewerage.

## SCHEDULE 5

## SPECIAL RURAL ZONES

In addition to the requirements for land within the zone set out in clause 4.10 the following more particular requirements shall apply to the localities in the Schedule.

## AREA

## REQUIREMENTS

## ATTFIELD

Lots 218-223, 230-233, 243-247  
Attfield Road; Lots 224-229,  
162-166, 159 Northam Road; Lots  
152-155, 160, 161, 170-172,  
213-217, 234-242 Bayly Road; 150,  
151, 156-158, 167-169 Buckingham  
Road; Part Lot 80 Lewis and Attfield  
Roads.

- 1 It is the intention of the Council that this area be a general hobby farming area.
- 2 Greyhound kennels will not be permitted.
- 3 Because of the open cleared nature of the area the Council will require the planing and maintenance of fast growing trees along the boundaries of lots and in clumps around new buildings as a condition of development.
- 4 Transportable houses will only be permitted if the materials and colours are of the "earth" colour range (ie. creams, yellow browns, red browns, green browns) and additional screen planting is provided.
- 5 No development will be permitted on the banks of the Avon River.
- 6 Fibro-cement ("super 6") fencing on lot boundaries will not be permitted.
- 7 The average lot size shall generally be 1.5 hectares with a minimum recommended lot size of 1.0 hectare.

## MT BROWN

Lots 23, 24 Chandos Road; Lots 21,  
22, 1-4 Nugent Road; Lots 5-9  
Sylvester Court; Lots 195-206  
Attfield Road; Lots 12-15, 173-175,  
189-194, 207-212 Bayly Road; Lots  
25, 26, 178, 180, 10, 11 Buckingham  
Road.

- 1 It is the intention of the Council that this area be a general hobby farming area.
- 2 The Council will require that new buildings are sited adjoining groups of existing trees and may require as a condition of development the planting of additional trees.
- 3 The plan of subdivision shall be the existing cadastral pattern, and the Council will not recommend subdivision with a lot size of less than 2.0 hectares or the rezoning of land which would lead to such subdivision.

## BAKEWELL

Lots 111-114 Spencer Brook Road;  
Lots 107,108, 117-122, 131-135, 1, 2,  
145 North Road; Lots 115, 116,  
123-130, 137-139, 574, 575, 700-703  
Prunster Road; Lot 140 and Part Lot  
141 Second Road.

- 1 It is the intention of the Council that this area be occupied by commercial horse breeders and trainers associated with the York Racecourse.
- 2 The plan of subdivision shall be the existing cadastral pattern, and the Council will not recommend subdivision with a lot size of less than 2.0 hectares or the rezoning of land which would lead to such subdivision.

SCHEDULE 5—*continued*  
SPECIAL RURAL ZONES  
REQUIREMENTS

AREA

ULSTER

Lots 1, 2, 49, 50, 60, 61, 68 North Road; Lots 3-8 Ensign Dale Court; Lots 1-4, 47, 48, 53, 54, 58, 59, 62, 63, 66, 67, 70, 71, 74, Part 1, Part 2, 78, 81, 82, 86, 89, 93, 96 Carter Road; Lots 87, 88, 94, 95, 79, 80, 73, 500, 64, 65, 34, 43, 45, 46, 55-57 Bland Road; Part Lot 72 Tenth Road; Lots 31-33 Tenth Road; Lots 36-41 Eleventh Road; Lots 35, 42 Osnaburg Road; Lots 340, 341 Ulster Road.

- 1 It is the intention of the Council that this area be a low density rural-residential area.
- 2 Commercial horse training and breeding will not be permitted.
- 3 The plan of subdivision shall be the existing cadastral pattern, and the Council will not recommend subdivision with a lot size of less than 2.0 hectares or the rezoning of land which would lead to such subdivision.

COLD HARBOUR

Lots 1-9, 20-24, 99, CG4358, Reserve 8567 Quairading-York Road; Lots 98, 100, 125, 126 Railway Road; Lots 15, 16 Road No. 9785; Lots 11-14 Lockier Road; Lots 1, 2 Quairading-York Road; Lots 3-9 Lightly Place; Lots 11, 13-16, 50 Hoops Road; Lots 95-97 Road No. 300 off Top Beverley-York Road; Lots 20-25 Riverside Court; Lots 17-19, 1, 2, 110, 112-115, 103, 104, 106-108, 220, 221, 82-89, 11, 12, 709, 710 Top Beverley -York Road.

- 1 It is the intention of the Council that this area be a low density rural-residential area.
- 2 Commercial horse training and breeding will not be permitted.
- 3 The plan of subdivision shall be the existing cadastral pattern, and the Council will not recommend subdivision with a lot size of less than 2.0 hectares or the rezoning of land which would lead to such subdivision.

GWAMBYGINE

Lots 42-47, 49-61, 63, 64, 67, 68, 71, 72, 74 between the Avon River and Great Southern Highway; and Lot 48 unnamed road off Great Southern Highway.

- 1 It is the intention of the Council that this area be a general hobby farming area.
- 2 The plan of subdivision shall be the existing cadastral pattern, and the Council will not recommend subdivision with a lot size of less than 2.0 hectares or the rezoning of land which would lead to such subdivision.

PANMURE (Boothill)

Lots 6, 283, 284 Northam Road; Lots 1-5, 7 Crawford Court; Lots 279-282 Herbert Road.

- 1 It is the intention of Council that this area be primarily restricted to residential and associated hobby farming use on the existing lots.
- 2 Council will require that new buildings are sited near existing buildings and/or trees and may require the planting of additional trees as a condition of development.
- 3 Commercial horse training and breeding will not be permitted.
- 4 The plan of subdivision shall be the existing cadastral pattern, and the Council will not recommend subdivision with a lot size of less than 2.0 hectares or the rezoning of land which would lead to such subdivision.

SCHEDULE 6

EXEMPTED ADVERTISEMENTS  
CONTROL OF ADVERTISEMENTS

ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL

(to be completed in addition to Application for Planning Consent Form)

- 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 —Tb top of Advertisement: .....
- Tb underside of Advertisement: .....
- 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 landowners)

Date: .....

#### EXEMPTED ADVERTISEMENTS

| Landuse and/or Development Requiring Advertisement  | Exempted Sign Type and Number (includes the change of posters or 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 <sup>2</sup>   |
| Home Occupation   | One advertisement describing the nature of the home occupation.  | 0.2m <sup>2</sup>   |
| Places of Worship, Meeting Halls and Places of Public Assembly                                  | One advertisement detailing the function and/or the activities of the institution concerned.   | 0.2m <sup>2</sup>   |
| Cinemas, Theatres and Drive-In Theatres   | Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.  | Each advertisement sign not to exceed 5m <sup>2</sup>   |
| Shops, Showrooms and other uses appropriate to a Shopping Area                                  | All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at five (5) metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.  | Not Applicable  |
| Industrial and Warehouse Premises   | A maximum of four advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building and excluding signs which are connected to a pole, wall, or other building.<br>A maximum of two free-standing advertisement signs not exceeding five (5) metres in height above ground level.   | Total area of such advertisements shall not exceed 15m <sup>2</sup><br><br>Maximum permissible total area shall not exceed 10m <sup>2</sup> and individual advertisement signs shall not exceed 6m <sup>2</sup> |
| Showroom, racecourses, major racing tracks, sports stadia, major sporting grounds and complexes | All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.   | 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<br>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 | Not Applicable<br><br>Not Applicable  |



| EXEMPTED ADVERTISEMENTS— <i>continued</i>  |   |   |
|--|---|---|
| Landuse and/or Development Requiring Advertisement   | Exempted Sign Type and Number (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)   | Maximum Area of Exempted Sign                         |
|  | 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. |   |
| Railway Property and Reserves  | Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon railway station.  | No sign shall exceed 2m <sup>2</sup> in area.         |
| Advertisements within Building   | 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 <sup>2</sup>                                     |
| <br>   |   |   |
| Temporary Signs  | Exempted Sign Type and Number (All non-illuminated unless otherwise stated)   | Maximum Area of Exempted Sign                         |
| Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:  |   |   |
| a) Dwellings   | One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.  | 2m <sup>2</sup>                                       |
| b) Multiple dwellings, shops, commercial and industrial properties   | One sign as for a) above.   | 5m <sup>2</sup>                                       |
| c) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding three (3) storeys in height                 | One sign as for a) above.<br><br>One additional sign showing the name of the project builder.   | 5m <sup>2</sup>                                       |
| Sales of goods or livestock  | One sign per lot displayed for a period not exceeding three (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>                                       |
| <br>   |   |   |
| Property Transactions Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows: |   |   |
| a) Dwellings   | One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.  | Each sign shall not exceed an area of 2m <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> |

| Temporary Signs   | Exempted Sign Type and Number (All non-illuminated unless otherwise stated)   | Maximum Area of Exempted Sign                          |
|---|---|--|
| c) Large properties comprised of shopping centres, buildings in excess of four (4) storeys and rural properties in excess of five (5) hectares. | One sign as for a) above  | Each sign shall not exceed an area of 10m <sup>2</sup> |
| <b>Display Homes</b>  |   |  |
| Advertisement signs displayed for the period over which homes are on display for public inspection  | a) One sign for each dwelling on display.<br>b) In addition to a) 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><br>5m <sup>2</sup>                     |

#### ADOPTION

Adopted by Resolution of the Council of the Shire of York at the meeting of the Council held on the 15th. day of November 1993.

G. W. MARWICK, President.  
E. R. FISHER, Shire Clerk.

#### FINAL APPROVAL

1. Adopted by Resolution of the Council of the Shire of York at the meeting of the Council held on the 1st. day of April 1996 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

G. W. MARWICK, President.  
E. R. FISHER, Shire Clerk.

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

#### 2. RECOMMENDED/SUBMITTED FOR FINAL APPROVAL.

Dated this 24th day of April 1996.

EUGENE FERRARO, For Chairperson of the  
Western Australian Planning Commission.

#### 3. FINAL APPROVAL GRANTED.

Dated this 1st day of May 1996.

Hon RICHARD LEWIS, Minister for Planning.

## PORT AUTHORITIES

**PH301**

### PORT HEDLAND PORT AUTHORITY ACT 1970 PORTS (FUNCTIONS) ACT 1993 **PORT HEDLAND PORT AUTHORITY AMENDMENT REGULATIONS (No. 2) 1996**

Made by the Port Hedland Port Authority with the approval of the Lieutenant-Governor and deputy of the Governor in Executive Council.

#### **Citation**

1. These regulations may be cited as the *Port Hedland Port Authority Amendment Regulations (No. 2) 1996*.

**Principal regulations**

2. In these regulations the *Port Hedland Port Authority Regulations\** are referred to as the principal regulations.

[\* *Reprinted as at 29 April 1976.*  
*For amendments to 14 March 1996 see 1994 Index to Legislation of Western Australia, Table 4, pp. 220-2, and Gazette 7 July and 18 August 1995.*]

**Regulation 22A inserted**

3. After regulation 22 of the principal regulations the following regulation is inserted in Part II —

“

**Rate of interest on overdue amounts**

**22A.** For the purposes of section 33 of the *Ports (Functions) Act 1993*, the rate of interest on an amount outstanding to the Port Authority is 3% greater than the rate of interest published from time to time by the Commonwealth Bank of Australia as its monthly corporate overdraft reference rate.

”.

**Second Schedule amended**

4. Item 2 of Part I of the Second Schedule to the principal regulations is amended by deleting “1 165” and substituting the following —

“ 1 215 ”.

Passed by a resolution of the Port Hedland Port Authority at a meeting of the Authority held on 17th day of January 1996.

The common seal of the Port Hedland Port Authority was at the time of the abovementioned resolution affixed in the presence of—

PETER G. HARDIE, Chairman.  
 M. J. McKIMMIE, Member.  
 IAN de C. F. BAIRD, Secretary.

Approved by the Lieutenant-Governor and deputy of the Governor in Executive Council,

J. PRITCHARD, Clerk of the Council.

## PREMIER AND CABINET

PR401

### MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that His Excellency the Governor in accordance with section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon A. K. R. Prince MLA in the period 15 to 26 July 1996 inclusive—

Minister for Health; Aboriginal Affairs—Hon P. D. Omodei, MLA

M. C. WAUCHOPE, Chief Executive.

## RACING, GAMING AND LIQUOR

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 Date for Objections |
|---|--|---|--------------------------|
| <b>APPLICATIONS FOR TRANSFER OF LICENCE</b> |  |   |                          |
| 1315/95                                     | Vanina Holdings Pty Ltd                  | Application for the transfer of a hotel licence in respect of premises situated in Hopetoun and known as Port Hotel, from Rolan Pty Ltd.  | 21/5/96                  |
| 1320/95                                     | Gibros Pty Ltd                           | Application for the transfer of a Restaurant licence in respect of premises situated in Northbridge and known as Mintaro Cafe, from Gibros Pty Ltd (S87).                                 | 23/5/96                  |
| 1322/95                                     | Raymond John Lewis & Beverley Kaye Lewis | Application for the transfer of a liquor store licence in respect of premises situated in Kamballup and known as Kamballup Roadhouse, from Robert Samuel Whittle & Carolyn Elvia Whittle. | 23/5/96                  |
| 1323/95                                     | Neil Francis Gould                       | Application for the transfer of a Tavern licence in respect of premises situated in Ballidu and known as Ballidu Tavern, from Smiding Pty Ltd.  | 23/5/96                  |
| 1325/95                                     | Doubloon Pty Ltd                         | Application for the transfer of a Tavern licence in respect of premises situated in South Fremantle and known as Davilak Tavern, from Vlentein Pty Ltd.                                   | 27/4/96                  |
| 1327/95                                     | Fugue Pty Ltd                            | Application for the transfer of a hotel licence in respect of premises situated in Safety Bay and known as Waikiki Hotel-Motel, from Scerni Pty Ltd.                                      | 27/5/96                  |
| 1328/95                                     | Pam Palace Pty Ltd                       | Application for the transfer of a restaurant licence in respect of premises situated in Northbridge and known as Summer Palace Chinese Seafood Restaurant, from Finechoice Pty Ltd.       | 28/5/96                  |
| <b>APPLICATION FOR A GRANT OF A LICENCE</b> |  |   |                          |
| 826/95                                      | Percy White A/T/F The Veteran's Club     | Application for the grant of a club licence in respect of premises situated in Mt Lawley and known as The Veterans Club.  | 4/6/96                   |
| 827/95                                      | Garlente Pty Ltd                         | Application for the grant of a restaurant licence in respect of premises situated in Claremont and known as Cafe Vigg.  | 4/6/96                   |

This notice is published under section 67 (5) of the Liquor Licensing Act 1988.

G. B. AVES, Director of Liquor Licensing.

## STATE TAXATION

SX301

### PAY-ROLL TAX ASSESSMENT ACT 1971

#### PAY-ROLL TAX AMENDMENT REGULATIONS (No. 2) 1996

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

#### Citation

1. These regulations may be cited as the *Pay-roll Tax Amendment Regulations (No. 2) 1996*.

**Schedule 2 amended**

2. Schedule 2 to the *Pay-roll Tax Regulations 1971\** is amended by inserting before item 1A the following item —

“ 1. Aboriginal Affairs Department ”.

[\* *Published in Gazette 15 October 1971, pp. 4058-9.*  
*For amendments to 4 April 1996 see 1994 Index to Legislation of Western Australia, Table 4, pp. 205-6, and Gazette 2 May and 17 November 1995 and 8 March 1996.*]

By Command of the Lieutenant-Governor and deputy of the Governor,

J. PRITCHARD, Clerk of the Council.

**SX302**

LAND TAX ASSESSMENT ACT 1976  
**LAND TAX ASSESSMENT AMENDMENT REGULATIONS 1996**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Land Tax Assessment Amendment Regulations 1996*.

**Regulation 8 repealed and a regulation substituted**

2. Regulation 8 of the *Land Tax Assessment Regulations 1976\** is repealed and the following regulation is substituted —

“

**Excluded public statutory authorities**

8. The following public statutory authorities are excluded from the definition of “public statutory authority” in section 5 (1) of the Act —

- (a) the Electricity Corporation established by section 4 of the *Electricity Corporation Act 1994*;
- (b) the Gas Corporation established by section 4 of the *Gas Corporation Act 1994*; and
- (c) the Water Corporation established by section 4 of the *Water Corporation Act 1995*.

”.

[\* *Published in Gazette 10 September 1976, p. 3343.*  
*For amendments to 3 April 1996 see 1994 Index to Legislation of Western Australia, Table 4, p. 157, and Gazette 23 June 1995.*]

By Command of the Lieutenant-Governor and deputy of the Governor,

J. PRITCHARD, Clerk of the Council.

**TENDERS****ZT201****MAIN ROADS  
WESTERNAUSTRALIA***Tenders*

Tenders are invited for the following projects.

Tender documents are available from the Contracts Officer, Supply Services Branch, Ground Floor, Waterloo Crescent, East Perth.

| Tender No. | Description   | Closing Date |
|------------|---|--------------|
|            |   | 1996         |
| 246/95     | Supply and broad band application of herbicides to roadside shoulders and drains within the South West Region ..... | 28 May       |
| 603/95     | Provision of Superintendent Representative services for Mid West Region .....                                       | 21 May       |
| 705/95     | Litter collection, West Kimberley .....   | 29 May       |
| 706/95     | Litter collection, East Kimberley .....   | 29 May       |
| 95D46      | Purchase and removal of surplus suspension stock, Carlisle .....  | 24 May       |

**ZT202***Acceptance of Tenders*

| Contract No. | Description   | Successful Tenderer   | Amount       |
|--------------|---|---|--------------|
|              |   |   | \$           |
| 520/95       | Construction of surcharge embankment for the eastern approach to the proposed Burswood Bridge     | Boral Contracting Pty Ltd ..                                  | \$449 549.00 |
| 529/95       | Provision of road construction and maintenance personnel in the Great Southern Region.            | Regional Temp Services .....                                  | \$598 775.00 |
| 307/95       | Supply and lay asphalt on various roads within the South West Region.                             | Pioneer Road Services Pty Ltd; Malatesta Road Paving & Hotmix |              |
| 556/95       | Installation of expansion joints with concrete approach beams to 8 bridges in the Pilbara Region. | Jetty Constructions .....                                     | \$306 169.00 |
| 581/95       | Maintenance of roadway lighting in the Perth Metropolitan Area                                    | High Speed Electrics Pty Ltd                                  | \$190 293.00 |
| 577/95       | Renovation of buildings, Blocks B and C, City Northern Bypass.                                    | Linkpin Constructions .....                                   | \$53 074.00  |

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 Tenders Office, 6th Floor, 2 Havelock Street, West Perth, WA 6005, or by contacting 222 5201, Fax Nos. 222 5152 or 222 5150, Internet Address <http://www.wa.gov.au/contracts/>

TELEPHONE No. 222 5201

FACSIMILE Nos. 222 5152 or 222 5150

| Date of Advertising | Schedule No. | Description   | Date of Closing |
|---------------------|--------------|---|-----------------|
| 1996                |              |   | 1996            |
|                     |              | <i>Supply and Delivery</i>  |                 |
| May 10              | 473A1996     | Supply and Installation of 1000 Transperth Ticket Dispensers for the Department of Transport .....  | May 23          |
| May 3               | 578A1996     | Supply and Installation of Cinema and Additional Audio Equipment for the Centennial Theatre, Goldfields Arts Centre, Kalgoorlie College ..... | May 23          |

Tenders Invited—*continued*

| Date of Advertising | Schedule No. | Description  | Date of Closing |
|---------------------|--------------|--|-----------------|
| 1996                |              |  | 1996            |
|                     |              | <i>Supply and Delivery—continued</i>   |                 |
| May 10              | 108A1996     | Microfilm Supplies for Various Government Departments .....  | May 30          |
| May 10              | 043A1996     | Small Office Equipment to Various Government Departments .....   | June 6          |
| May 3               | 085A1996     | Supply of Ammunition to Various Government Departments .....   | June 6          |
|                     |              | <i>Request for Proposal</i>  |                 |
| April 26            | RFP27/96     | Support Services for the Administration of Training Agreements .....   | May 30          |
| May 10              | RFP29/96     | Contracting and Payment of Temporary and Relieving Word Processing Operators and Clerical/ Administrative Personnel for the Department of Commerce and Trade .....   | May 30          |
|                     |              | A briefing session for prospective tenderers is to be held on Tuesday May 14, 1996 at 10.00am in Conference Room 601, 6th floor, SGIO Atrium, 170 St Georges Tce, Perth.   |                 |
| May 10              | RFP32/96     | Management of the Helping Hands Program on behalf of the Office of Seniors Interest .....  | May 30          |
|                     |              | <i>Expressions of Interest</i>   |                 |
| May 10              | EOI31/96     | Ord River Irrigation Scheme—Stage 2 Development, Environmental Study for the Department of Resources Development .....   | May 23          |
| May 10              | EOI28/96     | Promotion and Management of the State Government Initiatives for Seniors on Behalf of the Office of Seniors Interest .....   | May 30          |
|                     |              | <i>Provision of Service</i>  |                 |
| May 3               | 466A1996     | Provision of a Consultancy Service to Review Funded Non-Government Alcohol and Drug Treatment Agencies .....   | May 23          |
| May 3               | 467A1996     | Provision of Consultancy Services to Assist the Government of Western Australia to Identify and Review Options for Emergency Services Integrated Call Taking and Dispatch Service and Related Communication Services for the Public Sector Management Office ... | May 23          |
| May 3               | 468A1996     | Provision of a Consultancy Service to Produce an Information Plan for the Western Australian Police Service .....  | May 23          |
| May 10              | 225A1996     | Provision of Aircraft Charter for Transporting Staff and Offenders to and from Laverton Work Camp for the Ministry of Justice .....  | May 30          |
| May 10              | 231A1996     | Provision of Media and Public Relations Services .....   | May 30          |
| May 10              | 316A1996     | Provision of Advertising and Creative Media Services on behalf of the Ministry of Premier and Cabinet ....   | May 30          |
| May 17              | 325A1996     | Provision of a Comprehensive Occupational Therapy Service for Homeswest .....  | May 30          |
| May 10              | 456A1996     | Provision of Services to Conduct a Review of Effectiveness of Supply Policies in the Mid West Region for the State Supply Commission .....   | May 30          |
|                     |              | A briefing session will be held at 4.30pm, 16 May 1996. Please register an interest in attending by contacting Mr Paul Watson on 222 5771 or Mr Charles Vinci on 222 5824 before noon of 15 May, 1996.   |                 |
| May 17              | 462A1996     | For the Provision of Information Technology (IT) Project Management Services to Co-manage, with the Valuer General's Office, a project to Redevelop the Valuation and Support Systems of the Valuer General's Office .....                                       | May 30          |
| May 10              | 469A1996     | Provision of a Twelve Month Competency Based Training Curriculum for the Ministry of Justice .....   | May 30          |

Tenders Invited—*continued*

| Date of Advertising | Schedule No. | Description  | Date of Closing |
|---------------------|--------------|--|-----------------|
| 1996                |              |  | 1996            |
|                     |              | <i>Provision of Service—continued</i>  |                 |
| May 10              | 472A1996     | Provision of a Service of Market Research for the Government Employees Superannuation Board .....                            | May 30          |
| May 10              | 475A1996     | For the Design, Development and Implementation of the Case Management System for WorkCover Western Australia .....           | May 30          |
| May 10              | 476A1996     | Provision of Reprographics and Finishing Services for the Western Australian Building Management Authority .....             | May 30          |
| May 10              | 477A1996     | An Integrated Application Software Solution for an Industry Data Base for the Department of Commerce and Trade .....         | May 30          |
| May 17              | 141A1996     | Provision of Professional Recruitment Services on behalf of the Department of Transport .....                                | June 6          |
| May 3               | 465A1996     | Provision of Application Support and Development Services for the Western Australian Department of Land Administration ..... | June 6          |
| May 17              | 474A1996     | For the Provision of Hardware Maintenance for the Ministry of Justice .....  | June 6          |

Tenders, addressed to the Chairman, State Supply Commission, 2 Havelock Street, West Perth WA 6005, before 2.30pm W.S.T. on the nominated closing date.

Tenders must be properly endorsed on envelopes otherwise they are liable to rejection. No tender necessarily accepted.

CRAIG LAWRENCE, Chairman,  
State Supply Commission.

**ZT302***Accepted Tenders*

| Schedule No. | Particulars  | Contractor                                  | Rate               |
|--------------|--|---|--------------------|
|              | <i>Supply and Delivery</i>   |   |                    |
| 590A1996     | Supply, Installation and Maintenance of a Network Management System for the Department of Transport  | Various .....                               | Details on Request |
|              | <i>Provision of Service</i>  |   |                    |
| 215A1996     | Provision of Driver Education and Training Courses for the Ministry of Justice   | Various .....                               | Details on Request |
| 446A1996     | Consultancy Service for Storm Surge Impact Study—Karratha Region for the Department of Resources Development   | Bureau of Meteorology Special Services Unit | \$82,500.00        |
|              | <i>Request for Proposal</i>  |   |                    |
| RFP12/96     | For the Employment and Provision of Specialists to the Department of Commerce and Trade  | CP Resourcing Pty Ltd ..                    | Details on Request |
| RFP62/95     | An External Validation and Assessment Consultancy Service for the Vocational Education and Training Quality System on behalf of the WA Department of Training and the State Training Board of WA | Various .....                               | Details on Request |
| RFP60/95     | Aboriginal and Torres Strait Islander Recruitment and Career Development Strategy on behalf of the Ministry of Justice   | Stanton Partners .....                      | \$50,000.00        |



## 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 particulars of their claims to me on or before the 17th June 1996 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

- Babenko, Wolodymyr, late of 68 Enfield Street, Lathlain, died 2/4/96. (DEC 292368 DS2)  
 Brown, Leslie Thomas, late of 16 Cooper Street, Mandurah, died 8/11/94. (DEC 277329 DS3)  
 Brown, Maurice Kitchener Right, late of Mount Henry Hospital, Cloister Avenue, Como, died 22/4/96. (DEC 292406 DG3)  
 Davies, Jessie Maud, late of James Brown House, Albert Street, Osborne Park, died 18/4/96. (DEC 292530 DL4)  
 Eime, Lorna Mary, late of 5 Rotary Avenue, Gosnells, died 4/2/96. (DEC 290447 DS2)  
 Gregory, Myrtle Regina, late of Mosman Park Nursing Home, 57 Palmerston Street, Mosman Park, died 25/4/96. (DEC 292348 DL4)  
 Hooper, Shizuko, late of Unit 7/40 Fourth Avenue, Maylands, died 3/5/96. (DEC 292410 DL3)  
 Keogh, Edna Florence, late of Second Avenue Nursing Home, 51-53 Second Avenue, Mount Lawley, died 15/4/96. (DEC 292355 DS4)  
 Knapp, Arthur William, late of 27 Hancock Street, Mandurah, died 2/4/96. (DEC 292301 DA4)  
 Leonard, Ronald Wesley, late of Carlisle Nursing Home, 110 Star Street, Carlisle, died 8/4/96. (DEC 292393 DP4)  
 McDougall, Keith James, late of 5 Jardine Court, Thornlie, died 1/5/96. (DEC 292497 DA2)  
 McLoone, John Charles, formerly of 11/14 Christie Street, Exmouth, late of 33M Sergeants Street, Exmouth, died 22/11/95. (DEC 289544 DC2)  
 Milbergs, Raimonds Rudolf, late of Hilltop Lodge, Rowethorpe, Bentley, died 25/3/96. (DEC 292219 DP4)  
 Randell, Gladys Margaret, late of Braille Nursing Home, Kitchener Avenue, Victoria Park, died 8/4/96. (DEC 292102 DG4)  
 Shanahan, Sean Michael, late of 6 Rushbrook Way, Thornlie, died 27/2/96. (DEC 292417 DC2)  
 Woodley, Edna Joan, late of Homes of Peace, Walter Road, Inglewood, died 28/9/95. (DEC 287749 DG4)  
 Woodroffe, Charles Everett, late of 17 Granville Street, Mosman Park, died 6/4/96. (DEC 292511 DS3)

K. E. BRADLEY, Public Trustee,  
 Public Trust Office, 565 Hay Street, Perth WA 6000.  
 Telephone: 222 6777.

**ZZ201**

**TRUSTEES ACT 1962**

NOTICE TO CREDITORS AND CLAIMANTS

Creditors and other persons having claims (to which Section 63 of the above Act relates) in respect of the estate of Olive Doreen Scurry late of 1023 Williams Road, Dwellingup who died on the 7th February 1996 are required by the Trustee Geoffrey Edwin Hayles of C.A.M. Robertson & Hayles, Solicitors of 4th Floor, 33 Barrack Street, Perth to send particulars of their claims to him by the 20th June 1996 after which date the Trustee may convey or distribute the Assets having regard only to the claims of which he then has notice.

G. E. HAYLES.

**ZZ301**

**INQUIRY AGENTS LICENSING ACT, 1954**

APPLICATION FOR LICENSE IN THE FIRST INSTANCE

To the Court of Petty Sessions at 30 St Georges Terrace, Perth.

I, Terrence Joseph Tavelli of P.O. Box 496, Inglewood 6054 WA, Phone number 275 2581, Inquiry Agent having attained the age of twenty-one years, hereby apply on my own behalf for a license under the abovementioned Act. The principal place of business will be at 2/4 Chappel Street, Dianella.

Dated the 8th day of May 1995.

T. TAVELLI, Signature of Applicant.

## Appointment of Hearing

I hereby appoint the 11th day of June 1996 at 2.15 o'clock in the afternoon as the time for the hearing of the foregoing application at the Court of Petty Sessions at Perth.

Dated the 8th day of May 1996.

M. MEE, 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

## MEDICAL BOARD OF WESTERN AUSTRALIA

The Medical Board of Western Australia held a Special Meeting on the 24th April 1996 to consider whether Dr. Wayne William Bradshaw was a fit and proper person to be registered as a medical practitioner, based on his having been convicted of offences in Western Australia pursuant to section 82 of the Criminal Code.

The Board resolved that Dr. Wayne William Bradshaw was unfit to practise as a medical practitioner and ordered that his name be removed from the Medical Register effective 24th April 1996.

K. I. BRADBURY, Registrar.

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