



WESTERN  
AUSTRALIAN  
GOVERNMENT

# Gazette

1957



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Publishing arrangements for

**ANZAC DAY 1997**

**Friday 25 April 1997**

Due to Anzac Day falling on a Friday, the *Government Gazette* will be published on Thursday 24 April at 3.30 pm.

Closing time for copy is 12 noon Tuesday 22 April 1997.

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## CONSERVATION & LAND MANAGEMENT

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CM401

### CONSERVATION AND LAND MANAGEMENT ACT 1984 STIRLING RANGE AND PORONGURUP NATIONAL PARKS

#### Notice of Draft Management Plan

The National Parks and Nature Conservation Authority advises that the draft management plan for the Stirling Range and Porongurup National Parks is available for public comment.

The Stirling Range and Porongurup National Parks contain the most significant mountain ranges in southern Western Australia and are important for both natural and cultural values. The Stirling Range National Park is of international significance due to its extremely high level of biodiversity. Both Parks provide refuges for restricted flora and fauna, and are popular recreation destinations for local and interstate visitors. The draft management plan contains information relevant to the management of the National Parks and makes recommendations for adoption in a final plan.

The closing date for submissions is 20 June 1997.

Copies of the draft plan can be inspected at the Department of Conservation and Land Management's Woodvale library, and the office and library of the Shires of Albany, Gnowangerup, Plantagenet, Cranbrook and Tambellup. Copies of the plan can be inspected (or purchased for \$5.00) from the following CALM offices:

State Operations Headquarters  
50 Hayman Road  
Como WA 6152

South Coast Regional Office  
120 Albany Highway  
Albany WA 6330

Katanning District Office  
56 Clive Street  
Katanning WA 6317

Submissions should be directed to the Executive Director, Department of Conservation and Land Management, Locked Bag 104, Bentley Delivery Centre WA 6983, and marked to the attention of Plan Coordinator, Stirling Range and Porongurup National Parks Management Plan.

SYD SHEA, Executive Director,  
Department of Conservation and Land Management.  
TOM DAY, Chairman,  
National Parks and Nature Conservation Authority.

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## ELECTRICITY

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EG301

### ELECTRICITY ACT 1945

### ELECTRICITY (ENERGY EFFICIENCY LABELLING) REGULATIONS 1997

Made by His Excellency the Governor in Executive Council.

#### Citation

1. These regulations may be cited as the *Electricity (Energy Efficiency Labelling) Regulations 1997*.

#### Application

2. These regulations apply to an apparatus or installation of a type or class declared by the Director, by notice published in the *Gazette*, to be subject to these regulations if and when that apparatus or installation is —

- (a) sold, whether by wholesale or retail, as a new apparatus or installation;
- (b) exposed or advertised for sale, whether by wholesale or retail, as a new apparatus or installation;

- (c) hired; or
- (d) exposed or advertised for hire.

### **Energy efficiency label to be displayed**

3. (1) An apparatus or installation to which these regulations apply must be labelled with a label which —

- (a) sets out —
  - (i) the brand and model of the apparatus or installation; and
  - (ii) the comparative energy consumption, energy efficiency rating and energy efficiency star rating of the apparatus or installation,  
whether with or without other particulars;
- (b) is approved or registered as a label under a law referred to in section 33E (1) (f) of the Act; and
- (c) is displayed on the apparatus or installation in a prominent and unobscured position.

(2) The requirements of this regulation are deemed to be complied with if the apparatus or installation is labelled in accordance with the relevant requirements of a law referred to in section 33E (1) (f) of the Act.

### **Display fronts**

4. A person must not, in connection with the sale or hiring of an apparatus or installation to which these regulations apply, exhibit a model or display which is intended to represent all or part of that apparatus or installation unless the model or display is labelled in accordance with regulation 3 as if it were the apparatus or installation.

### **Director may grant temporary exemptions**

5. (1) The Director may, by notice in writing, exempt an apparatus or installation, or a class or type of apparatus or installation, from all or any of the requirements of regulations 3 and 4, for such period, and on such conditions, as the Director considers appropriate and are set out in that notice.

(2) The Director must not grant an exemption under subregulation (1) unless the Director is satisfied that —

- (a) there are special circumstances which justify exempting the apparatus or installation from the requirements of those regulations;
- (b) those circumstances are temporary; and
- (c) the exemption will not unduly disadvantage —
  - (i) the public; or
  - (ii) people who manufacture, or deal in, apparatus or installations which do comply with those regulations.

### **Misleading information**

6. A person must not —

- (a) display a label on;

- (b) cause to be published any advertisement for the sale or hire of; or
- (c) produce, distribute or display any brochure, sign or other promotional material relating to,

an apparatus or installation to which these regulations apply, if the label, advertisement or promotional material contains information of the kind referred to in regulation 3(1)(a)(ii) which the person knows, or ought reasonably to have known, is false, misleading or likely to mislead.

Penalty: For an individual — \$5 000.  
For a body corporate — \$20 000.

#### **Use of unregistered labels**

7. A person must not display on an apparatus or installation to which these regulations apply, a label which is not approved or registered as a label under a law referred to in section 33E (1) (f) of the Act but which is deceptively similar to labels which are so approved or registered, if the person knows, or ought reasonably to have known, that the label was not so approved or registered.

Penalty: For an individual — \$5 000.  
For a body corporate — \$20 000.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Executive Council.

EG302

### **ELECTRICITY ACT 1945**

#### **ELECTRICITY (ENERGY EFFICIENCY LABELLING) NOTICE 1997**

Made by the Director of Energy Safety under section 33E (1) (c) (i) of the Act.

#### **Citation**

1. This notice may be cited as the *Electricity (Energy Efficiency Labelling) Notice 1997*.

#### **Apparatus or installations which are subject to energy efficiency labelling regulations**

2. The following apparatus and installations are subject to the *Electricity (Energy Efficiency Labelling) Regulations 1997* —

- (a) clothes dryers;
- (b) dishwashers;
- (c) freezers;
- (d) refrigerative air-conditioners;
- (e) refrigerators; and
- (f) clothes washing machines,

which are primarily intended for domestic use.

ALBERT KOENIG, Director of Energy Safety Office of Energy.

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**ELECTORAL COMMISSION**

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EL401

WESTERN AUSTRALIA

**MARKETING OF MEAT ACT 1971**WESTERN AUSTRALIAN MEAT MARKETING CORPORATION (ELECTIONS)  
REGULATIONS 1974

(Regulation 7)

## NOTICE OF ELECTION

NOTICE is hereby given of the election of ONE lamb producer member of the Western Australian Meat Marketing Corporation under section 7 (1) (b) of the Marketing of Meat Act 1971, will take place at the office of the returning officer, on the 19th day of June 1997, closing at 9.30am on that day.

Nominations of candidates will open on 16 April 1997 and are required to be made in accordance with the above regulations. Nominations must be received by the returning officer at his office before 12 noon on the 19th day of May 1997.

For the purposes of the 1997 elections, a candidate must be a lamb producer who has delivered to the Corporation in the period 1 July 1995 to 30 June 1996 at least 100 lambs for slaughter.

Date 11 April 1997.

JUSTIN HARBORD, Returning Officer,  
Western Australian Electoral Commission  
4th Floor, 480 Hay Street PERTH WA 6000  
or  
GPO Box F316 PERTH WA 6841  
Ph: (09) 2214454 Fax: (09) 2213205.

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**HEALTH**

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HE401

**HOSPITAL AND HEALTH SERVICES ACT 1927**

HOSPITALS AND HEALTH SERVICES (BOARD NAME AND APPOINTMENT) NOTICE 1996

Made by His Excellency the Governor in Executive Council under section 15 of the Act.

**Citation**

1. This notice may be cited as the *Hospitals and Health Services (Board Name and Appointment) Notice 1996*.

**Appointments**

2. It is directed that—

- (a) the name "Busselton Health Board" is the name assigned to the board that controls and manages the public hospital known as the Busselton District Hospital; and
- (b) the Busselton Health Board is appointed to manage and control the public hospital known as the Busselton District Hospital.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

HE402

**HOSPITAL AND HEALTH SERVICES ACT 1927**

HOSPITAL AND HEALTH SERVICES (APPOINTMENT OF MEMBERS) NOTICE (NO. 7) 1996

Made by His Excellency the Governor in Executive Council under section 15 of the Act.

1. This notice may be cited as the *Hospitals and Health Services (Appointment of Members) Notice (No. 7) 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 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 Name of Hospital	Column 2 Member	Column 3 Expiry Date
Busselton Health Board	Jonathan Meyer	30 September 1999
	David Bryce Barton	30 September 1999
	James McKechnie	30 September 1999
	John Edwards	30 September 1998
	Sally Dianne Chandler	30 September 1998
	John Derek Snowden	30 September 1998
	Brian Edward Linaker	30 September 1997
	Robert Joseph Papalia	30 September 1997
	Anne Lynette Faithfull	30 September 1997

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

## HE403

## HOSPITAL AND HEALTH SERVICES ACT 1927

## HOSPITALS AND HEALTH SERVICES (BOARD NAME AND APPOINTMENT) NOTICE 1997

Made by His Excellency the Governor in Executive Council under section 15 of the Act.

## Citation

1. This notice may be cited as the *Hospitals and Health Services (Board Name and Appointment) Notice 1997*.

## Appointments

2. It is directed that—

- (a) the name "Augusta Health Board" is the name assigned to the board that controls and manages the public hospital known as the Augusta District Hospital; and
- (b) the Augusta Health Board is appointed to manage and control the public hospital known as the Augusta District Hospital.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

## HE404

## HOSPITAL AND HEALTH SERVICES ACT 1927

## HOSPITAL AND HEALTH SERVICES (APPOINTMENT OF MEMBERS) NOTICE (NO. 10) 1997

Made by His Excellency the Governor in Executive Council under section 15 of the Act.

1. This notice may be cited as the *Hospitals and Health Services (Appointment of Members) Notice (No. 10) 1997*.

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 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 Name of Hospital	Column 2 Member	Column 3 Expiry Date
Augusta Health Board	Roger Gordon Wilson	30 September 1999
	Bevan Charles Byrne	30 September 1999
	Barry Francis Godley	30 September 1999
	Kimberley John Williams	30 September 1998
	Keith MacAulay	30 September 1998
	Kay Lesley Challis	30 September 1998
	Margaret Agnes Mary Martin	30 September 1997
	Jennifer Helen Reitze	30 September 1997
	Matthew Guy Russell	30 September 1997

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

**HE405****CREMATION ACT 1929**

Health Department of WA,  
Perth, 11 April 1997.

6031/95, ExCo No. 0292.

His Excellency the Governor in Executive Council has appointed under the provisions of Section 8 (1) (a) of the Cremation Act 1929, Dr Kim Yeoh as a medical referee.

ALAN BANSEMER, Commissioner of Health.

**HE406****HUMAN REPRODUCTIVE TECHNOLOGY ACT 1991**

WESTERN AUSTRALIAN REPRODUCTIVE TECHNOLOGY COUNCIL APPOINTMENTS  
INSTRUMENT (NO. 2) 1996

Made by the Minister for Health under clause 2 (1) of the Schedule to the Act.

**Citation**

1. This instrument may be cited as the *Western Australian Reproductive Technology Council Appointments Instrument (No. 2) 1996*.

**Appointment**

2. The following are appointed as deputy members of the Western Australian Reproductive Technology Council—

Ms Susanne Midford as deputy to Ms Antonia Clissa,  
Dr Anne Jequier as deputy to Dr Mark McKenna, and  
Dr Robert Hills as deputy to Dr Kaye Miller.

KEVIN PRINCE, Minister for Health.

**HE407****HEALTH ACT 1911**

Health Department of WA,  
Perth, 15 April 1997.

7697/90.

The cancellation of the appointment of Dr Michael C. Richardson as a Medical Officer of Health to the Shire of Wandering effective 15 April 1997 is hereby notified.

The appointment of Dr Reginald D. Hames as a Medical Officer of Health to the Shire of Wandering effective 15 April 1997 is approved.

C. F. QUADROS, delegate of Executive Director, Public Health.

**HE408****HEALTH ACT 1911**

ANAESTHETIC MORTALITY COMMITTEE  
APPOINTMENTS INSTRUMENT 1997

Made by the Minister for Health under sections 340 BB (3) (b), 340 BC (1) and 340 BB (4) (d) of the Act.

**Citation**

1. This instrument may be cited as the *Anaesthetic Mortality Committee Appointments Instrument 1997*.

**Appointments of Members**

2. Appoint the persons listed in the schedule below for the period ending on 15 March 1999—

Section	Name
340 BB (3) (b)	Dr Bryant A. R. Stokes as Member
340 BC (1)	Dr Geoffrey Gee as Deputy to Dr Bryant Stokes
340 BB (4) (e)	Dr Anthony J. Lepere as Provisional Member
340 BC (1)	Dr David F. McDonald as Deputy to Dr A. J. Lepere
340 BB (4) (d)	Ms Rosemary Lorrimar as Member

Dated this 4th day of February 1997.

KEVIN PRINCE, Minister for Health.

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**HERITAGE COUNCIL**

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**HR401****HERITAGE OF WESTERN AUSTRALIA ACT 1990**  
**DELEGATION OF POWERS AND DUTIES**

Take notice that on April 3rd 1997 in accordance with section 6 (7) of the Heritage of Western Australia Act 1990 I delegated to the Director of the Heritage Council of Western Australia—

- (i) all my powers and duties under Section 49 (1) (b) of the Act in respect of matters where no objections are raised to the entry in the Register of the places concerned;
- (ii) all of my powers and duties under Section 49 (1) (a) of the Act in respect of matters where—
  - (a) the Heritage Council has advised the owner of the place that consideration is being given to the entry of the place in the Register; and
  - (b) not objections have been raised to the entry in the Register of the place.

Dated this 18th day of April 1997.

GRAHAM KIERATH, Minister for Heritage.

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**JUSTICE**

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**JM401****CORONERS ACT 1996**  
**NOTICE OF APPOINTMENT OF STATE CORONER**

The Governor has been pleased to appoint Alastair Neil Hope to be the State Coroner.

RICHARD FOSTER, Executive Director, Court Services.

**JM402****JUSTICES ACT 1902**

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

Mr Leonard John Simmons of 18 Chick Place Kalbarri and 465 Grey Street Kalbarri

Mr Clive Harold Hockey of Lot 706 Callion Way Kalbarri and Abrolhos Electrics, Lot 494 Harvey Place Kalbarri

Mr James Patrick Finnerty of 125 Dempster Street Esperance

Mr Murray Alan Jorgensen of 6 St George's Crescent Frenchman Bay and Town of Albany 221 York Street Albany

Mrs Kathleen Maecella Watson of 8 Dora Street Broome and Kimberley Aboriginal Medical Service's Council PO Box 1377 Broome

Mr Mark Frederick Smith of Lot 232 Halse Road Marble Bar

to the office of Justice of the Peace for the State of Western Australia.

RICHARD FOSTER, Executive Director, Court Services.

**JM403****JUSTICES ACT 1902**

It is hereby notified for public information that His Excellency the Governor in Executive Council has accepted the resignation of Lynda Mary Davies of De Serville Road Whatuwhiwi Kaitaia New Zealand, from the Office of Justice of the Peace for the State of Western Australia.

RICHARD FOSTER, Executive Director, Court Services.

**JM404****DECLARATIONS AND ATTESTATIONS ACT 1913**

It is hereby notified for public information that the Hon Attorney General has approved of the appointment of the following persons as Commissioners for Declarations under the Declarations and Attestations Act 1913—

Stevan John O'Neil of 6 Dreyer Road Roleystone and 1260 Hay Street West Perth

Luisa Palazzolo of 42 Ellesmere Street Mount Hawthorn and WMC Resources Ltd, Mt Keith Nickel Operations PMB1 Leinster

Filomena Tobiolo of 24 Flinders Street Mount Hawthorn and WMC Resources Ltd, Mt Keith Nickel Operations PMB1 Leinster

RICHARD FOSTER, Executive Director, Court Services.

**JM405****CHILDREN'S COURT OF WESTERN AUSTRALIA ACT 1988**

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the appointment of the following persons as Members of the Children's Court of Western Australia—

Mr Mark Frederick Smith of Lot 232 Halse Road Marble Bar

RICHARD FOSTER, Executive Director, Court Services.

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**LAND ADMINISTRATION**

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

By the direction of His Excellency the Governor under Section 34B(1), the following Order in Council and associated Vesting Order is revoked.

DOLA File 1812/992.

Order in Council gazetted on 13 November 1992 vesting Reserve No. 42359 (Cockburn Sound Location 4039) in the City of Rockingham for the designated purpose of "Public Recreation"

JOHN PRITCHARD, Clerk of the Council.

**LA202\*****LAND ACT 1933****ORDERS IN COUNCIL****(VESTING OF RESERVES)**

By the direction of His Excellency the Governor under Section 33(2), the following reserves have been vested.

DOLA File 4180/989.

Reserve No 15408 (Avon Location 20382) vested in the Shire of Kellerberrin for the designated purpose of "Gravel".

DOLA File 1812/992.

Reserve No 42359 (Cockburn Sound Location 4039) vested in the City of Rockingham for the designated purpose of "Public Recreation and Telecommunications Site" with power, subject to the approval in writing of the Minister for Lands to each and every lease or assignment of lease being first obtained, to lease the Telecommunications Site only, for any term not exceeding twenty one (21) years from the date of the lease.

JOHN PRITCHARD, Clerk of the Council.

**LA401\*****LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) 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 Belmont (DOLA File No. 598/1996; Closure No. B1382)  
All that portion of Henderson Avenue (18m<sup>2</sup>) as shown coloured pink on Office of Titles Diagram 21681.  
Public Plan: BG 34 (2) 19.27
- (2) City of Kalgoorlie-Boulder (DOLA File No. 1798/1993; Closure No. K.1130)
  - (A) All that portion of Right of Way starting from the southern side of Oroya Street and extending southerly along the eastern boundary of South Boulder Suburban Lot 1930 to the prolongation easterly of the southern boundary of that lot.
  - (B) All that portion of Right of Way starting from the prolongation easterly of the northern boundary of South Boulder Suburban Lot 1947 and extending southerly along the eastern boundary of that lot to the northern side of Chaffers Street.
 Public Plan: CF 37(2) 31.33
- (3) City of Nedlands (DOLA File No. 1575/1994; Closure No. N730) All that portion of North Street as shown bordered blue on Crown Survey Diagram 92514.  
Public Plan: BG 34(2) 07.21
- (4) City of Perth (DOLA File No. 3564/965 V3; Closure No. P827).  
All that portion of Mounts Bay Road now contained in Perth Lot 1048 as shown on Crown Survey Plan 18253.  
Public Plan: BG34(2) 13.24
- (5) Shire of Merredin (DOLA File No. 973/996; Closure No. M1397)
  - (A) All that portion of McPharlin Road as shown bordered blue on Crown Survey Diagram 92930.
  - (B) All that portion of McPharlin Road now contained in Avon Location 29191 as delineated on Crown Survey Diagram 92930.
 Public Plans: Tandagin (50)  
Westonia (50)
- (6) Shire of Wickelup (DOLA File No. 1791/996; Closure No. W1370)  
That portion of Murray Road (Road No. 7627) now comprised in Office of Titles Plan 21386.  
Public Plan: Harrismith (25) S.W.

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

**LA402\*****LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960****DECLARATION OF PUBLIC STREETS****ORDERS OF THE MINISTER FOR LANDS**

Made under Section 288

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

**SCHEDULE**

- (1) Shire of Ashburton (DOLA File No. 1392/987).  
Road No. 18933 (Boonderoo Road South). The whole of the land contained within former Tom Price Lot 321 shown on Office of Titles Diagram 71874.  
Public Plan: BK 60(2) 11.10.
- (2) Shire of Harvey (DOLA File No. 1690/1969) Road No. 18960 (Extension) Hester Street. All those portions of land comprising those portions of Harvey Lot 11 extending along the northern sides of Hester Street as delineated on Titles Office Plan 9434.  
Public Plan: BG 31(2) 16.19

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

**LA403\*****TRANSFER OF LAND ACT 1893**Department of Land Administration,  
Perth.

FILE 3622/1986

His Excellency the Governor in Executive Council has been pleased to appoint under Section 7 of the Transfer of Land Act 1893 John Lindon Gladstone as Registrar of Titles.

ALLAN SKINNER, Chief Executive.

**LA601****LAND ACT 1933**

Department of Land Administration.

It is hereby notified that it is intended to Grant a Special Lease over King Location 777 to William Westray Burrell under Section 116 of the Land Act 1933 for the purpose of "Tourist Accommodation" for a term of twenty one (21) years.

DOLA Ref: 1356/1994V1

A. A. SKINNER, Chief Executive.

**LA801\*****LAND ACT 1933****AMENDMENT OF RESERVE**

Made by His Excellency the Governor under Section 37

The following reserve has been amended.

DOLA File 2351/993.

Reserve No 9927 (Roe District) "Water Supply (Rabbit Department)" to comprise Location 3136 on Land Administration Plan 10342 and of its area remaining unaltered.

Public Plan: Mount Stewart (50). Tapper Road

Local Authority—Shire of Kondinin.

A. A. SKINNER, Chief Executive.

**LA901\*****LAND ACT 1933****CHANGE OF PURPOSE OF RESERVES**

Made by His Excellency the Governor under Section 37

The purpose of the following reserves have been changed.

DOLA File 2351/993.

Reserve No 9927 (Roe Location 3136) being changed from "Water Supply (Rabbit Department)" to "Water and Conservation of Flora and Fauna".

Public Plan: Mount Stewart (50) Tapper Road.

Local Authority—Shire of Kondinin.

DOLA File 1812/992.

Reserve No 42359 (Cockburn Sound Location 4039) being changed from "Public Recreation" to "Public Recreation and Telecommunications Site".

Public Plan: BG33 (2) 08.11. Crystaluna Drive

Local Authority—City of Rockingham.

A. A. SKINNER, Chief Executive.

LB701\*

**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 compulsorily 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
Wanneroo (City)	Portion of Swan Location 3323—"A" Reserve 27575 "National Park" (8.7896 hectares).	1. Crown—National Parks and Nature Conservation Authority as vestee. 2. BROPHO Robert Charles (WC95/81) 3. BODNEY Christopher Robert (WC95/86) 4. GARLETT Gregory (WC96/103)	Ground Water Treatment Plant—Reservation in the Water Corporation	Diagram 92531	912914 2103/1963

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*, section 23(6) of the *Native Title Act* and Part 111 of the *Land Act 1933*.

The taking of the land will proceed if approval to the excision of the land from "A" Reserve 27575 is given by both Houses of Parliament (Part 111 of the *Land Act 1933*) and 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 25 June 1997. 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 9th day of April 1997.

DOUG SHAVE, Minister for Lands.

LB702\*

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

NOTICE OF INTENTION

To Take Land to Grant Estates, Interests and Rights Under Written Law

The Minister for Works gives notice in accordance with section 17(2) of the *Land Acquisition and Public Works Act* that it is intended compulsorily to take under section 17 (1) of that Act the land

described in the Schedule ("land") to grant estates, interests and rights under written law. The intended action is authorised by an order of the Governor under section 33C of the *Land Acquisition and Public Works Act*.

## SCHEDULE

Locality/Local Government/Region	Description of land affected	Interest holder/Registered native title claimant	Use/Purpose	Plan	Job Number/Reference
Ashburton (Shire)	Portion of Windell Location 106 (to be known as Windell Location 134) subject of Pastoral Lease 3114/1166 (Crown Lease 16/1983) Rocklea Station (780.5328 hectares).	1. Crown—Rocklea Station Pty Ltd as lessee. 2. Bunjima, Niapaili and Innawonga people (WC96/61).	Grant of lease in perpetuity to the Innawonga Aboriginal Corporation.	Diagram 91256	930012 623/1990
Derby/ West Kimberley (Shire)	Portion of Fitzroy Location 242 subject of Pastoral Lease 3114/573 (Crown Lease 865/1967) Brooking Springs Station (251.5926 hectares). To be known as Fitzroy Locations 289 & 290.	Crown—Pernatty Pty Ltd and MURRAY Ann as lessees.	1. Use and Benefit of Aboriginal Inhabitants—Reservation with vesting in the Bungardi Aboriginal Corporation (with power to lease). 2. Reservation for foreshore protection.	Diagram 92944	905589 3054/1989
Derby/West Kimberley (Shire)	1. Vacant Crown land (about 94.5 hectares) 2. Portion Reserve 12475 "Stock Route" (about 175 hectares) 3. Fitzroy Location 161—Reserve 38787 "Use and Benefit of Aboriginal Inhabitants" (1.0117 hectares) 4. Fitzroy Locations 21 and 24—Reserve 35071 "Community Purposes" (1.0082 hectares) 5. Fitzroy Location 62 subject of Special Lease 3116/9613 for the purpose of Residence (Crown Lease 1989/1650) (3399 square metres) 6. Fitzroy Locations 46, 48 & 215 being vacant Crown land (6888 square metres) 7. Fitzroy Location 27—Reserve 23613 "Aboriginal Mission" (4047 square metres) 8. Fitzroy Location 29—Reserve 24821 "Tennis Courts" (2087 square metres) 9. Fitzroy Location 38—Reserve 31903 "Church & Presbytery site Roman Catholic (4553 square metres)	1. Crown 2. Crown—Aboriginal Lands Trust as vestee 3. Crown—Shire of Derby/West Kimberley as vestee 4. Crown—ROSS, Casey as lessee	Use and Benefit of Aboriginal Inhabitants—Reservation with vesting in the Darlangunya Aboriginal Corporation (with power to lease).	Reserve Plan 406	930010 536/1991
Exmouth (Shire)	Portion Exmouth Lot 1025—Reserve 29066 "Recreation" (4.1518 hectares)	Crown—Shire of Exmouth as vestee	Sale for inclusion Exmouth Lot 968	LAWA 1226	955921 1726/1990
Mount Magnet (Shire)	Portion of Mount Magnet Townsite being vacant Crown land (5.3886 hectares)	1. Crown 2. ASHWIN Raymond (WC96/22) 3. Badimia People (WC96/98)	1. Subdivisional development including the provision of services (such as power, water, roads) and land for light industrial purposes. 2. Sale of lots	LAWA 1223	952130 581/1982
Roebourne (Shire)	Karratha Lot 1121 being vacant Crown land (7.8891 hectares)	1. Crown 2. HOLBOROW Valerie, COSMOS Kevin, COOPER Patricia (WC96/89)	1. Subdivisional development for commercial purposes including the provision of services (such as power, water, roads) 2. Sale of lots	LAWA 1225	951801 972/1995
Wiluna (Shire)	Nabberu Location 55 being vacant Crown land (194.2840 hectares)	Crown	Grant of special lease (50 years) for the purpose of "Use and Benefit of Aboriginal Inhabitants" to MKW Holdings Pty Ltd	Plan 18246	904146 2228/1986

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

**NATURE OF ACT:** The compulsory taking of the land to grant estates, interests and rights under written law for the purpose specified in the Schedule (and ancillary purposes).

**COMMENCEMENT OF ACT:** The taking of the land is subject to the procedural requirements of Part 2, Division 3, Subdivision B of the *Native Title Act 1993* (Commonwealth) and section 17(2) of the *Land Acquisition and Public Works Act*. The taking of the land will proceed if:

- (1) there is no "native title party" (as defined by the *Native Title Act*) in relation to the taking of the land or, if there is a native title party, the taking may validly proceed under the *Native Title Act*; and
- (2) the Minister for Works decides to proceed with the taking upon completion of the procedures provided by section 17 (2) of the *Land Acquisition and Public Works Act*.

**Native title parties—**Any person who is a native title party in relation to the taking of the land or who becomes a native title party within two months of when notice of intention to take the land is given, is entitled to the negotiation and procedural rights provided in Part 2, Division 3, Subdivision B of the *Native Title Act*.

The two months within which persons must become a native title party will close on 25 June 1997.

The expression "native title party" is defined in sections 29, 30 and 253 of the *Native Title Act*. Enquiries regarding becoming a native title party should be directed to the National Native Title Tribunal, 1 Victoria Avenue, Perth, or GPO Box 9973, Perth WA 6001, telephone (09) 268 7272.

**Other interest holders—**Persons having or claiming other interests 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 25 June 1997. 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 estates or interests to accommodate the use/purpose (as more particularly described in the schedule) will be granted in relation to the land either by public auction, invitation of applications or tenders, private treaty or some other process.

**KIND OF DISTURBANCE TO LAND—**Disturbance to the land may thereafter be caused by the use and/or construction on the land consistent with the purpose(s) specified in the Schedule by the persons receiving the grants.

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) 273 7217).

Dated this 9th day of April 1997.

DOUG SHAVE, Minister for Lands.

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## LOCAL GOVERNMENT

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### LG402

#### TOWN OF BASSENDEAN

It is hereby notified for public information that Mr Graeme Mackenzie has been appointed to the position of Chief Executive Officer effective from 7 April 1997.

Cr L. G. FISHER JP, Mayor.

### LG403

#### SHIRE OF ASHBURTON

It is hereby notified for public information that Kathryn Hayes has been appointed as an authorised person, effective from 15 April 1997 and is authorised to enforce the following Acts, Regulations and By-laws—

- Local Government Act 1995
- Control of Vehicles (Off-Road Areas) Act 1978 and Regulations
- Dog Act 1976 and Regulations
- Bush Fires Act 1954 and Regulations
- Litter Act 1979 and Regulations
- Parking Facilities By-laws
- Removal and Disposal of Obstructing Animals By-laws
- By-laws Relating to Dogs

The above has been appointed as a Pound Keeper.

The appointment of Christine Roe, Ranger for the Shire of Ashburton, is hereby cancelled.

DAVID G. CAREY, Chief Executive Officer.

LG401

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960

Town of Victoria Park

Closure of Private Street

Department of Local Government,  
Perth, 18 April 1997.

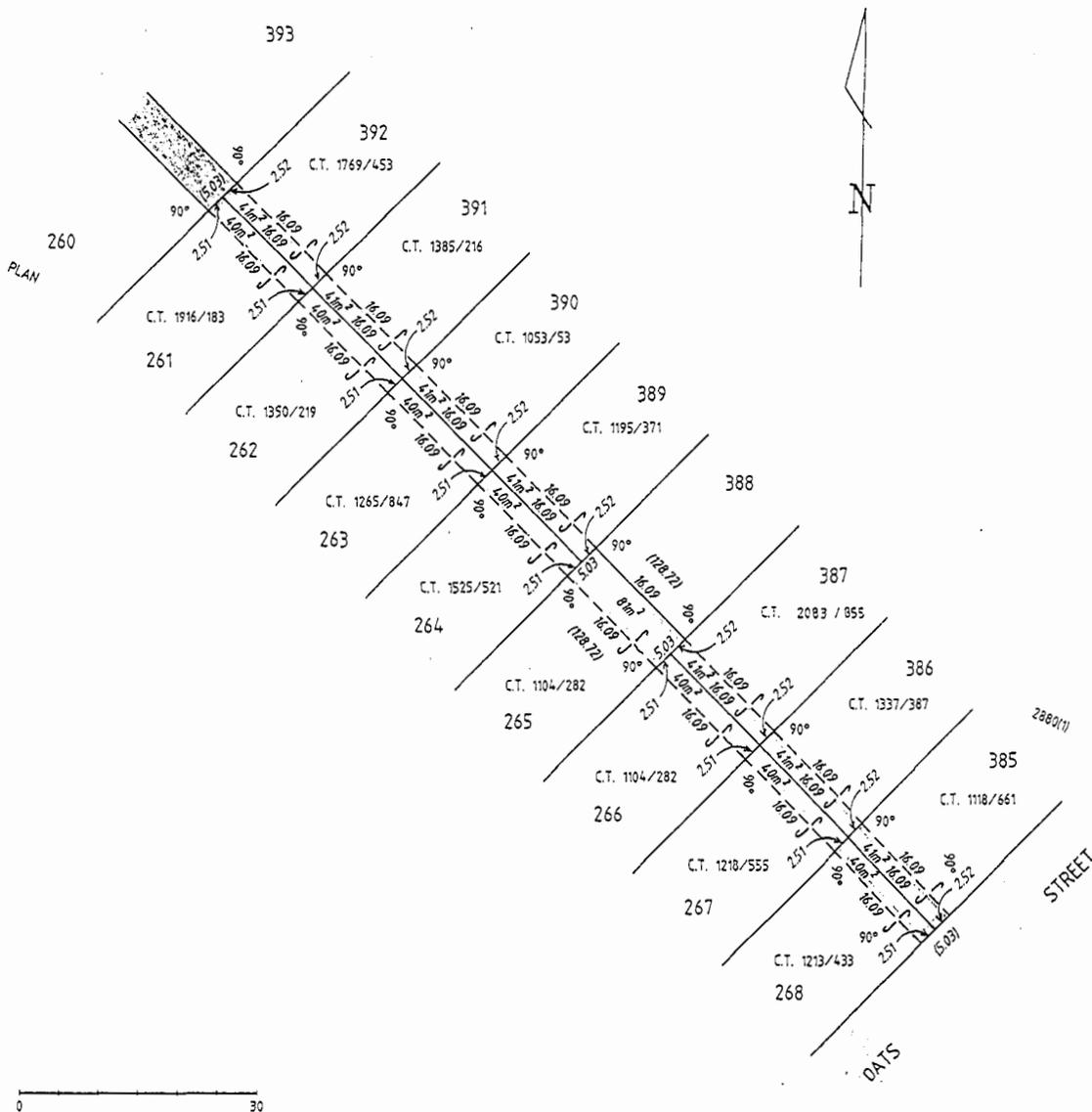
LG: VI 4-7

It is hereby notified for public information that His Excellency the Governor has approved under section 297A of the Local Government (Miscellaneous Provisions) Act 1960, the resolution passed by the Town of Victoria Park that the private street which is described as being portion of Canning Location 2, being portion of the land coloured brown on Plan 2880(1) and being part of the land contained in Certificate of Title Volume 469 Folio 104 be closed and the land contained therein be amalgamated with adjoining Lots 385-387 and 389-392 Bishopsgate Street and Lots 261-268 Raleigh Street Carlisle, as shown in the Schedule hereunder.

JOHN LYNCH, Executive Director,  
Department of Local Government.

Schedule

Diagram No. 22013



**LG404****LOCAL GOVERNMENT ACT 1995***City of Wanneroo*

## Amendment to Local Laws Relating to Parking Facilities

In pursuance of the powers conferred upon it by the abovementioned Act, the Council of the City of Wanneroo hereby records having resolved on the 26th day of March 1997, to make the following amendment to its Local Laws Relating to Parking Facilities as published in the *Government Gazette* on 8 May 1981, including subsequent amendments.

The Fifth Schedule to the Local Laws is amended by deleting Parking Station No. 6—Warwick Railway Station Car Park.

Dated this 15th day of April 1997.

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

A. V. DAMMERS, Mayor.  
L. O. DELAHAUNTY, Chief Executive Officer.

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**MAIN ROADS**


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**MA101***CORRECTION*

File No. MRWA 42-142-E

**MAIN ROADS ACT 1930****LAND ACQUISITION AND PUBLIC WORKS ACT 1902**NOTICE OF INTENTION TO TAKE OR RESUME  
ROAD WIDENING GERALDTON-MOUNT MAGNET ROAD

An error occurred in the notice published under the above heading in the *Government Gazette* No. 44 dated Tuesday, 25 March 1997 on pages 1632 & 1633.

The details in the fifth item of the Schedule where published in error. Please delete all details for Item 5 of the Schedule.

D. R. WARNER, Director Corporate Services.

**MA401**

MRWA 42-41-56

**MAIN ROADS ACT 1930****LAND ACQUISITION AND PUBLIC WORKS ACT 1902**

## NOTICE OF INTENTION TO TAKE OR RESUME LAND

The Minister for Works hereby gives notice, in accordance with the provisions of section 17 (2) of the Land Acquisition and Public Works Act 1902, that it is intended to take or resume under section 17 (1) of that Act the pieces or parcels of land described in the Schedule hereto and being all in the Murray District, for the purpose of the following public works namely, widening of the South Western Highway (SLK Section 42.6-44.8) and that the said pieces or parcels of land are marked off on MRWA Drawing 9502-0329-1, 9502-0330 and 9502-0031 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

## Schedule

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (Approx.)
1.	Frederick Lloyd Wells	F. L. Wells	Cockburn Sound Location 16 and being part of Lot A24 on Plan 738 and being part of the land comprised in Certificate of Title Volume 1406 Folio 574.	1.457ha
2.	Mostert's Dairy Pty Ltd	Mostert's Dairy Pty Ltd	Cockburn Sound Location 16 and being part of Lot A25 on Plan 738 and being part of the land comprised in Certificate of Title Volume 1490 Folio 492.	1.724ha

Schedule—*continued*

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (Approx.)
3.	Metropolitan Water Supply Sewerage and Drainage Board	Metropolitan Water Supply Sewerage and Drainage Board	Cockburn Sound Location 16 and being part of the land on Plan 10900 and being part of the land comprised in Certificate of Title Volume 1490 Folio 491.	399m <sup>2</sup>

Dated this 14th day of April 1997.

D. R. WARNER, Director Corporate Services.

MA402

MRWA 93-3100-3  
ExCo No. 0331.

**TOWN PLANNING DEVELOPMENT ACT 1928**  
**LAND ACQUISITION AND PUBLIC WORKS ACT 1902**  
**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959**  
**WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985**  
**LAND ACQUISITION**

Highway Reserve—City Northern Bypass

Notice is hereby given, and it is hereby declared, that the several pieces or parcels of land described in the Schedule hereto, being all in the Belmont and Victoria Park Districts have, in pursuance of the written consent under the Town Planning and Development Act 1928, Metropolitan Region Town Planning Scheme Act 1959, Western Australian Planning Commission Act 1985 and approved under Section 17(1) of the Land Acquisition and Public Works Act 1902 of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 8th day of April 1997, been compulsorily taken and set apart for the purposes of the following public work, namely—Highway Reserve—City Northern Bypass—City of Belmont and Town of Victoria Park.

And further notice is hereby given that the said pieces or parcels of land so taken and set apart are shown marked off on Office of Titles Plans 20953, 20955 and 20956, which may be inspected at Main Roads Western Australia, James Street, Northbridge. The additional information contained in the Schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description.

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

Schedule

Plan No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area
20953, 20955 and 20956	Crown	Crown	Those portions of Orrong Road, Punt Road, Riversdale Road, Malvern Road, Claude Street, Rowe Avenue, Stiles Avenue, Goodwood Parade and Vivian Street now contained and more particularly delineated and coloured green on Plans 20953, 20955 and 20956.	1.6614 ha
20953, 20955 and 20956	Albert Edward Cockram	Not applicable	Portion of Swan Location 35 now contained and more particularly delineated and coloured green on Plans 20953, 20955 and 20956 and being part of the land comprised in Certificate of Title Volume 389 Folio 77.	812m <sup>2</sup>

Certified correct this 2nd day of April 1997.

G. D. KIERATH, Minister for Planning.

Dated this 8th day of April, 1997.

MICHEAL JEFFERY, Governor in Executive Council.

MA403

MRWA 42-33-K

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

The Minister for Works hereby gives notice, in accordance with the provisions of section 17 (2) of the Land Acquisition and Public Works Act 1902, that it is intended to take or resume under section 17 (1) of that Act the pieces or parcels of land described in the Schedule hereto and being all in the Murray District, for the purpose of the following public works namely, widening of the South Western Highway (SLK Section 0.27-16.12) and that the said pieces or parcels of land are marked off on Land Titles Office Plans 21435 and 21762 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

Schedule

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area
1.	Arthur John Green	Commissioner of Main Roads vide Caveat G315871	Portion of Boyanup Agricultural Area Lot 285 and portion of Boyanup Agricultural Area Lot 274 together being part of Lot 1 on Diagram 37023 now contained in Plan 21762 and being part of the land comprised in Certificate of Title Volume 258 Folio 60A.	4 317m <sup>2</sup>
2.	Arthur John Green	Commissioner of Main Roads vide Caveat G315871	Portion of Leschenault Location 12 and being Lot 12 and being Lot 101 on Diagram 87970 now contained in Plan 21762 and being part of the land comprised in Certificate of Title Volume 2029 Folio 610.	7 530m <sup>2</sup>
3.	Vicki Lorraine House	V. L. House	Portion of Boyanup Agricultural Area Lot 32 and being Lot 1 on Diagram 61421 now contained in Plan 21435 and being part of the land comprised in Certificate of Title Volume 1598 Folio 281.	200m <sup>2</sup>
4.	Roy Henry Casey and Margaret Erskine Casey	Commissioner of Main Roads vide Caveat G350085	Portion of Wellington Location 1182 now contained in Plan 21435 and being part of the land comprised in Certificate of Title Volume 732 Folio 138.	5 888m <sup>2</sup>
5.	Laurence Julian Hamilton Sanders	L. J. H. Sanders	Portion of Boyanup Agricultural Area Lot 29 now contained in Plan 21435 and being part of the land comprised in Certificate of Title Volume 1061 Folio 915.	7 026m <sup>2</sup>
6.	Glen Harold Harvey	G. H. Harvey	Portion of Boyanup Agricultural Area Lot 30 and being Lot 2 on Diagram 48404 now contained in Plan 21435 and being part of the land comprised in Certificate of Title Volume 1418 Folio 035.	6 456m <sup>2</sup>
7.	Leonard George Bates	L. G. Bates	Portion of Boyanup Agricultural Area Lot 30 and being Lot 3 on Diagram 48404 now contained in Plan 21435 and being part of the land comprised in Certificate of Title Volume 1418 Folio 036.	6 244m <sup>2</sup>
8.	Keith John Reeves and Robyn Reeves	K. J. & R. Reeves	Portion of Boyanup Agricultural Area Lot 31 now contained in Plan 21435 and being part of the land comprised in Certificate of Title Volume 1712 Folio 770.	1.1556ha

Dated this 14th day of April 1997.

D. R. WARNER, Director Corporate Services.

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**MINERALS AND ENERGY**


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MN101\*

**CORRECTION**

State of Western Australia

**PETROLEUM ACT 1967**

In the Notice at page 1781 of the *Government Gazette* dated 4 April 1997, on the fourth line the words "period of five years", change the word "five" to "six".

IAN FRASER, Director Petroleum Operations Division.

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MN401\*

Commonwealth of Australia

**PETROLEUM (SUBMERGED LANDS) ACT 1967****NOTICE OF INVITATION FOR APPLICATIONS FOR EXPLORATION PERMITS**

I, Norman Moore, the Designated Authority in respect of the adjacent area of Western Australia, for and on behalf of the Commonwealth-Western Australia Offshore Petroleum Joint Authority, acting pursuant to Section 20(1) of the Petroleum (Submerged Lands) Act 1967, hereby invite applications for the grant of exploration permits in respect of the following Blocks within the areas as described in the following schedule and as shown on the plans immediately following this notice.

Applications will be received up until 4:00 pm on Thursday, 26 March 1998.

**Schedule**

(The references hereunder are to the names of map sheets of the 1:1 000 000 series and to the number of the graticular sections shown thereon).

**Area W97-1**

Map Sheet Melville Island

Block No.	Block No.	Block No.	Block No.
2953	2954	2955	2956
2957	2958	2959	3025
3026	3027	3028	3029
3030	3031	3097	3098
3099	3100	3101	3102
3103			

Assessed to contain 21 blocks

**Area W97-2**

Map Sheet Melville Island

Block No.	Block No.	Block No.	Block No.
3169	3170	3171	3172
3173	3174	3175	3241
3242	3243	3244	3245
3246	3247	3313	3314
3315	3316	3317	3318
3319	3385	3386	3387
3388	3389	3390	3391

Assessed to contain 28 blocks

**Area W97-3**

Map Sheet Brunswick Bay

Block No.	Block No.	Block No.	Block No.
64	65	66	67
68	69	136	137
138	139	140	141
207	208	209	210
211	212	213	279
280	281	282	283
284	285	350	351
352	353	354	355
356	357	422	423
424	425	426	427
428	429	499	500
501			

Assessed to contain 45 blocks

**Area W97-4**

## Map Sheet Brunswick Bay

Block No.	Block No.	Block No.	Block No.
70	71	72	142
143	144	214	215
216	286	287	288
358	359	360	430
431	432	502	503
504			

## Map Sheet Darwin

Block No.	Block No.	Block No.	Block No.
1	2	73	74
145	146	217	218
289	290	361	362
433	434		

Assessed to contain 35 blocks

**Area W97-5**

## Map Sheet Darwin

Block No.	Block No.	Block No.	Block No.
3	4	5	6
75	76	77	78
147	148	149	150
219	220	221	222
291	292	293	294
363	364	365	366
435	436	437	438

Assessed to contain 28 blocks

**Area W97-6**

## Map Sheet Brunswick Bay

Block No.	Block No.	Block No.	Block No.
571	572	573	574
575	576	643	644
645	646	647	648
715	716	717	718
719	720	787	788
789	790	791	792
859	860	861	862
863	864		

Assessed to contain 30 blocks

**Area W97-7**

## Map Sheet Darwin

Block No.	Block No.	Block No.	Block No.
505	506	507	508
509	510	577	578
579	580	581	582
649	650	651	652
653	654	721	722
723	724	725	726
793	794	795	796
797	798		

Assessed to contain 30 blocks

**Area W97-8**

## Map Sheet Darwin

Block No.	Block No.	Block No.	Block No.
1601	1602	1603	1604
1605	1606	1607	1608
1609	1610	1611	1612
1674	1675	1676	1677
1678	1679	1680	1681
1682	1683	1684	1747
1748	1749	1750	1751
1752	1753	1754	1755
1756	1820	1821	1822
1823	1824	1825	1826
1827	1828	1893	1894
1895	1896	1897	1898
1899	1900	1966	1967
1968	1969	1970	1971
1972	2039	2040	2041
2042	2043	2044	

Assessed to contain 63 blocks.

**Area W97-9**

Map Sheet Darwin

Block No.	Block No.	Block No.	Block No.
1613	1614	1615	1616
1685	1686	1687	1688
1689	1757	1758	1759
1760	1761	1762	1829
1830	1831	1832	1833
1834	1901	1902	1903
1904	1905	1906	1907
1973	1974	1975	1976
1977	1978	1979	2045
2046	2047	2048	

Assessed to contain 39 blocks.

**Area W97-10**

Map Sheet Darwin

Block No.	Block No.	Block No.	Block No.
2112	2113	2114	2115
2116	2117	2118	2119
2120	2121	2184	2185
2186	2187	2188	2189
2190	2191	2192	2193
2194	2258	2259	2260
2261	2262	2263	2264
2265	2266	2267	2268
2269	2332	2333	2334
2335	2336	2337	2338
2339	2340	2341	2411
2412			

Assessed to contain 45 blocks.

**Area W97-11**

Map Sheet Brunswick Bay

Block No.	Block No.	Block No.	Block No.
966	1038	1039	1110
1111	1112	1113	1114
1115	1116	1117	1118
1119	1120	1182	1183
1184	1185	1186	1187
1188	1189	1190	1191
1192	1254	1255	1256
1257	1258	1259	1260
1261	1262	1263	1264
1326	1327	1328	1329
1330	1331	1332	1333
1334	1335	1336	1398
1399	1400	1401	1402
1403	1404	1405	1406
1407	1408	1470	1471
1472	1473	1474	1475
1476	1477	1478	1479
1480			

Assessed to contain 69 blocks.

**Area W97-12**

Map Sheet Brunswick Bay

Block No.	Block No.	Block No.	Block No.
1542	1543	1544	1545
1546	1547	1548	1614
1615	1616	1617	1618
1619	1620	1686	1687
1688	1689	1690	1691
1692	1758	1759	1760
1761	1762	1763	1764
1830	1831	1832	1833
1834	1835	1836	1902
1903	1904	1905	1906
1907	1908	1974	1975
1976	1977	1978	1979
1980	2046	2047	2048
2049	2050	2051	2052

Assessed to contain 56 blocks.

**Area W97-13**

Map Sheet Brunswick Bay

Block No.	Block No.	Block No.	Block No.
1549	1550	1551	1557
1558	1621	1622	1623
1624	1626	1627	1628
1629	1630	1693	1694
1695	1696	1697	1698
1699	1700	1765	1766
1767	1768	1769	1770
1771	1772	1837	1838
1839	1840	1841	1842
1843	1844	1909	1910
1911	1912	1913	1914
1915	1916	1981	1982
1983	1984	1985	1986
1987	1988	2053	2054
2055	2056	2057	2058
2059	2060		

Assessed to contain 62 blocks.

**Area W97-14**

Map Sheet Brunswick Bay

Block No.	Block No.	Block No.	Block No.
2118	2119	2120	2121
2122	2123	2124	2125
2126	2190	2191	2192
2193	2194	2195	2196
2197	2198	2262	2263
2264	2265	2266	2267
2268	2269	2270	2334
2335	2336	2337	2338
2339	2340	2341	2342
2406	2407	2408	2409
2410	2411	2412	2413
2414	2478	2479	2480
2481	2482	2483	2484
2485	2486	2550	2551
2552	2553	2554	2555
2556	2557	2558	2622
2623	2624	2625	2626
2627	2628	2629	2630

Assessed to contain 72 blocks.

**Area W97-15**

Map Sheet Brunswick Bay

Block No.	Block No.	Block No.	Block No.
2182	2183	2254	2255
2326	2327	2328	2329
2330	2331	2332	2333
2398	2399	2400	2401
2402	2403	2404	2405
2470	2471	2472	2473
2474	2475	2476	2477
2543	2544	2545	2546
2547	2548	2549	2615
2616	2617	2618	2619
2620	2621	2688	2689
2690	2691	2760	2761
2762	2763	2834	2906

Assessed to contain 52 blocks.

**Area W97-16**

Map Sheet Brunswick Bay

Block No.	Block No.	Block No.	Block No.
1960	1961	1962	1963
2032	2033	2034	2035
2104	2105	2106	2107
2176	2177	2178	2179
2248	2249	2250	2251
2320	2321	2322	2323
2324	2392	2393	2394
2395	2396	2397	2464
2465	2466	2467	2468
2469	2536	2537	2538
2539	2540	2608	2609
2610	2611	2612	2680
2681	2682	2683	2684
2752	2753	2754	2755

Assessed to contain 56 blocks.

## 1. Application details

Applications for the award of a permit over areas W97-1 to W97-16 are required to be made in the approved manner, submitted in duplicate and should be accompanied by:

### 1.1 Details of—

#### 1.1.1 Technical Assessment

The applicant's technical assessment of the petroleum potential of the area, including the concepts underlying its proposed exploration work program, with sufficient detail to support that program

#### 1.1.2 Minimum Guaranteed Work Program

The applicant's minimum guaranteed proposal (including indicative minimum expenditure) for exploration wells to be drilled, 3D and 2D seismic and other surveying activities, data evaluation and other work, for each year of the first three years of the permit term. This proposal, to be known as the minimum guaranteed work program, should comprise work expected to involve a substantial exploration component - normally, appraisal work should not be included

#### 1.1.3 Secondary Work program

The applicant's proposal (including indicative minimum expenditure) for exploration wells to be drilled, 3D and 2D seismic and other surveying activities, data evaluation and other work, for each of the three remaining years of the permit term. This proposal, to be known as the secondary work program, should comprise work expected to involve a substantial exploration component - normally, appraisal work should not be included.

### 1.2 Particulars of the applicant—

#### 1.2.1 the technical qualifications of the applicant and of its key employees

#### 1.2.2 the technical advice available to the applicant

#### 1.2.3 the financial resources available to the applicant, including evidence of the applicant's ability to fund the work program proposed, a statement of other exploration commitments over the next 6 years, and a copy of the latest annual and quarterly reports for each applicant company

#### 1.2.4 where relevant, the viability of the consortium lodging the application, including evidence that a satisfactory settlement has been, or can be, reached on the Joint Operating Agreement (a copy of a signed Heads of Agreement dealing will generally suffice), and

#### 1.2.5 the percentage participating interest of each party to the application.

### 1.3 Other Information

Such other information as the applicant wishes to be taken into account in consideration of the application.

### 1.4 Fee

Each application must be accompanied by a fee of \$A3,000, payable to the Commonwealth of Australia through an Australian bank or bank cheque.

Further details of the work program bidding system outlined above, including the criteria for assessment of applications and the conditions to apply following the award of a permit, are available from the Director, Petroleum Operations Division, Department of Minerals and Energy in Perth and from the Petroleum and Fisheries Division, Department of Primary Industries and Energy in Canberra.

It should be noted that any income derived in the future from the recovery of petroleum from these areas will be subject to the Commonwealth Government's Resources Rent Tax.

## Lodgement of Applications

Applications must be lodged before 4:00 pm Thursday, 26 March 1998. Applications, together with supporting data should be submitted in the following manner to—

Director Petroleum Operations Division  
Department of Minerals and Energy  
Level 11, Mineral House  
100 Plain Street  
EAST Perth Western Australia 6004

*Attention: Petroleum Applications Receiving Officer*

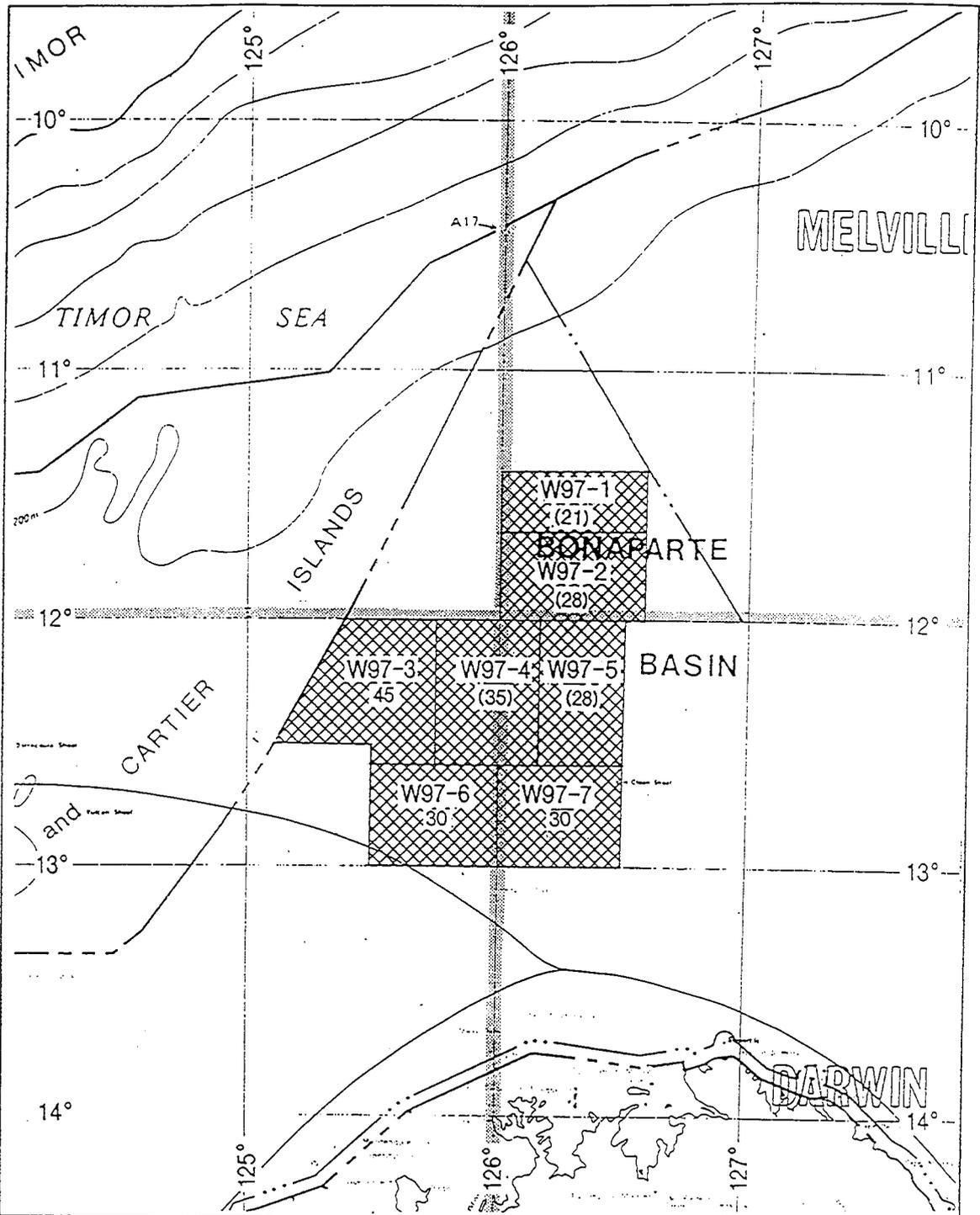
The following special instructions should be observed—

- two copies of the application and supporting data together with the application fee should be sealed in an envelope or package, clearly marked "Application for Exploration Permit Area ... Commercial-in-Confidence"; and
- further enclosed in a plain covering envelope or package and delivered by hand or posted to the above address.

Receipts for applications (received and delivered by hand) will be issued by the Petroleum Applications Receiving Officer.

Enquiries concerning this gazettal should be referred to—

Peter Baillie  
Petroleum Operations Division  
*Telephone:* (09) 222 3133  
*Facsimile:* (09) 222 3515



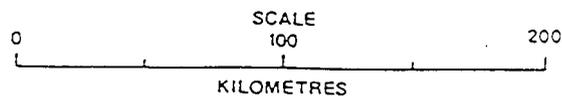
DEPARTMENT OF MINERALS AND ENERGY, WESTERN AUSTRALIA

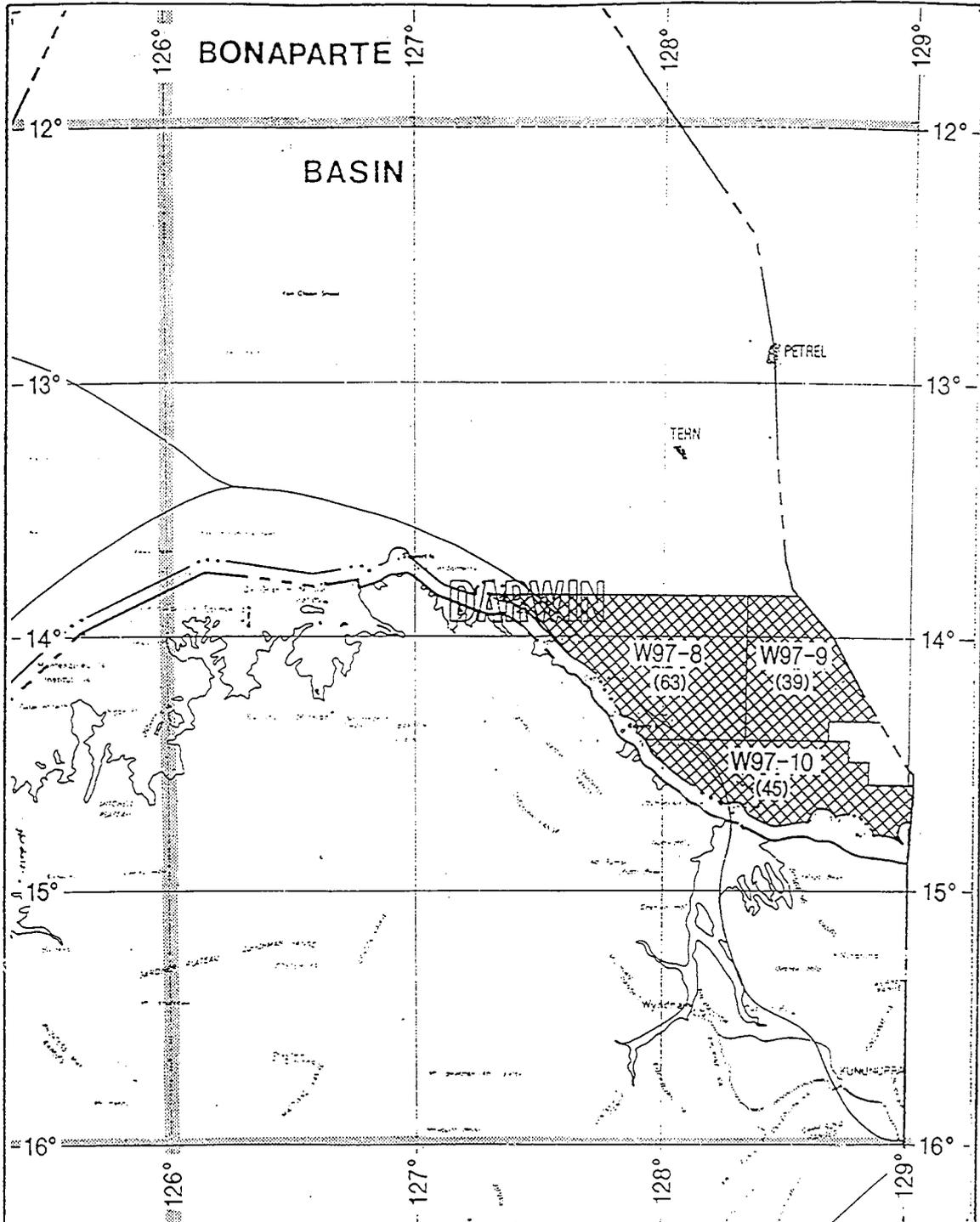
PLAN TO ACCOMPANY

NOTICE OF INVITATION FOR APPLICATIONS  
FOR PETROLEUM EXPLORATION PERMITS



AVAILABLE FOR APPLICATION SECTION 20(1) PETROLEUM (SUBMERGED LANDS) ACT, 1982.





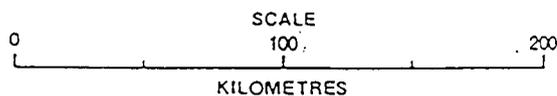
DEPARTMENT OF MINERALS AND ENERGY, WESTERN AUSTRALIA

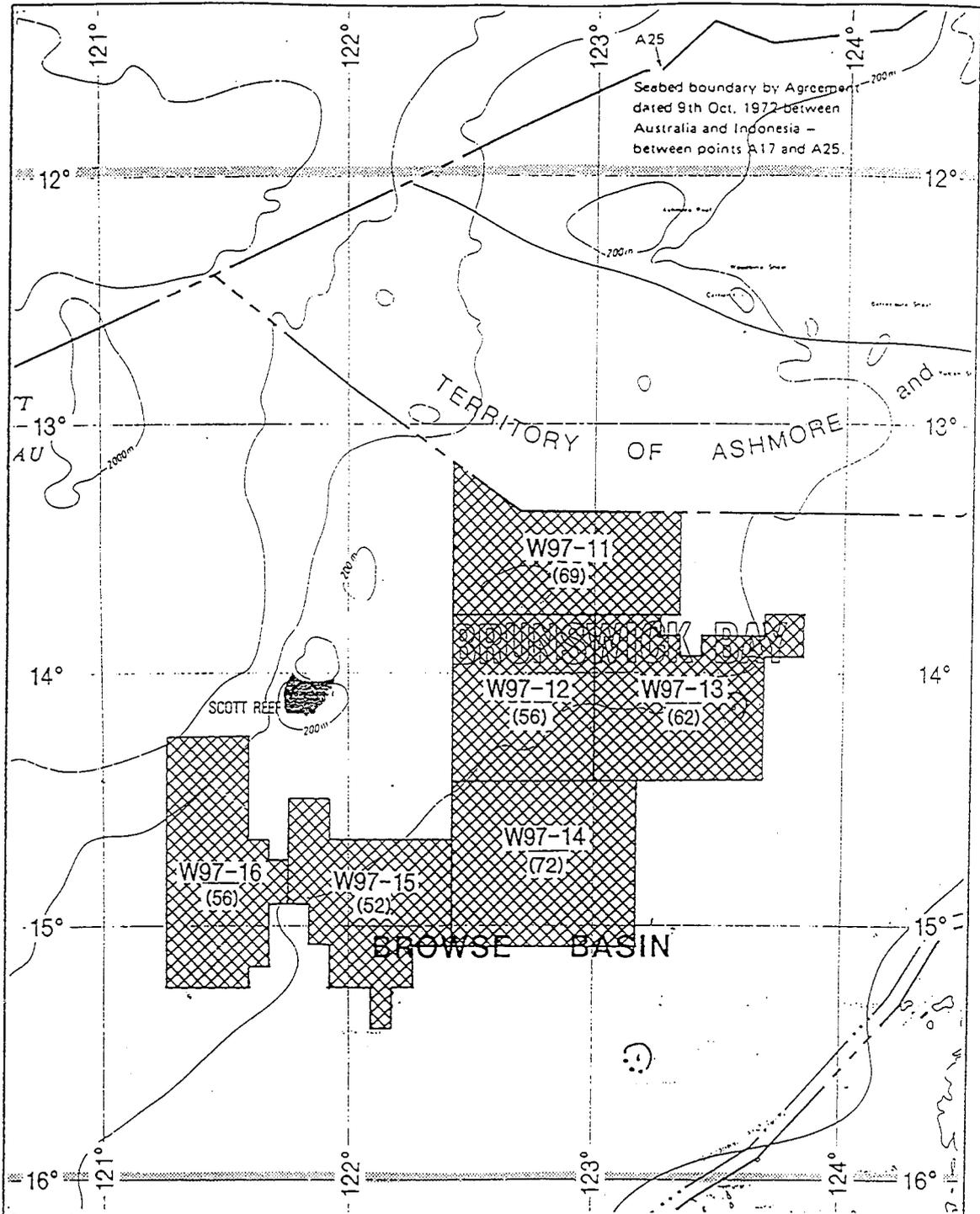
PLAN TO ACCOMPANY

NOTICE OF INVITATION FOR APPLICATIONS  
FOR PETROLEUM EXPLORATION PERMITS



AVAILABLE FOR APPLICATION SECTION 20(1) PETROLEUM (SUBMERGED LANDS) ACT 1967





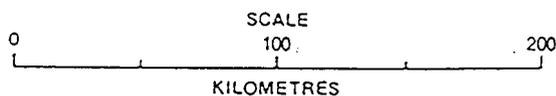
DEPARTMENT OF MINERALS AND ENERGY, WESTERN AUSTRALIA

PLAN TO ACCOMPANY

NOTICE OF INVITATION FOR APPLICATIONS  
FOR PETROLEUM EXPLORATION PERMITS



AVAILABLE FOR APPLICATION SECTION 20(1) PETROLEUM (SUBMERGED LANDS) ACT 1967



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**PLANNING**


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**PD401\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*CITY OF BELMONT*

TOWN PLANNING SCHEME NO. 11—AMENDMENT NOS. 97 & 99

Ref: 853/2/15/10, Pts. 97 & 99.

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 Belmont Town Planning Scheme Amendments on April 8, 1997 for the purpose of—

**AMENDMENT NO. 97**

rezoning Swan Location 7829 Gabriel Street, Cloverdale from Parks and Recreation to Residential A R20/R40 as detailed in the scheme amendment map.

**AMENDMENT NO. 99**

rezoning Swan Locations 12010 and 12011 Treave Street, Kewdale from Parks and Recreation to Residential A R20/R40 as detailed in the scheme amendment map.

P. PASSERI, Mayor.  
 B. R. GENONI, Chief Executive Officer.

**PD402**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*CITY OF CANNING*

TOWN PLANNING SCHEME NO. 40—AMENDMENT NO. 54

Ref: 853/2/16/44, Pt. 54.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the City of Canning Town Planning Scheme Amendment on April 8, 1997 for the purpose of—

1. Scheme Map Modification—

Designating 38 Vahland Avenue (Lot 57), Riverton, to indicate the additional use in Serial No. 66 of Appendix 5 to the Scheme Text.

2. Scheme Text Modification—

By adding the following to Appendix 5 (Schedule of Additional Uses)—

No.	Lot No.	Address	Additional Purpose for Which the Premises May be Used (any or all of the following uses)	Additional Development Requirements
66	57	38 Vahland Avenue Riverton	Health Centre for one medical or dental practitioner.	

M. S. LEKIAS, Mayor.  
 I. F. KINNER, Chief Executive Officer.

**PD403\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*CITY OF COCKBURN*

DISTRICT ZONING SCHEME NO. 2—AMENDMENT NO. 161

Ref: 853/2/23/19, Pt. 161.

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 Cockburn Town Planning Scheme Amendment on April 8, 1997 for the purpose of rezoning Lots 154 and 155 Rockingham Road and Lot 303 Kent Street, Spearwood from 'Residential R15' to 'Residential R40' zone.

R. A. LEES, Mayor.  
 R. W. BROWN, Chief Executive Officer.

PD404

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*CITY OF MELVILLE*

TOWN PLANNING SCHEME NO. 3—AMENDMENT NO. 135

Ref: 853/2/17/10, Pt. 135.

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 Melville Town Planning Scheme Amendment on April 8, 1997 for the purpose of—

Adding to Schedule 5 of Town Planning Scheme No. 3 of the following—

Serial No.	Lot No.	Street Locality	Special Conditions	Precinct
19	145	Canning Highway/Reynolds Road, Applecross	To permit the additional use of office subject to— (a) The development on the lot being residential in character. (b) Building to be single storey. (c) Signage being limited to window display for advertising purposes (as used by Real Estate Offices), and one pylon sign approximately 3m <sup>2</sup> in area. (d) Roof signs not being permitted. (e) Access to Reynolds Road only. (f) Floor space not to exceed 150m <sup>2</sup> .	A1

K. J. MAIR, Mayor.  
 J. J. McNALLY, Chief Executive Officer.

PD405

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*SHIRE OF BRIDGETOWN-GREENBUSHES*

TOWN PLANNING SCHEME NO. 3—AMENDMENT NO. 41

Ref: 853/6/5/3, Pt. 41.

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 April 8, 1997 for the purpose of—

1. Amending Table 1—Zoning Table, of the Scheme Text by changing the following use classes from being categorised as an 'X' use to being categorised as an 'AA' use in the Service Industry Zone—
  - Caretaker's House/Flat
  - Car Sales Premises
  - Dry Cleaning Premises
  - Industry—Light
  - Milk Depot
  - Office
  - Open Air Display
  - Petrol Filling Station
  - Service Station
  - Transport Depot
  - Truck Machinery Sales Premises
2. Amending Table 1—Zoning Table of the Scheme Text by changing 'Shop' from and 'X' to an 'IP' use in the Service Industry Zone.

S. GRANT, President.  
 I. BODILL, Chief Executive Officer.

**PD406\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*SHIRE OF GINGIN*

TOWN PLANNING SCHEME NO. 8—AMENDMENT NO. 48

Ref: 853/3/8/10, Pt. 48.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Gingin Town Planning Scheme Amendment on April 8, 1997 for the purpose of recoding Lot 65 Prince Street, Ledge Point from "Residential (R15)" to "Residential (R35)" as depicted on the Scheme (Amendment) Map.

M. E. MOLLER, President.  
 S. FRASER, Chief Executive Officer.

**PD407**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*SHIRE OF NANNUP*

TOWN PLANNING SCHEME NO. 1—AMENDMENT NO. 15

Ref: 853/6/17/1, Pt. 15.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Nannup Town Planning Scheme Amendment on April 8, 1997 for the purpose of—

1. Rezoning Nelson Location 6131 Barrabup Road, Nannup from 'Rural' to 'Special Rural'.
2. Introducing into "Schedule No. 5—Special Rural Zones—Provisions Relating to Specific Areas", the following landuse controls—

SCHEDULE NO. 5

SPECIAL RURAL ZONES—PROVISION RELATING SPECIFIED AREAS

(a) Specified Area of locality	(b) Special Provisions to refer to (a)
Nelson Location 6131, Barrabup Road, Nannup	<p><b>Subdivision</b></p> <ol style="list-style-type: none"> <li>1. Subdivision shall be generally in accordance with the Subdivision Guide Plan (numbered BY 95-62-8 and dated December 1996) adopted by Council and endorsed by the Shire Clerk.</li> <li>2. At the time of subdivision Council will request the Western Australian Planning Commission to consider a minimum lot size of 2ha for this Special Rural Zone.</li> <li>3. At the time of subdivision Council will request the Western Australian Planning Commission that no further subdivision of the lots shown on the guide plan should be permitted.</li> </ol> <p><b>Land Use</b></p> <ol style="list-style-type: none"> <li>4. The following uses are permitted "P"—               <ul style="list-style-type: none"> <li>—One dwelling and associated residential outbuildings.</li> <li>—Drainage.</li> </ul> </li> <li>5. The following uses are not permitted unless Council gives its special approval in writing "AA"—               <ul style="list-style-type: none"> <li>—Home Occupation.</li> <li>—Additional accommodation.</li> <li>—Family Home Day Care.</li> <li>—Public Utilities and Roads.</li> </ul> </li> <li>6. All other uses are not permitted "X".</li> </ol> <p><b>Building Envelopes</b></p> <ol style="list-style-type: none"> <li>7. All buildings and structures shall be contained within the prescribed building envelope.</li> </ol>

(a) Specified Area of locality	(b) Special Provisions to refer to (a)
	<p>8. Council may agree to vary a building envelope provided the envelope is not located—</p> <ul style="list-style-type: none"> <li>• Closer than 15 metres from any lot boundary (20 metres from lot boundaries when achievable);</li> <li>• Within the Fuel Reduction Area.</li> <li>• In a location where it is considered that any building will visually intrude on the landscape and rural character of the area.</li> </ul>
	<p><b>Services</b></p> <p>9. Prior to occupation of any dwelling, landowners are require to provide there own liquid and solid waste disposal systems to council's specification and satisfaction.</p> <p>10. The minimum vertical clearances between the underside of any leach drain and the highest known water table on any lot shall be 2.0 metres.</p> <p>11. Where achievable, septic tank and leach drain systems shall not be constructed closer than 100 metres from any well, stream or underground water source.</p> <p>12. A well license must be obtained from the Water Corporation prior to construction of a well or bore to draw groundwater.</p> <p>13. No dwelling house within this Special Rural Zone locality shall be occupied unless it is connected to a water storage tank of a minimum capacity of 92 000 litres, or to an alternative source of water approved by the Council.</p>
	<p><b>Bush Fire Protection</b></p> <p>14. Fuel reduction areas (areas clear of all flammable material with the exception of live trees) shall be maintained in the locations indicated on the Subdivision Guide Plan and around all buildings for a minimum distance of 20 metres or as the Council may consider reasonable having regard for the slope of the land and the general vegetation.</p> <p>15. At the time of subdivision the Council and Bush Fires Board will request the Western Australian Planning Commission to impose a condition requiring the subdivider to make satisfactory arrangements for adequate ongoing fire protection within the site.</p> <p>16. Fire breaks must be established around all lots to a width of 3 metres to allow access for fire fighting vehicles. All residue from clearing these fire breaks to be disposed of prior to the sale of the lot as necessary.</p> <p>17. No buildings to be established within 100 metres of State Forest, where achievable.</p> <p>18. All domestic water supply tanks to be fitted with a gate valve with 50 mm male thread to enable brigade appliances to draw water. The installation of these fittings to be positioned so as to leave 25% of the capacity of the water in the tank.</p>
	<p><b>Fencing</b></p> <p>19. Boundary fencing shall be post and six strand wire, 1.0 metre to 1.3 metres high or post and ringlock or similar approved by Council. Solid fencing such as super six or pickets shall not be permitted on boundaries and shall only be permitted in proximity to buildings where Council determines that it will not adversely effect the rural amenity of the area.</p>
	<p><b>Vegetation Protection &amp; Tree planting</b></p> <p>20. No trees or substantial vegetation shall be felled or removed from the site except where—</p> <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>

(a) Specified Area of locality	(b) Special Provisions to refer to (a)
	<p>21. On lots substantially denuded of natural vegetation by previous agricultural clearing, Council will require as a condition of building approval, the planting and maintenance of 50 trees and shrubs capable of growing to not less than three metres in height, to be maintained by the property owner. The planting shall be concentrated around the proposed buildings and in the areas indicated on the subdivision on the Subdivision Guide plan.</p> <p><b>Stocking Rates</b></p> <p>22. The Council may by the service of a notice on the owner of a lot in this area, impose a limit on the number and type of animals that may be kept on that lot. If the Council considers that there is a likelihood that adjoining owners will be inconvenienced, that there will be a loss of vegetation or amenity or land degradation will occur because of the presence of such animals, a notice may be served on the owner to remove some or all of the animals from the property. No pigs will be allowed.</p>

L. J. DICKSON, President.  
R. W. McClymont, Chief Executive Officer.

**PD408\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*SHIRE OF NORTHAMPTON*  
**TOWN PLANNING SCHEME NO. 4—AMENDMENT NO. 32**

Ref: 853/3/14/6, Pt. 32.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Northampton Town Planning Scheme Amendment on April 8, 1997 for the purpose of—

1. Rezoning Lots 825 and 824 Clotworthy Street to Tourist Development.
2. Modifying the Scheme Maps accordingly.
3. Modifying the Scheme Text by—
  - (a) Deleting from appendix number 5;
    - (1) 3 Pt Lot 8076 Nature Trail refer appendix 6  
Kalbarri—Ajana Road
  - (b) Deleting from Appendix No. 6 Special Site Development—Special Conditions: all provisions relating Purpose; Nature Trail.

C. H. ATKINSON, President.  
G. L. KEEFFE, Chief Executive Officer.

**PD409**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*SHIRE OF SERPENTINE-JARRAHDALE*  
**TOWN PLANNING SCHEME NO. 2—AMENDMENT NO. 63**

Ref: 853/2/29/3, Pt. 63.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Serpentine-Jarrahdale Town Planning Scheme Amendment on April 8, 1997 for the purpose of—

1. Amending the Scheme Map by rezoning Lot 183 Kargotich Road, Oakford from "Rural" to "Rural Living B".

## 2. Amending the Scheme Text by inserting in Appendix 4-B Special Provisions the following—

(A)	(B)
Specified Area of Locality	Special Provisions to Refer to Area Listed in Column (A)
<p>Lot 183 Kargotich Road, Oakford as delineated on the Scheme Amendment Map.</p>	<p>1. Within the Rural Living zone the following land uses are permitted at the discretion of the Council.</p> <p>Use classes permitted (P)—</p> <ul style="list-style-type: none"> <li>• Single House</li> <li>• Public Recreation</li> <li>• Public Utility</li> </ul> <p>Discretionary Uses (AA)—</p> <ul style="list-style-type: none"> <li>• Ancillary Accommodation</li> <li>• Home Occupation</li> <li>• Rural Use/Intensive</li> <li>• Agriculture</li> <li>• Stables</li> </ul> <p>All other use classes are prohibited.</p> <p>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.</p> <p>2. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water 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.</p> <p>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.</p> <p>4. Notwithstanding the obligations of the subdivider under Clause 5.12.9 (e) of the Scheme, the subdivider shall drain the land and provide drainage sumps in accordance with the Subdivision Guide Plan and/or Drainage Plan for the estate. Those easements required by the Council shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of the drains and sumps.</p> <p>5. 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 a lot(s) to a new owner.</p> <p>6. No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the developer 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, drainage systems, house driveways and/or to accommodate the discretionary uses identified under Provision 1.</p> <p>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 new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council.</p>

(A) Specified Area of Locality	(B) Special Provisions to Refer to Area Listed in Column (A)
	<p>8. The subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specifications and satisfaction of the local authority and the Bush Fires Board of WA. This will include contribution to Fire Fighting facilities in accordance with Council policy.</p> <p>9. At the time of 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.</p> <p>10. Notwithstanding the provisions of Clause 5.12.9(g), Council may approve the grazing of animals outside of the Building Envelope provided that the Council is satisfied that nutrient input to the land can be controlled to the satisfaction of the Department of Environmental Protection and that such will not result in the removal or damage of the vegetation and trees or result in soil erosion or dust pollution. As a condition of approval the Council may require the animals to be stabled or corralled. Where in the opinion of the Council the continued presence of animals on any portion of land in the estate is likely to contribute, or is contributing to dust pollution or soil erosion, notice may be served on the owner to the said land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.</p> <p>When notice has been served on a landowner in accordance with this Clause the Council may also require the land to be fully rehabilitated within 3 months of the serving of the notice.</p>

C. RANKIN, President.  
N. D. FIMMANO, Chief Executive Officer.

**PD410**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*TOWN OF KWINANA*  
**TOWN PLANNING SCHEME NO. 2—AMENDMENT NO. 47**

Ref: 853/2/26/3, Pt. 47.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Town of Kwinana Town Planning Scheme Amendment on April 8, 1997 for the purpose of—

- (a) Inserting the following in Appendix 1 (“Buildings, Objects and Places the Preservation of which should be encouraged”) after the listing for Sloans Cottage—  
“POSTANS COTTAGE—  
Location—Lot 123 Hendy Street, Hope Valley, south of Hope Valley Road.  
History—The cottage, although in a state of disrepair, is constructed of limestone blockwork. The cottage was constructed at about 1882 by George Postans (1830-1905) one of the early residents of Hope Valley and to whom the naming of Hope Valley is attributed. The land holdings formed part of the original Postans estate recorded as Cockburn Sound Location 241.”
- (b) Relocating the words “without first applying for and obtaining the Planning consent of Council under this Scheme” from Clause 3.3 (d) of the scheme and inserting it in Clause 3.3, after the words “on any Local Reserve.”
- (c) Adding the words “but without direct internal access to the principal dwelling” after the words “may be attached” in the third line of the Interpretation (Appendix 4) of the use “Aged and/or Dependent Persons Accommodation” and;

Simultaneously with the above deleting the words "unless physically attached to the principal residence and includes direct internal access" from Clause (a) of the Interpretation of the use Aged and/or Dependent Persons Accommodation."

- (d) Adding a new Interpretation in Appendix No. 4 (Interpretations) in alphabetic order to read; "Child Care Centre: Means land and buildings used for the purpose of a Child Care Centre in accordance with the "Community Services Act 1972", a Day care Centre in accordance with the Community services (Child Care) Regulations 1988 but does not include a Family Day Care Centre." and;

Listing the use alphabetically in Table No. 1 "Zoning and Use Classes" and annotate the use as permitted (P) within the Town Centre and Commercial Zone, discretionary use subject to advertising (SA) in the Residential zone and not permitted (X) in all other zones and;

Substituting the existing interpretation for the use "Family Day Care Centre" under Appendix 4 "Interpretations" with the following;

"Family Day Care Centre" means land and buildings used for the purpose of providing a child care service to a child in a private dwelling in a family or domestic environment in accordance with the Community Services (Child Care) Regulations 1988.

- (e) Amending Clause 2.1.1 by the addition after the words "in the form prescribed in Appendix 2" of the following words "or other such form as adopted from time to time by Council."
- (f) Amending Clause 13 of the First Schedule "Special Residential Zones" to read; "Fencing at or within the building envelope may at the discretion of Council be of a closed screening nature provided the condition scale and colour of the fence does not detract from the rural amenity of the area."
- (g) Deleting the words "including but without limiting the generality of foregoing, unpainted zincalume" from Clause 6 of the First Schedule "special residential zone."
- (h) Replacing the numbers 6.8, 6.9 and 6.10 with the numbers 6.9, 6.10, 6.11 respectively in the columns headed Special Residential, Special Rural and Special Use of Table No. 1 "Zoning and Use Classes."
- (i) Adding the words as new Policy Statements, "Tailing Ponds are not permitted," after the last existing Policy Statements in "Part IV—Policies and Zones" Clause 4.3 "Policies" in the following Policy Areas;

Area 1—Wandi

Area 2—Mortimer Road

Area 3—Thomas Road

Area 10—Postans South

Area 12—Medina West

Area 13—Leda West

- (j) Inserting a new Clause 8.6 under Part VIII—"Administration" to read;

**"8.6 PLANNING POLICIES:**

8.6.1 The Council may prepare a Planning Policy (herein after 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) Policies 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 the Policy, notifications 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 Policies 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) Preparation or 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 Approval 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.

J. H. D. SLINGER, Mayor.  
R. K. SMILLIE, Chief Executive Officer.

**PD411**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*TOWN OF KWINANA*  
**TOWN PLANNING SCHEME NO. 2—AMENDMENT NO. 50**

Ref: 853/2/26/3, Pt. 50.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Town of Kwinana Town Planning Scheme Amendment on April 8, 1997 for the purpose of—

1. Modifying Clause 3 of the Development Conditions of Special Rural Zone No. 15 within the Second Schedule by inserting—
 

“The keeping of Horses or stock within Special Rural Zone No. 15 is prohibited unless a management plan is drawn up and agreed to by Council. In considering a request to keep horses or stock Council may consult with the Department of Agriculture prior to approval being granted. Council may withdraw its permission for the keeping of horses or stock if in its opinion the number, type or management of stock has led or will lead to the degradation of the land or vegetation in which event livestock shall be removed at the direction of Council. Fences shall be erected in areas designated by Council to protect vegetation from grazing stock.”
2. Adding the following to Clause 6.10.4
 

“Stock

  - (o) The keeping of horses or stock within Special Rural Zones wherein it is permitted shall be subject to a management plan agreed to by Council. The management plan may include the limitation on numbers, areas from which horses or stock are to be excluded, fencing standards, or any other matter necessary to avoid soil, vegetation, landscape or environmental degradation.”
3. That reference to the keeping of horses be deleted from all subdivisional guide maps within Special Rural Zone No. 15 and that Council deal with the context of individual management plans.

J. H. D. SLINGER, Mayor.  
R. K. SMILLIE, Chief Executive Officer.

**PD412\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION**  
*CITY OF ARMADALE*  
**TOWN PLANNING SCHEME NO. 2—AMENDMENT NO. 133**

Ref: 853/2/22/4, Pt. 133.

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

1. rezoning Lot 10 corner Wygonda & Jarrah Roads and Lot 25 corner Wygonda and Dreyer Roads, Roleystone from “Residential R5” to “Office”; and
2. modifying the Town Planning Scheme Maps accordingly.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 7 Orchard Avenue, Armadale 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 May 30, 1997.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before May 30, 1997.

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.

A. F. MAXWELL, Acting Chief Executive Officer.

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**PD413\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

**TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

*CITY OF GOSNELLS*

**TOWN PLANNING SCHEME NO. 1—AMENDMENT NO. 467**

Ref: 853/2/25/1, Pt. 467.

Notice is hereby given that the local government of the City of Gosnells has prepared the abovementioned scheme amendment for the purpose of rezoning portion of Jandakot Agricultural Area Lot 119, Ranford Road, Canning Vale from 'Residential A' zone to 'Residential B' zone in accordance with the amendment map.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 2120 Albany Highway, Gosnells 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 May 30, 1997.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before May 30, 1997.

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

G. WHITELEY, Chief Executive Officer.

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**PD414\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

**TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

*CITY OF WANNEROO*

**TOWN PLANNING SCHEME NO. 1—AMENDMENT NO. 758**

Ref: 853/2/30/1, Pt. 758.

Notice is hereby given that the local government of the City of Wanneroo has prepared the abovementioned scheme amendment for the purpose of rezoning portion of Lot 1 (39) Country Club Boulevard, Connolly from Special Zone (Restricted Use) Golf Course to Residential Development R40.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Boas Avenue, Joondalup and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including May 30, 1997.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before May 30, 1997.

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.

L. DELAHAUNTY, Chief Executive Officer.

**PD415\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*SHIRE OF BROOME*

TOWN PLANNING SCHEME NO. 2—AMENDMENT NO. 136

Ref: 853/7/2/3, Pt. 136.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Broome Town Planning Scheme Amendment on April 10, 1997 for the purpose of—

1. rezoning portion of Lot 50 Coghlan Street from "Commercial and Local Reserve—Other Reserve" to "Residential R40"; and
2. Amending the Scheme Maps accordingly.

R. J. JOHNSTON, President.  
G. S. POWELL, Chief Executive Officer.

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**PD416\***

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

TOWN PLANNING SCHEME NO. 1—AMENDMENT NO. 16

Ref: 853/6/12/18, Pt. 16.

Notice is hereby given that the local government of the Shire of Harvey has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 6 Feast Place, Leschenault from "Special Residential" by adding the "Additional Use—Cattery" zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 102 Uduc Road, Harvey 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 May 30, 1997.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before May 30, 1997.

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

K. J. LEECE, Chief Executive Officer.

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**PD417\***

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

DISTRICT PLANNING SCHEME NO. 2—AMENDMENT NO. 183

Ref: 853/2/24/16, Pt. 183.

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

- (i) under column "Particulars of Land"  
"PICKERING BROOK ROAD, PICKERING BROOK  
Pat Lot 870 (542) and the north western portion of Lot 4 (550) Pickering Brook Road, Pickering Brook"
- (ii) under column "Additional Use"  
"Woodyard"

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 2 Railway Road, Kalamunda 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 May 30, 1997.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before May 30, 1997.

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. E. VAUGHAN, Chief Executive Officer.

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**PD418\***

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

TOWN PLANNING SCHEME NO. 9—AMENDMENT NO. 297

Ref: 853/2/21/10, Pt. 297.

Notice is hereby given that the local government of the Shire of Swan has prepared the abovementioned scheme amendment for the purpose of rezoning portion of Lot 239 Beach Road, Malaga from 'General Industrial' to 'Highway Service'.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Great Northern Highway (Corner Bishop Road), Middle Swan 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 May 30, 1997.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before May 30, 1997.

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.

E. W. LUMSDEN, Chief Executive Officer.

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**PD419\***

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

TOWN PLANNING SCHEME NO. 2—AMENDMENT NO. 55

Ref: 853/2/26/3, Pt. 55.

Notice is hereby given that the local government of the Town of Kwinana has prepared the abovementioned scheme amendment for the purpose of zoning Portion Reserve 30742 Canham Way to "Residential R40".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Gilmore Avenue, Kwinana 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 May 30, 1997.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before May 30, 1997.

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. K. SMILLIE, Chief Executive Officer.

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**PD701**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
APPROVED TOWN PLANNING SCHEME  
*CITY OF KALGOORLIE—BOULDER*  
TOWN PLANNING SCHEME NO. 1

Ref: 853/11/3/6.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of

Kalgoorlie-Boulder Town Planning Scheme No. 1 on April 3, 1997—the Scheme Text of which is published as a Schedule annexed hereto.

R. S. YURYEVICH, Mayor.  
P. A. ROB, Chief Executive Officer.

SCHEDULE  
CITY OF KALGOORLIE-BOULDER  
TOWN PLANNING SCHEME NO. 1  
SCHEME TEXT  
CONTENTS

**PART 1—PRELIMINARY**

- 1.1 CITATION
- 1.2 RESPONSIBLE AUTHORITY
- 1.3 SCHEME AREA
- 1.4 CONTENTS OF THE SCHEME
- 1.5 ARRANGEMENT OF SCHEME TEXT
- 1.6 SCHEME OBJECTIVES
- 1.7 REVOCATION OF EXISTING SCHEME
- 1.8 RELATIONSHIP WITH BY-LAWS
- 1.9 INTERPRETATION

**PART 2—RESERVES**

- 2.1 SCHEME RESERVES
- 2.2 PURPOSE OF RESERVATION
- 2.3 MATTERS TO BE CONSIDERED BY COUNCIL

**PART 3—ZONES**

- 3.1 CLASSIFICATION
- 3.2 ZONING TABLE
- 3.3 SYMBOLS
- 3.4 NO SYMBOL
- 3.5 PARTICULAR USES
- 3.6 USES NOT LISTED
- 3.7 ZONES NOT INCLUDED IN THE ZONING TABLE
- 3.8 GENERAL RESIDENTIAL ZONE
- 3.9 EXTENSIVE RESIDENTIAL ZONE
- 3.10 SPECIAL RESIDENTIAL ZONE
- 3.11 BUSINESS ZONES
- 3.12 INDUSTRIAL ZONES
- 3.13 FUTURE INDUSTRY ZONE
- 3.14 FREIGHT/TRANSPORT ZONE
- 3.15 FUTURE URBAN ZONE
- 3.16 SAFETY EXCLUSION ZONE
- 3.17 RURAL ZONE
- 3.18 DEVELOPMENT STANDARDS TABLE

**PART 4—GENERAL DEVELOPMENT REQUIREMENTS**

- 4.1 RESIDENTIAL PLANNING CODES
- 4.2 STORAGE OF CARAVANS AND BOATS IN RESIDENTIAL ZONES
- 4.3 PARKING OF COMMERCIAL VEHICLES WITHIN RESIDENTIAL ZONES
- 4.4 HOME OCCUPATION
- 4.5 CAR PARKING—STANDARDS OF PROVISION
- 4.6 DESIGN OF PARKING AREAS
- 4.7 CONSTRUCTION AND MAINTENANCE
- 4.8 CASH IN LIEU OF PROVISION OF CAR PARKING SPACES
- 4.9 SERVICE AREAS
- 4.10 ACCESS—VEHICULAR
- 4.11 ACCESS—PEDESTRIAN
- 4.12 ACCESS—DISABLED PERSONS
- 4.13 LANDSCAPING
- 4.14 BATTLE-AXE LOTS
- 4.15 EFFLUENT DISPOSAL
- 4.16 DEVELOPMENT OF STABLES
- 4.17 SECONDARY STREET SETBACKS FOR NON RESIDENTIAL DEVELOPMENT
- 4.18 DEVELOPMENT ADJOINING MAJOR ROAD RESERVES

**PART 5—SPECIAL CONTROLS**

- 5.1 SPECIAL APPLICATION OF RESIDENTIAL PLANNING CODES—GENERAL
- 5.2 SPECIAL APPLICATION OF THE RESIDENTIAL PLANNING CODES—ANCILLARY ACCOMMODATION
- 5.3 PROTECTION OF RESOURCES
- 5.4 PROTECTION OF SOILS

- 5.5 PROTECTION OF VEGETATION
- 5.6 HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE
- 5.7 CONSERVATION INCENTIVES
- 5.8 DENSITY BONUSES
- 5.9 PROTECTION OF TOWNSCAPE
- 5.10 CONTROL OF ADVERTISEMENTS
- 5.11 HEIGHT OF BUILDINGS
- 5.12 TOWER MASTS
- 5.13 MINING ACTIVITY

#### **PART 6—PLANNING APPROVAL**

- 6.1 REQUIREMENT FOR PLANNING APPROVAL
- 6.2 EXEMPTIONS FROM PLANNING APPROVAL
- 6.3 R CODE VARIATION TO A SINGLE HOUSE
- 6.4 FORM OF APPLICATION
- 6.5 INFORMATION TO BE PROVIDED
- 6.6 ADVERTISING OF APPLICATION
- 6.7 CONSULTATION WITH OTHER AUTHORITIES
- 6.8 ADVISORY COMMITTEES
- 6.9 MATTERS TO BE CONSIDERED BY COUNCIL
- 6.10 DETERMINATION OF APPLICATIONS
- 6.11 DEEMED REFUSAL
- 6.12 APPROVAL OF EXISTING DEVELOPMENTS
- 6.13 REVOCATION OF PLANNING APPROVAL

#### **PART 7—NON-CONFORMING USES**

- 7.1 NON-CONFORMING USE RIGHTS
- 7.2 EXTENSION OF NON-CONFORMING USE
- 7.3 CHANGE OF NON-CONFORMING USE
- 7.4 DISCONTINUANCE OF NON-CONFORMING USE
- 7.5 DESTRUCTION OF BUILDINGS
- 7.6 REGISTER OF NON-CONFORMING USES

#### **PART 8—ADMINISTRATION**

- 8.1 POWERS OF THE SCHEME
- 8.2 OFFENCES
- 8.3 NOTICES
- 8.4 COMPENSATION
- 8.5 ELECTION TO PURCHASE AND VALUATION
- 8.6 AUTHORISED ENTRY
- 8.7 RIGHTS OF APPEAL
- 8.8 PLANNING POLICIES
- 8.9 DELEGATION
- 8.10 AMENDMENTS TO THE SCHEME
  - SCHEDULE 1—INTERPRETATIONS
  - SCHEDULE 2—APPLICATION FOR PLANNING APPROVAL FORM
  - SCHEDULE 3—NOTICE OF PUBLIC ADVERTISEMENT OF PROPOSAL
  - SCHEDULE 4—DECISION ON APPLICATION FOR PLANNING APPROVAL
  - SCHEDULE 5—CONTROL OF ADVERTISEMENTS — ADDITIONAL INFORMATION SHEET
  - SCHEDULE 6—STATUTORY DECLARATION FORM — ANCILLARY ACCOMMODATION
  - SCHEDULE 7—NATIVE VEGETATION
  - SCHEDULE 8—EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 5.10
  - SCHEDULE 9—BOUNDARIES OF DISTRICT OF LAMINGTON
  - SCHEDULE 10—ADDITIONAL USES

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#### **CITY OF KALGOORLIE-BOULDER TOWN PLANNING SCHEME NO. 1**

The Council of the City of Kalgoorlie-Boulder, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 1928 hereby makes the following planning scheme for the purpose of—

- (a) controlling and coordinating public and private development;
- (b) conservation of community resources; and
- (c) other matters authorised by the enabling Acts,

for the improvement of living standards, welfare and quality of life within the City of Kalgoorlie-Boulder.

#### **PART 1—PRELIMINARY**

##### **1.1 CITATION**

This Town Planning Scheme may be cited as the *City of Kalgoorlie-Boulder Scheme No. 1* (hereinafter called 'the Scheme') and shall come into operation on the publication of the Scheme in the *Government Gazette*.

**NOTE—** 'Gazettal date' is defined in Schedule 1.

## 1.2 RESPONSIBLE AUTHORITY

The authority responsible for implementing the Scheme is the Council of the City of Kalgoorlie-Boulder (hereinafter called the Council).

**NOTE**— 'Council' is defined in Schedule 1.

## 1.3 SCHEME AREA

The Scheme applies to the municipal district of the City of Kalgoorlie-Boulder as shown by the Scheme area boundary on the Scheme map.

## 1.4 CONTENTS OF THE SCHEME

The Scheme comprises—

- (a) the Scheme text; and
- (b) the Scheme map.

## 1.5 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—Planning Approval
- Part 7—Non-conforming Uses
- Part 8—Administration

## 1.6 SCHEME OBJECTIVES

To ensure and promote the orderly and proper development of land while securing the amenity of and the best living and working environment for the residents of the City, and to direct and control the development of the Scheme area in such a way as shall promote and safeguard the health, safety and convenience and economic and general welfare of its inhabitants and the amenities of every part of the City.

## 1.7 REVOCATION OF EXISTING SCHEME

The City of Kalgoorlie-Boulder Joint Town Planning Scheme published in the *Government Gazette* on 15 January 1974 as amended and the Shire of Boulder Town Planning Scheme No. 2 published in the *Government Gazette* on 19 April 1985 and all amendments thereto are hereby revoked.

## 1.8 RELATIONSHIP WITH BY-LAWS

Where a provision of the Scheme is inconsistent with a provision of a by-law, the provision of this Scheme prevails.

## 1.9 INTERPRETATION

- (1) Words and expressions used in the Scheme shall have the respective meanings given to them in Appendix 1 or elsewhere in the Scheme and the Residential Planning Codes.
- (2) 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.
- (3) Words and expressions used in the Scheme but not defined in Schedule 1, elsewhere in the Scheme or in the Residential Planning Codes shall have their normal and common meanings.

## PART 2—RESERVES

### 2.1 SCHEME RESERVES

#### Objectives

- (a) To establish an integrated system of public open space throughout the urban area.
- (b) To facilitate the provision of education, health and welfare services for all age and social groups at accessible locations throughout the City, in an equitable manner.
- (c) To achieve an efficient relationship between land uses and available utility services.
- (d) To facilitate a high level of amenity and environmental quality in the supply of required utility services.

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.

- Major Highway
- Principal Urban Arterial
- Urban Arterial
- Local Distributor
- Railway
- Parks and Recreation
- Conservation
- Airport
- Public purpose

## 2.2 PURPOSE OF RESERVATION

The purposes for which lands are reserved are shown on the Scheme map, together with any qualification of that purpose. In respect of land reserved under this Scheme but not owned by or vested in the Council or a public authority, it should not be implied that by reason of the reservation the Council or the public authority will acquire or will be in a position to acquire the land at the Gazettal date or within any specified period of that date.

**NOTE**—‘Gazettal date’ is defined in Schedule 1.

## 2.3 MATTERS TO BE CONSIDERED BY COUNCIL

Where an application for planning approval is made with respect to land within a reserve, the Council shall have regard to the 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 making its determination.

## PART 3—ZONES

### 3.1 CLASSIFICATION

(1) The Scheme area is classified and divided into the following zones—

- Residential Zones
  - General Residential Zone
  - Extensive Residential Zone
  - Special Residential Zone
- Business Zones
  - Central Business Zone
  - District Business Zone
  - Local Business Zone
  - Mixed Business Zone
- Industrial Zones
  - General Industry Zone
  - Service/Light Industry Zone
  - Future Industry Zone
- Transport/Freight Zone
- Future Urban Zone
- Tourist Zone
- Safety Exclusion Zone
- Service Station Zone
- Hotel Zone
- Motel Zone
- Rural Zone

(2) The zones are delineated and depicted upon the Scheme map and identified according to the legend on the Scheme map.

### 3.2 ZONING TABLE

(1) Subject to the provisions of the Scheme, the Zoning Table indicates the permissibility or otherwise of uses in the various zones.

(2) The permissibility of any use is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

**NOTE**—The ‘Zoning Table’ is set out in Table 1 and follows clause 3.7.

### 3.3 SYMBOLS

The symbols used in the Zoning Table have the following meanings—

- “P” means that the use is permitted;
- “AA” means that the Council may, in its discretion, permit the use and, prior to making a determination, require the procedures set out in clause 6.6 to be complied with;
- “SA” means that the Council may, in its discretion, permit the use, however, prior to making a determination, shall require the procedures set out in clause 6.6 to be complied with;
- “IP” means a use that is not permitted unless such use is incidental to the predominant use made or to be made of the land.

### 3.4 NO SYMBOL

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

### 3.5 PARTICULAR USES

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

**3.6 USES NOT LISTED**

If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table the Council may—

- (a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted;
- (b) determine, by absolute majority, that the proposed use may be consistent with the objectives and purposes of the zone and require the procedures set out in clause 6.6 to be complied with before considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

**3.7 ZONES NOT INCLUDED IN THE ZONING TABLE**

The following zones are specified in the Scheme but are not included in the Zoning Table—

- (a) Within the Safety Exclusion Zone land may not be developed for any purpose unless the land is owned by Kalgoorlie-Consolidated Gold Mines.

**NOTE**—‘Super Pit Gold Mine’ is defined in Schedule 1.

- (b) Within the Service Station Zone land may only be used for a service station.
- (c) Within the Hotel Zone land may only be used for an hotel.
- (d) Within the Motel Zone land may only be used for a motel.
- (e) Within the Future Urban Zone land may only be used for purposes associated with the zones delineated in the outline development plan of this zone.

**NOTE**—The requirements for an outline development plan in this Zone are set out in clause 3.15.

- (f) Within the Future Industry Zone land may only be used for purposes associated with the zones delineated in the outline development plan of this zone.

**NOTE**—The requirements for an outline development plan in this Zone are set out in clause 3.13.

**TABLE 1— ZONING TABLE**

USE CLASSES	General Residential	Extensive Residential	Special Residential	Central Business	District Business	Local Business	Mixed Business	General Industry	Service/Light Industry	Transport/Freight	Tourist	Rural
1. Abattoir												SA
2. Amenity Building				IP	IP	IP	IP	IP	IP	IP	IP	IP
3. Amusement Facility				IP	IP	IP	IP					
4. Amusement Parlour				AA	AA	AA	AA					
5. Ancillary Accommodation	P	P	SA	AA	AA	AA	AA					AA
6. Auction Mart				P	P		P	AA	AA			
7. Automotive Hire				P	AA		P	AA	AA			
8. Auto Panel Beating/Spray Painting								P	P	IP		
9. Automotive Repairs							AA	P	P	IP		
10. Automotive Sales				P			P	AA	AA			
11. Automotive Wrecking								AA	AA			
12. Betting Agency				P	AA		AA					
13. Boarding House	AA			AA			AA					
14. Builders Yard								P	AA			
15. Camping Facility											AA	AA
16. Caravan Park											P	
17. Caretakers Dwelling	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP
18. Car Park				P	P	P	P	AA	AA		AA	
19. Car Wash				P	P	AA	P	P	P	IP		
20. Cat Boarding Facility			SA					SA	SA			AA
21. Cemetery/Crematoria												SA
22. Child Day Care Centre	SA	SA		AA	AA	AA	AA					
23. Child Family Care Centre	SA	SA		AA	AA	AA	AA					
24. Cinema / Theatre				AA	AA		AA					AA
25. Civic Building				P	P	SA	P	AA	AA		AA	
26. Community Health Centre	AA			P	P	P	P					
27. Consulting Rooms (Medical)	AA			P	P	P	P					
28. Convenience Store				SA	SA	SA	SA					
29. Depot							AA	P	P	P		
30. Display Home Centre	AA											
31. Dog Boarding Facility		SA						SA	SA			AA

## USE CLASSES

	General Residential	Extensive Residential	Special Residential	Central Business	District Business	Local Business	Mixed Business	General Industry	Service/Light Industry	Transport/Freight	Tourist	Rural
32. Dry-cleaning Agency				P	P	P	P					
33. Dry-cleaning Premises				AA	AA	AA	AA	P	P			
34. Dwelling—Single Residential	P	P	P				AA				IP	P
35. Dwelling—Grouped Housing	AA			AA	AA		AA				AA	
36. Dwelling—Multiple Housing	AA			AA	AA		AA				AA	
37. Dwelling—Aged or Dependant	AA			AA	AA							
38. Dwelling—Single Bedroom	AA			AA	AA		AA					
39. Educational Establishment	AA	SA		AA	AA		AA					
40. Equestrian Centre		SA										AA
41. Factory Unit Building							AA	P	P			
42. Fast Food Outlet				P	P	P	P					
43. Fish Shop				AA	AA	AA	AA					
44. Fuel Depot								AA	AA	IP		AA
45. Funeral Parlour				P	AA		P					
46. Garden Centre		SA		P	P	P	P		AA			
47. Health Studio/Centre				P	P	P	P					
48. Hire Premises—Industrial								P	P			
49. Hire Premises—Non-industrial				P	P	P	P					
50. Home Occupation	AA	AA	AA									
51. Hospital				AA	AA		AA					
52. Hotel				AA	AA		AA				AA	
53. Industry—Extractive												AA
54. Industry—General								P				IP
55. Industry—Hazardous												SA
56. Industry—Light							AA	AA	P			IP
57. Industry—Noxious												
58. Industry—Rural												P
59. Industry—Service							AA	AA	P			
60. Kindergarten	AA			AA	AA		AA					
61. Laundromat				P	P	P	P					
62. Liquor Store				P	P	AA	AA					
63. Lodging House	SA			P	P		P					
64. Lunch Bar				P	P	P	P					
65. Marine Collectors yard								P	P	SA	SA	
66. Market				P	P	P	P					
67. Medical Centre	SA			P	P	AA	AA					
68. Motel				AA	AA		AA				AA	
69. Museum				P	P		P				AA	
70. Night Club				P	P							
71. Nursery		SA			AA	AA	AA	AA	AA			AA
72. Occasional Uses	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA
73. Office				P	P	AA	P	IP	IP	IP	IP	
74. Out-Building	P	P	P	P	P	P	P	P	P	P	P	P
75. Open Air Display							AA	AA	AA			
76. Petrol Filling Station				SA	SA	SA	SA	AA	AA	AA		
77. Private Hotel	SA			AA	AA		AA					AA
78. Private Recreation	SA	SA		AA	AA	SA	AA					AA
79. Public Amusement				AA	AA	SA	AA					AA
80. Public Assembly (place of)				AA	AA		AA					
81. Public Recreation	SA	AA		AA	AA	SA	AA				AA	
82. Public Utility	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA
83. Public Worship (place of)	SA	SA		AA	AA		AA					
84. Radio Equipment	SA	SA	SA	AA	AA	AA	AA			IP		AA
85. Radio and TV Installation				P	AA		AA					AA
86. Reception Centre				P	P		AA				AA	
87. Recreation Facility				AA	AA	SA	AA				AA	
88. Residential Building	SA			AA	AA		AA					
89. Restaurant				P	P	P	P				P	
90. Restricted Premises				SA								
91. Rural Pursuit												P
92. Salvage Yard								AA	AA			
93. Service Station				SA	SA	SA	SA	AA	AA	AA		SA
94. Shop				P	P	P	IP	IP	IP			IP
95. Showroom				AA	AA		P	AA	IP			

USE CLASSES	General Residential	Extensive Residential	Special Residential	Central Business	District Business	Local Business	Mixed Business	General Industry	Service/Light Industry	Transport/Freight	Tourist	Rural
96. Solid Fuel Depot								AA	AA			AA
97. Sportsground	SA	SA		AA	AA						AA	
98. Squash Courts	SA			P	P	P	P				AA	
99. Stables	SA	AA	AA					SA	SA	SA		AA
100. Tavern				AA	AA	AA					AA	
101. Transport Depot							AA	P	P	P		SA
102. Transportable Dwelling	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA
103. Veterinary Consulting Rooms	SA			P	P	P	P					
104. Veterinary Hospital				AA	AA	AA	AA		AA			SA
105. Warehouse							P	P	P	IP		
106. Zoological Gardens											AA	AA

### 3.8 GENERAL RESIDENTIAL ZONE

#### Objective

- To maintain the character and architectural integrity of the existing residential environment.
- To enhance the character and amenity of existing residential areas.
- To facilitate new residential development of a style and character compatible with existing residential development.
- To facilitate a high standard of residential development while providing housing choice, suited to need and affordability.

- Primary or sole vehicular access from a private street or right of way is not permitted.
- An objective of this Zone is to encourage the design of new residential dwellings in the predominant architectural style of the Goldfields.
- Where the Council considers a residential design to be incompatible with the predominant architectural style or streetscape it may impose conditions relating to design and construction materials upon any planning approval.

### 3.9 EXTENSIVE RESIDENTIAL ZONE

- Only single residential development shall be permitted.

**NOTE**—'Development' is defined in Schedule 1.

- No remnant vegetation shall be removed otherwise than in accordance with the planning approval of the Council.
- Keeping stock is permitted subject to compliance with the requirements of all by-laws made under the Health Act as amended in relation to the keeping of stock.
- All trees and vegetation shall be protected from grazing by stock and the Council may require fencing to ensure protection is maintained.
- All buildings, including any residence, sheds and other outbuildings shall be clustered where possible.

### 3.10 SPECIAL RESIDENTIAL ZONE

- The residential density in the special residential zone shall be R5.
- Only single residential development shall be permitted.
- Where stables are approved by Council in a Special Residential Zone Clause 3.9 (3) shall apply.

### 3.11 BUSINESS ZONES

#### Objective

- To facilitate a variety of both retail convenience and comparison centres and office development within the City in locations appropriate to such activities.
- To facilitate the continued growth of the city centre with a multiplicity of land uses and activities, forming the focus of the municipality.

#### Residential Development

- Where residential development is proposed as a single use only, the standards contained in the R Codes shall apply unless otherwise determined by the Council.
- Where residential development is proposed in addition to non-residential development unless otherwise determined by the Council, the standards contained in the R Codes, shall apply to the residential component and the standards contained within this Scheme for the non-residential use proposed shall apply to the non-residential component.

**Landscaping**

(3) A minimum of 5 per cent of the development area is to be provided as landscaped area in accordance with clause 4.13 for all development unless otherwise specified in the Development Standards Table.

**NOTE—**

1. *'Landscape', 'landscaping' and 'landscaped area' are defined in Schedule 1.*

2. *The Development Standards Table is set out in Table 2 and follows clause 3.17.*

(4) Planning approval of a development involving the provision of landscaping is taken to be subject to a condition—

- (a) requiring its continued maintenance; and
- (b) that the approved development shall not be used or occupied until the required landscaping has been provided.

**Architectural Style/Facades**

(5) In the Central Business and District Business Zones, the Council may impose conditions relating to design, materials and finish upon any proposed development to ensure compatibility with the existing general architectural style.

(6) The facade of any development fronting Hannan Street within the Central Business Zone or Burt Street within the District Business Zone shall reflect and be compatible with the predominant existing streetscape and architectural style and the Council may impose conditions or require works relating to the height, design, materials and finish of the proposed development.

**Setbacks**

(7) Notwithstanding the Development Standards Table but subject to subclause (10) the Council may permit a non-residential development in the Central Business or District Business Zones to have a nil setback to any boundary if it is of the opinion that this will not prejudicially affect the amenity of surrounding properties.

(8) The Council may permit a commercial development in the mixed Business Zone to have a nil frontage setback if it fronts a service road and it is of the opinion that it will not prejudicially affect the amenity of surrounding properties.

(9) To protect and maintain the existing streetscape, all buildings on any lot abutting Hannan Street between Lane Street and the Eastern Bypass Road and Burt Street between Lionel and Hamilton Streets shall have a nil setback to the street unless otherwise approved by the Council.

(10) A person shall not use the land between the street alignment and the required setback for any purpose other than one or more of the following—

- (a) a means of access and egress;
- (b) the parking of vehicles used by employees and customers;
- (c) the loading and unloading of vehicles;
- (d) open air display where approved by the Council; or
- (e) landscaping.

(11) Without limitation the land, the street alignment and the required setback shall not be used for the parking of vehicles which are being wrecked or repaired, or for the stacking or storage of fuel, raw materials, products, by-products or wastes.

**Refuse and Storage Areas**

(12) Provision shall be made for one or more areas for the storage of any matter including refuse in any development.

(13) The refuse or storage areas shall be—

- (a) screened from view to the satisfaction of the Council;
- (b) located not less than 10.0 metres from any residential building which is situated on an adjoining lot unless the area is fully enclosed;
- (c) accessible to service vehicles; and
- (d) of an internal floor area that is in accordance with the City of Kalgoorlie-Boulder Health By-law 1994 (as amended).

**3.12 INDUSTRIAL ZONES****Objective**

- (a) To nurture existing and encourage new industries compatible with the amenity of the City.
- (b) To facilitate diversification of industry to provide greater local economic stability and a range of employment opportunities.

**Landscaping**

(1) A minimum of 5 per cent of the lot area or the standard specified for a particular use in the Development Standards Table, whichever is the greater, is to be provided as landscaped area in accordance with clause 4.13.

**NOTE—**

1. *The Development Standards Table is set out in Table 2 and follows clause 3.17.*

2. *'Landscape', 'landscaping' and 'landscaped area' are defined in Schedule 1.*

(2) The landscaped area shall comprise a minimum of 2 metres in width along all street frontages.

(3) Landscaping of lots shall comprise native species selected from those listed in Schedule 7 or as otherwise approved by Council.

**Facades**

(4) All facades of buildings fronting roads shall be of masonry, plate glass or other material approved by the Council.

**3.13 FUTURE INDUSTRY ZONE****Purpose**

(1) The purpose of this Zone is to identify land suitable for future industrial development in accordance with an outline development plan approved by both the Council and the Western Australian Planning Commission.

**Applicable Standards**

(2) Upon approval of an outline development plan the land shown in that plan shall comply with the standards and requirements of an Industry Zone.

**Outline Development Plan**

(3) The Development Plan shall show—

- (a) the topography of the area,
- (b) the vegetation of the area,
- (c) the existing major road system,
- (d) the location and width of proposed roads,
- (e) the proposed land use pattern,
- (f) the proposed subdivision of the land,
- (g) the proposed allocation of public purpose land,
- (h) the coordination of subdivision and development with adjoining properties,
- (i) the layout of stormwater drainage and other services,
- (j) any identified constraints to development, and
- (k) such other information as shall be required by the Council.

(4) When a Development Plan has been prepared to the satisfaction of Council, the Council shall—

- (a) notify in writing all servicing authorities and each owner of land affected by the Plan and
- (b) advertise for public comment the existence of the Plan and
- (c) invite each owner, the public and service authorities to make a submission to Council regarding any aspect of the Plan, of interest.

(5) The Council shall specify a time within which submissions will be received, but the time shall not be less than 28 days from the date of notification described in Sub-Clause 3.13 (4).

(6) The Council shall consider any submission made under Sub-Clauses 3.13 (4) and 3.13 (5) and may reject, amend or adopt the Development Plan after consideration of such submissions.

(7) The Council shall—

- (a) subsequently forward the Development Plan to the Western Australian Planning Commission together with a precis of, and the Council's decision in relation to each submission received in respect of the Plan, and
- (b) request the Commission to adopt the plan submitted as the basis for approval of subdivision applications and development within the area covered by the Plan.

(8) A departure from or alteration to the Development Plan may, subject to the approval of the Western Australian Planning Commission, be permitted if the Council considers that the proposed departure or alteration will not prejudice the progressive subdivision and development of the area the subject of the Plan.

(9) An applicant aggrieved by a decision of the Council or the Commission in respect of a decision made under Sub-Clause 3.13 (6) and/or Sub-Clause 3.13 (7b) under the Scheme may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.

(10) Following adoption of a Development Plan required under the provisions of Sub-Clause 3.13 (1) and by the Western Australian Planning Commission, Council may approve or indicate support to development and/or subdivision consistent with the adopted plan.

(11) The Outline Development Plan provides the zoning basis for the land and no Scheme Amendment is required.

**3.14 FREIGHT/TRANSPORT ZONE****Objective**

(1) To provide for the development of the City as the premier inland transport and freight interchange hub in Western Australia.

**Purpose**

(2) The purpose of this Zone is to identify land suitable for future development to service the Freight/Transport industry in accordance with an outline development plan approved by both the Council and the Western Australian Planning Commission.

**Applicable Standards**

(3) Upon approval of an outline development plan the land shown in that plan shall comply with the standards and requirements of an Industry Zone.

**Outline Development Plan**

(4) The Development Plan shall show—

- (a) the topography of the area,
- (b) the vegetation of the area,
- (c) the existing major road system,
- (d) the location and width of proposed roads,
- (e) the proposed land use pattern,
- (f) the proposed subdivision of the land,
- (g) the proposed allocation of public purpose land,
- (h) the coordination of subdivision and development with adjoining properties,
- (i) the layout of stormwater drainage and other services,
- (j) any identified constraints to development,
- (k) such other information as shall be required by the Council.

(5) When a Development Plan has been prepared to the satisfaction of Council, the Council shall—

- (a) notify in writing all servicing authorities and each owner of land affected by the Plan and
- (b) advertise for public comment the existence of the Plan and
- (c) invite each owner, the public and service authorities to make a submission to Council regarding any aspect of the Plan, of interest.

(6) The Council shall specify a time within which submissions will be received, but the time shall not be less than 28 days from the date of notification described in Sub-Clause 3.13 (4).

(7) The Council shall consider any submissions made under Sub-Clauses 3.13 (4) and 3.13 (5) and may reject, amend or adopt the Development Plan after consideration of such submissions.

(8) The Council shall—

- (a) subsequently forward the Development Plan to the Western Australian Planning Commission together with a precis of, and the Council's decision in relation to each submission received in respect of the Plan, and
- (b) request the Commission to adopt the plan submitted as the basis for approval of subdivision applications and development within the area covered by the Plan.

(9) A departure from or alteration to the Development Plan may, subject to the approval of the Western Australian Planning Commission, be permitted if the Council considers that the proposed departure or alteration will not prejudice the progressive subdivision and development of the area the subject of the Plan.

(10) An applicant aggrieved by a decision of the Council or the Commission in respect of a decision made under Sub-Clause 3.13 (6) and/or Sub-Clause 3.13 (7b) under the Scheme may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.

(11) Following adoption of a Development Plan required under the provisions of Sub-Clause 3.13 (1) and by the Western Australian Planning Commission, Council may approve or indicate support to development and/or subdivision consistent with the adopted plan.

(12) The Outline Development Plan provides the zoning basis for the land and no Scheme Amendment is required.

**3.15 FUTURE URBAN ZONE****Purpose**

(1) The purpose of this Zone is to identify land suitable for future urban development in accordance with an outline development plan approved by both the Council and the Western Australian Planning Commission.

**Applicable Standards**

(2) Upon approval of an outline development plan the land shown in that plan shall comply with the standards and requirements of an Industry Zone.

**Outline Development Plan**

- (3) The Development Plan shall show—
- (a) the topography of the area,
  - (b) the vegetation of the area,
  - (c) the existing major road system,
  - (d) the location and width of proposed roads,
  - (e) the proposed land use pattern,
  - (f) the proposed subdivision of the land,
  - (g) the proposed allocation of public purpose land,
  - (h) the coordination of subdivision and development with adjoining properties,
  - (i) the layout of stormwater drainage and other services,
  - (j) any identified constraints to development,
  - (k) such other information as shall be required by the Council.
- (4) When a Development Plan has been prepared to the satisfaction of Council, the Council shall—
- (a) notify in writing all servicing authorities and each owner of land affected by the Plan and
  - (b) advertise for public comment the existence of the Plan and
  - (c) invite each owner, the public and service authorities to make a submission to Council regarding any aspect of the Plan, of interest.
- (5) The Council shall specify a time within which submissions will be received, but the time shall not be less than 28 days from the date of notification described in Sub-Clause 3.13 (4).
- (6) The Council shall consider any submissions made under Sub-Clauses 3.13 (4) and 3.13 (5) and may reject, amend or adopt the Development Plan after consideration of such submissions.
- (7) The Council shall—
- (a) subsequently forward the Development Plan to the Western Australian Planning Commission together with a precis of, and the Council's decision in relation to each submission received in respect of the Plan, and
  - (b) request the Commission to adopt the plan submitted as the basis for approval of subdivision applications and development within the area covered by the Plan.
- (8) A departure from or alteration to the Development Plan may, subject to the approval of the Western Australian Planning Commission, be permitted if the Council considers that the proposed departure or alteration will not prejudice the progressive subdivision and development of the area the subject of the Plan.
- (9) An applicant aggrieved by a decision of the Council or the Commission in respect of a decision made under Sub-Clause 3.13 (6) and/or Sub-Clause 3.13 (7b) under the Scheme may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.
- (10) Following adoption of a Development Plan required under the provisions of Sub-Clause 3.13 (1) and by the Western Australian Planning Commission, Council may approve or indicate support to development and/or subdivision consistent with the adopted plan.
- (11) The Outline Development Plan provides the zoning basis for the land and no Scheme Amendment is required.

**3.16 SAFETY EXCLUSION ZONE****Objective**

- (a) To provide a buffer between the Super Pit Gold Mine and the urban area in order to maintain the safety, health and welfare of surrounding residents and the population in general.
- (b) To allow for the continuing development and operation of the Super Pit Gold Mine with minimum impact upon the amenity of the adjoining urban and residential areas.

**Purpose**

- (1) The purpose of the Safety Exclusion Zone is to reduce the level of risk associated with open cut mining activity. In recognition of this purpose the Council supports and encourages the acquisition of land within the Safety Exclusion Zone by Kalgoorlie-Consolidated Gold Mines.

*NOTE—'Super Pit Gold Mine' is defined in Schedule 1.*

**Matters for Consideration**

- (2) Within the Safety Exclusion Zone Council shall only consider applications for planning approval made by Kalgoorlie-Consolidated Gold Mines.

- (3) In determining any application for planning approval the Council shall have regard to—
- (a) the purpose of the Safety Exclusion Zone;
  - (b) the health, safety and welfare of surrounding residents and the general population;
  - (c) the requirements of the tenement holder; and
  - (d) alternative sites for new development proposed within the Safety Exclusion Zone or the extension of existing development within the Safety Exclusion Zone.

#### **Development**

(4) Development shall only be permitted where that development is on land owned by Kalgoorlie-Consolidated Gold Mines.

#### **Conditions**

(5) Without limitation the Council may impose conditions of planning approval in relation to visual, noise or dust abatement measures to be implemented.

#### **Residential Development**

(6) No new residential development shall be permitted other than—

- (a) a caretaker's residence;
  - (b) mining workforce accommodation comprising temporary transportable accommodation.
- (7) Where residential development existing at the Gazettal date is located within the Safety Exclusion Zone and is not in immediate risk from the hazards associated with the mining activity the residential development may remain subject to the agreement of Kalgoorlie-Consolidated Gold Mines and to the implementation of appropriate safety measures. Where Kalgoorlie-Consolidated Gold Mines object to this continuing use the provisions of sub-clause 3.16(8) shall apply.

#### **General Development**

(8) Where buildings, residences, or land uses located within the Safety Exclusion Zone are considered to be at risk from the hazards associated with the mining activity, such buildings, residences or land uses shall be removed and/or relocated to the satisfaction of Council. The costs of this removal and/or relocation shall be met by Kalgoorlie-Consolidated Gold Mines.

(9) Non-residential uses may be approved by the Council provided that the purpose, safety and amenity of the Zone shall not be compromised.

### **3.17 RURAL ZONE**

#### **Objective**

- (a) To provide for the development of rural activity as appropriate.
  - (b) To provide for the development of mining activity as appropriate.
  - (c) To protect land from urban uses that may jeopardise the future use of that land for priority mining and rural uses.
  - (d) To accommodate the development of isolated communities including Aboriginal and railway settlements.
- (1) General Development
- (a) Development within the Rural Zone shall comply with the above objectives.
  - (b) Development within the Rural Zone shall comply with such requirements as may be determined by the Council relative to the proposed use and any necessary public utility infrastructure.

#### **(2) Urban Development**

To cater for urban development beyond the Kalgoorlie-Boulder urban area—

- (a) within the rural zone the range of residential, commercial, industrial and recreational activities acceptable in an urban area, as determined by the Council, may be approved by the Council, subject to—
  - (i) such development being no closer than thirty (30) kilometres from the Kalgoorlie-Boulder urban area as determined by the Council,
  - (ii) such development being related to mining activity, the trans-Australia Rail Line, Aboriginal communities, a major regional highway, tourist activity or an aircraft landing area,
  - (iii) a planning application being submitted as per the requirements of Part 6 of this Scheme,
- (b) in determining a proposal for development under Clause 3.16(2) (a), the Council may impose conditions in relation to any matter it considers appropriate.

### **3.18 DEVELOPMENT STANDARDS TABLE**

- (1) The Development Standards Table specifies the standards and requirements with which the various uses permitted within the Scheme area must comply.
- (2) Subject to the provisions of this Scheme, no person shall develop or use any land or building in any zone within the Scheme area for any of the purposes mentioned in the Zoning Table unless such development or building is in conformity with the provisions of the Scheme and the standards set out in the Development Standards Table.
- (3) Where a particular use is not mentioned in the Development Standards Table, the development requirements shall be determined by the Council.
- (4) Where an application is for more than one use on the same site and different standards apply for each use, subject to the provisions of this Scheme, the Council will determine what standard shall apply.

DEVELOPMENT STANDARDS TABLE - TABLE NO. 2

Landuse or Development	Minimum Setbacks			Maximum Plot Ratio	Maximum Site Coverage	Parking	Landscaping	Special Conditions
	Street	Side	Rear					
Automotive Sales/Hire	9m	BCA	BCA	.6	60%	One bay every 50m <sup>2</sup> GFA up to 200m <sup>2</sup> , thereafter one bay every 200m <sup>2</sup> GFA or part thereof	10% of lot area with a minimum 1m landscaping strip along all street frontages	
Childminding facility/ Kindergarten	6m	3m	6m	.3	30%	One bay for every staff member and one bay for every four children attending	30% of lot area	
Consulting Rooms (Medical)	7.5m	1m	6m	.3	30%	One bay for every staff member and a minimum of five bays for patients or one bay per consulting room whichever is the greater	10% of lot area	
Fast Food Outlet	Nil in Central Business Zones	Nil in Central Business & District Business Zones		1.0 in Central and District Business Zones	100% in Central & District Business Zones	As above	5% of lot area	
	9m	3m	6m	.4	40%	One bay for every 10m <sup>2</sup> GFA or part thereof or one bay every four seats provided whichever is greater	10% of lot area	
Health Studio/Centre	Nil in Central & District Business Zones	Nil in Central & District Business Zones		1.0 in Central and District Business Zones	100% in Central & District Business Zones	As above	5% of lot area	
	9m	BCA	BCA	.4	40%	One bay for every 20m <sup>2</sup> GFA (including swimming pools) or part thereof	10% of lot area	
Hotel	Nil in Central & District Business Zones	Nil in Central & District Business Zones		1.0 in Central and District Business Zones	100% in Central & District Business Zones	As above	5% of lot area	
	10m	5m per storey	10m	1.0	50%	One bay per bedroom plus one for every 5m <sup>2</sup> of bar and public area	10% of lot area	
	Nil in Central & District Business Zones	Nil in Central & District Business Zones		2.0 in Central and District Business Zones	100% in Central & District Business Zones	As above	5% of lot area	

Landuse or Development	Minimum Setbacks			Maximum Plot Ratio	Maximum Site Coverage	Parking	Landscaping	Special Conditions
	Street	Side	Rear					
Industry-General (Single Occupancy)	9m	BCA	BCA	.6	60%	One bay for every 100m <sup>2</sup> GFA or part thereof	5% of lot area with a minimum 2m strip along all street frontages	
Industry - Service/Light (Single Occupancy)	9m	BCA	BCA	.6	60%	One bay for every 50m <sup>2</sup> GFA up to 200m <sup>2</sup> then one bay every 100m <sup>2</sup> thereafter or part thereof	5% of lot area with a minimum 2m strip along all street frontages	
Industrial Unit Building (Multiple Occupancy)	9m	Parapet 1 side 6m the other side	BCA	.5	50%	Two bays per industrial unit or one bay for every 100m <sup>2</sup> or part thereof GFA whichever is greater	5% of lot area with a minimum 2m strip along all street frontages	
Medical Centre	9m	BCA	BCA	.4	40%	Five bays per practitioner	5% of lot area with a minimum 1m strip on all street frontages	
	Nil in Central & District Business Zones			1.0 in Central and District Business Zones	100% in Central & District Business Zones	As above	5% of lot area	
Motel	9m	3m every storey	3m every storey	1.0	50%	One bay for each unit plus one bay for every four seats in any restaurant	5% of lot area	
	Nil in Central & District Business Zones			2.0 in Central and District Business Zones	100% in Central & District Business Zones	As above	5% of lot area	
Night Club	9m	BCA	BCA	.5	50%	One bay for every 20m <sup>2</sup> GFA or part thereof		
	Nil in Central & District Business Zones			1.0 in Central and District Business Zones	100% in Central & District Business Zones	As above	5% of lot area	
Office	9m	BCA	BCA	1.0	50%	One bay for every 30m <sup>2</sup> GFA or part thereof	5% of lot area	
	Nil in Central and District Business Zones					As above	5% of lot area	
Open Air Display	2m	1m	1m	.8	80%	One bay for every 50m <sup>2</sup> or part thereof	5% of lot area minimum 2m strip along street frontages - 1m strip along lot boundaries	No storage structures are permitted within the Open Air Display area

Landuse or Development	Minimum Setbacks			Maximum Plot Ratio	Maximum Site Coverage	Parking	Landscaping	Special Conditions
	Street	Side	Rear					
Public Assembly, Public Worship (Place of)	9m	3m	3m	.3	30%	One bay for every five seats provided	5% of lot area	
	Nil in Central & District Business Zones			1.0 in Central and District Business Zones	100% in Central & District Business Zones	As above	5% of lot area	
Reception Centre	9m	3m per storey	6m	.5	50%	1 bay per 10m <sup>2</sup> GFA or part thereof	5% of lot area	
	Nil in Central and District Business Zones			1.0 in Central and District Business Zones	100% in Central and District Business Zones	As above	5% of lot area	
Restaurant	9m	3m per storey	6m	.5	50%	One bay for every 10m <sup>2</sup> GFA or one bay for every four seats provided whichever is the greater	5% of lot area - minimum 1m strip along all street frontages	
	Nil in Central and District Business Zones			1.0 in Central and District Business Zones	100% in Central and District Business Zones	As above	5% of lot area	
Service Station	11.5m Canopy 3m	3m Canopy 3m	3m Canopy 3m	.3	30%	Two bays plus one bay for every staff member with a total minimum of four bays	5% of lot area - minimum 2m strip along all street frontages	Subject to meeting Australian Petroleum Institute Code of Practice for Underground Fuel Storage Facilities
Shop	9m	BCA	BCA	1.0	100%	Seven bays per 100m <sup>2</sup> GFA (minimum of five bays per shop in any centre) or part thereof	5% of lot area minimum 1m strip along street frontages	
	Nil in Central and District Business Zones			2.0 in Central and District Business Zones	100% in Central and District Business Zones	As above	5% of lot area	
Showroom	9m	BCA	BCA	.6 single occupancy .5 multiple occupancy	60% single occupancy 50% multiple occupancy	One bay every 50m <sup>2</sup> GFA for first 200m <sup>2</sup> GFA or part thereof and thereafter one bay every 100m <sup>2</sup> GFA or part thereof	5% lot area Minimum 1m strip along all street frontages	
	Nil in Central and District Business					As above	5% of lot area	

Landuse or Development	Minimum Setbacks			Maximum Plot Ratio	Maximum Site Coverage	Parking	Landscaping	Special Conditions
	Street	Side	Rear					
	Zones							
Veterinary Consulting Rooms	7.5	1m	6m	.3	30%	Four bays plus one bay per staff member	10% of lot area	
Warehouse	9m	BCA	BCA	.6	60%	One bay every 100m <sup>2</sup> GFA or part thereof	5% lot area minimum 2m strip along all street frontages	No storage of goods outside warehouse building unless specifically approved by the Council

Note: In this Table: BCA means Building Code of Australia (1988) as amended.  
GFA means Gross Floor Area

**PART 4—GENERAL DEVELOPMENT REQUIREMENTS****4.1 RESIDENTIAL PLANNING CODES**

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

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

(3) Unless otherwise provided for in the Scheme the development of land for any of the Residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.

(4) The Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the Residential Planning Codes density number superimposed on the particular areas shown on the Scheme maps as being contained within the solid black line borders or where such an area abuts another area having a Residential Planning Code density, as being contained within the centre-line of those borders.

(5) Unless otherwise provided in, or inconsistent with the Scheme or a planning approval, the development of land for any of the Residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.

**4.2 STORAGE OF CARAVANS AND BOATS IN RESIDENTIAL ZONES**

For reasons of aesthetics, caravans and boats in Residential Zones shall be stored behind the front building setback line.

**4.3 PARKING OF COMMERCIAL VEHICLES WITHIN RESIDENTIAL ZONES**

(1) Planning approval is required for the parking of commercial vehicles on any lot within a Residential Zone unless—

- (a) only one vehicle is parked on the lot; and
- (b) the vehicle is 2 tonnes tare weight or less.

**NOTE—***Residential Zones are classified in clause 3.1 of the Scheme.*

(2) The following requirements shall apply to any person parking a commercial vehicle in a Residential Zone—

- (a) the vehicle shall form an essential part of the occupation of an occupant of the dwelling;
- (b) no vehicle shall exceed either 2.7 metres in height or 16 metres in length;
- (c) any vehicle exceeding 8 metres in length shall be screened from view from outside the lot;
- (d) major repairs to the vehicle shall not be undertaken on the lot; and
- (e) any minor repairs, servicing or cleaning of the vehicle shall be carried out in an area which is screened from view from outside the lot.

(3) Planning approval granted under this clause—

- (a) is granted to the person to whom it was granted;
- (b) is not capable of being transferred or assigned to any other person; and
- (c) does not run with the land in respect of which it is granted.

(4) A person to whom planning approval has been granted under this clause shall not park or cause to be parked the vehicle on any lot within a Residential Zone other than on the lot in respect of which the approval is granted.

(5) If—

- (a) a vehicle has been parked pursuant to a planning approval granted under this clause; and
- (b) in the opinion of the Council such vehicle is causing a nuisance or annoyance to neighbours or to owners or to occupiers of land in the neighbourhood,

then the Council may rescind the approval granted by it and after the rescission, no person shall upon the land the subject of a resolution for rescission, park a commercial vehicle unless planning approval shall subsequently be granted by the Council.

**4.4 HOME OCCUPATION**

(1) Subject to subclause (4), planning approval is required for the use or development of a home occupation.

**NOTE—***‘Home occupation’ is defined in Schedule 1.*

(2) Planning approval granted under this clause—

- (a) is granted to the person to whom it was granted;
- (b) is not capable of being transferred or assigned to any other person; and
- (c) does not run with the land in respect of which it is granted.

(3) A change in the nature, size and character of the business approved as a home occupation shall require planning approval.

(4) Planning approval is not required where—

- (a) the home occupation comprises a business office or trade where no manufacturing is carried out on site;
- (b) no clients, customers or staff other than the occupier family travel to the premises;
- (c) there is no advertising sign;

- (d) the home occupation does not prejudicially affect the amenity of the neighbourhood; and  
 (e) the home occupation conforms with all requirements of any relevant planning policy.
- (5) The Council shall not grant planning approval of a home occupation which does not comply with any relevant planning policy unless the requirements of clause 6.5 have been complied with.

**NOTE**—Clause 6.6 sets out requirements for the advertising of a planning approval application.

#### 4.5 CAR PARKING—STANDARDS OF PROVISION

- (1) Car parking shall be provided for each development in accordance with the requirements of the Residential Planning Codes and Part 4 of this Scheme.
- (2) The minimum internal dimensions of any car bay for non-residential development shall be 5.5m x 2.5m wide provided that—
- (a) where a bay abuts a wall or other barrier the minimum width shall be not less than 2.8m;  
 (b) where a parallel parking bay is provided the minimum length shall be not less than 7.0m.
- (3) Car parking requirements shall be calculated by rounding up to the nearest whole number.
- (4) The minimum width of access drives shall be as described in Table 3.

**Table 3— Minimum Width of Access Drives**

Angle of Parking	Driveway Width (m)	Traffic Direction
0° (Parallel)	3.5	1 way
30°	4.0	1 way
45°	4.0	1 way
60°	5.0	1 way
75°	5.5	1 way
90° (right angle)	6.0	2 way

#### 4.6 DESIGN OF PARKING AREAS

- (1) Parking spaces may, with the approval of the Council, be located within the street setback area, provided that—
- (a) there is adequate screening from the street, in accordance with Part 3 of this Scheme or where no minimum width is specified in Part 3, a minimum of 1m width of landscaped area; and  
 (b) separate pedestrian access from the street is provided.
- (2) Where the maximum dimension of any open car parking area exceeds 20 metres in length or width, trees and garden planting equivalent in area to 10 per cent of the number of parking spaces shall be provided within the car parking area for the purpose of shade and visual relief and where a minimum street front strip is required under Table 2 the additional landscaping can be reduced to that requirement only.

#### 4.7 CONSTRUCTION AND MAINTENANCE

- (1) Parking areas shall be constructed and marked in accordance with the plan approved by Council and thereafter maintained to the satisfaction of the Council.
- (2) All car bays shall be marked to the satisfaction of the Council.

#### 4.8 CASH IN LIEU OF PROVISION OF CAR PARKING SPACES

- (1) Where a person who applies for planning approval is required to provide car parking spaces in accordance with the Scheme that person may, if the Council so agrees, make a cash payment to the Council in lieu of the provision of all or any of the required number of car parking spaces.
- (2) The amount of the payment shall be calculated on the basis of the cost, or estimated cost to the Council of the acquisition and development of land as a car park or the cost or estimated cost of modifying the existing road carriageway for a suitable parking area.
- (3) Where the Council agrees to accept a payment in lieu of the provision of portion of the required number of car parking spaces, the balance shall be provided on the land, the subject of the application, in accordance with the requirements of the Scheme.
- (4) The estimated cost of any land to be acquired by the Council shall be determined by the Valuer General or by a licensed valuer appointed by the Council.
- (5) The estimated cost of development of a public car park shall be determined by the Council or by a person nominated by the Council who is competent in the field of architecture or engineering.
- (6) The value of land to be acquired by the Council for a public car park and the cost to the Council to develop a public car park on land owned or vested in the Council shall be reviewed annually.
- (7) The moneys received by the Council under this Clause shall be paid into a trust fund and shall only be used for the acquisition or development of land as a public car park or to reimburse the Council any expenses it has incurred including loan repayments, within the immediate locality and shall relate as much as practicable to the development of the land the subject of the payment.
- (8) The Council may make or adopt a policy defining the areas within which it considers payment of cash-in-lieu of the provision of car parking spaces to be acceptable.
- (9) If the parties cannot agree upon the amount payable, it shall be determined by arbitration in accordance with the Commercial Arbitration Act 1985. The costs of the arbitration shall be borne by the applicant.

#### 4.9 SERVICE AREAS

- (1) Unless otherwise approved by the Council, all development other than residential shall include a service area of not less than 9m<sup>2</sup>.
- (2) All service vehicles shall load and unload without obstructing any right-of-way.
- (3) The accessway to any service area shall be so constructed that vehicles using it may return to the street in forward gear.
- (4) The accessway to any service area shall be constructed and maintained to the satisfaction of Council.
- (5) All servicing areas and other parts of land or buildings which in the opinion of the Council detract from the amenity of the area shall be screened from public view and from view from adjoining properties, to the satisfaction of the Council.

#### 4.10 ACCESS—VEHICULAR

- (1) This clause is subject to clause 4.18.

**NOTE**—*Clause 4.18 prohibits direct access from lots adjoining Major Highways and restricts direct access to Principal Urban Arterial, Urban Arterial and Local Distributor Roads (as indicated on the Scheme map).*

- (2) Any part of the vehicular access to any lot shall not be within 9 metres of an intersection.
- (3) Where a lot has access to more than one street, access shall be to and from the minor street, as determined by the Council, unless otherwise approved.
- (4) Each lot has a right of access at one point with additional points of access at the discretion of the Council.
- (5) If, in the opinion of the Council, separate entrances to and exits from any lot for road vehicles are desirable for the avoidance of traffic hazards on public roads adjacent thereto it may require the owner to provide such entrances and exits as it may direct.
- (6) In the case of residential uses—
  - (a) the minimum width of a crossing at property alignment shall be 2.75 metres and the minimum width at kerb line shall be 5.0 metres;
  - (b) the maximum width of a crossing at property alignment shall be 5.5 metres and the maximum width at kerb line shall be 7.5 metres.
- (7) In the case of non-residential uses—
  - (a) the minimum width of a crossing at property alignment shall be 2.75 metres and the minimum width at kerb line shall be 5.0 metres;
  - (b) the maximum width of a crossing at property alignment shall be 11.0 metres and the maximum width at kerb line shall be 13.0 metres.

#### 4.11 ACCESS—PEDESTRIAN

All buildings other than single houses and utility installations shall be provided with pedestrian access separate from or adjacent to vehicular access, unless otherwise approved by the Council.

#### 4.12 ACCESS—DISABLED PERSONS

Where any part of a proposed building will be open to the public generally, provision shall be made for disabled persons in accordance with the relevant requirements of Australian Standards 1428-1977, as amended.

#### 4.13 LANDSCAPING

- (1) The Council may require that some or all of the landscaping provision shall be in-ground.
- (2) The Council may restrict the use of concrete, gravel, pebble and similar hard materials and require planting of lawns, trees or shrubs in lieu thereof or may encourage the use of hard materials and the planting of natural trees, shrubs and ground cover that require little maintenance. The planting of native species prevalent in the locality shall be promoted.
- (3) Buildings forming part of an approved development shall not be occupied until the required landscaping has been constructed and planted, unless the Council otherwise approves.
- (4) Failure to maintain approved landscaping is an offence under the Scheme.
- (5) The Council may, after giving due notice to the owner of the property, undertake remedial works at the expense of the owner.

#### 4.14 BATTLE-AXE LOTS

- (1) All setbacks and site requirements shall apply to the effective area only.

**NOTE**—*'Battle-axe lot' is defined in Schedule 1.*

- (2) Front and rear setback requirements shall be provided to maintain amenity of adjacent lots, but may be located from any boundary of the effective area.
- (3) The location of carports may be permitted within the front or rear setback area provided that the amenity of adjacent lots is not affected.

#### 4.15 EFFLUENT DISPOSAL

- (1) Where deep sewerage is available, all development and building approvals shall be conditional upon connection into the deep sewerage system.

(2) Subject to subclauses (3) and (4) where deep sewerage is not available, development may be approved with on-site effluent disposal.

(3) All on-site effluent disposal systems require the approval of the Health Department of Western Australia to the satisfaction of the Council.

(4) Where the Council considers on site effluent disposal will cause a health or environmental hazard, the Council shall refuse development approval or make such approval conditional upon connection to deep sewerage.

#### **4.16 DEVELOPMENT OF STABLES**

Notwithstanding table 1 the development of stables in zones other than the Extensive Residential, Special Residential and Rural Zones may be permitted by the Council subject to—

- (a) a minimum lot area of 1,000m<sup>2</sup>;
- (b) a maximum of one horse is to be accommodated per 1,000m<sup>2</sup> lot.

#### **4.17 SECONDARY STREET SETBACKS FOR NON RESIDENTIAL DEVELOPMENT**

In respect of non-residential development, where a lot has frontage to two or more streets, the setback from not more than one secondary street shall be half the setback required from the primary street. In exceptional circumstances, Council may permit a secondary street setback to be reduced to nil, provided such a reduction will not adversely impact on the amenity of the immediate area.

#### **4.18 DEVELOPMENT ADJOINING MAJOR ROAD RESERVES**

For the purpose of establishing an urban road hierarchy and minimising traffic conflict, access from lots adjoining the following major road reserves as indicated on the Scheme map shall be permitted subject to the following standards—

- (a) Major Highway—no direct access shall be permitted without the approval of Main Roads WA,
- (b) Principal Urban Arterial—where possible alternative access is to be provided,
- (c) Urban Arterial—a maximum of one access point unless otherwise determined by the Council, and
- (d) Local Distributor—maximum of one access point unless otherwise determined by the Council.

### **PART 5—SPECIAL CONTROLS**

#### **5.1 SPECIAL APPLICATION OF RESIDENTIAL PLANNING CODES—GENERAL**

(1) Notwithstanding the Scheme map, in the Lamington District (as shown in Schedule 9), all corner lots shall have the density code R20.

(2) Notwithstanding any provision of the Scheme to the contrary, where—

- (a) the applicant can demonstrate to the Council's satisfaction that a proposed two grouped dwelling development conforms, in all respects, to the Residential Planning Codes, other than in regard to the minimum lot area requirements; and
- (b) the development is proposed upon a lot having frontage to 2 or more streets,

the Council may grant planning approval of the proposed development.

(3) Notwithstanding any provision of the Scheme or the Residential Planning Codes to the contrary, the Council may require that the setbacks for residential development be compatible with existing residential development by maintaining the setbacks which are predominant in the street within which any development is proposed.

(4) The Council shall not permit a greater number of special purpose dwellings than provided for by the Code applying to the site, as specified in clauses 5.1 and 5.2 of the Residential Planning Codes and in the case of car parking bays for those dwellings there shall be a minimum provision of one bay per dwelling as specified in clause 5.1.5 of those Codes.

(5) Subject to the approval of the Council, a lesser setback in accordance with clause 1.5.7 of the Residential Planning Codes may be permitted.

(6) Where residential development comprises non-self-contained dwelling units, development standards shall be as determined by the Council.

#### **5.2 SPECIAL APPLICATION OF THE RESIDENTIAL PLANNING CODES—ANCILLARY ACCOMMODATION**

(1) Where ancillary accommodation is added to an existing building, direct internal access shall be provided from the newly added part of the building to the original part of the building.

(2) Where ancillary accommodation is not itself added to an existing building there shall be constructed between the added accommodation and the existing building a fully covered connection.

(3) The total area of ancillary accommodation shall not exceed 60 square metres, exclusive of any fully covered connection unless approved by Council.

(4) An applicant for planning approval of ancillary accommodation shall provide the Council with a completed statutory declaration in the form of Schedule 6, signed by the owner of the building and each relative, aged or dependant person of the owner for whose occupation the ancillary accommodation is intended, stating that the ancillary accommodation is intended for use by that relative, aged or dependant persons, as the case may be and for no other purpose.

### 5.3 PROTECTION OF RESOURCES

In considering applications for planning approval and subdivision, Council shall encourage the applicant to consider—

- (a) solar efficient design;
- (b) water sensitive design;
- (c) waste recycling; and
- (d) mineral prospectivity,

in order to conserve natural resources.

### 5.4 PROTECTION OF SOILS

For conservation of soil resources the construction of all development shall be undertaken in such a manner as to prevent soil erosion and control sedimentation.

### 5.5 PROTECTION OF VEGETATION

In granting an application for planning approval the Council, in addition to any other condition which the Council is required or permitted to impose, may require—

- (a) the development be carried out in such a way as to minimise disturbance to existing vegetation; and
- (b) any tree or group of trees be preserved or protected.

### 5.6 HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE

#### Purpose and Intent

(1) 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.

#### Heritage List

(2) The Council shall establish and maintain a Heritage List of places considered by the Council to be of heritage significance and worthy of conservation.

(3) For the purposes of this Clause, the Heritage List is drawn from 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 Municipal Inventory.

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

#### Designation of Heritage Precincts

(5) 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.

(6) 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 places of heritage significance; and
- (c) objectives and guidelines for the conservation of the precinct.

(7) 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.

(8) 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 designation, and by such other methods as the Council consider necessary to ensure widespread notice of the proposal, describing the area subject of the proposed designation 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 immediately 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 Western Australian Planning Commission.

(9) 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 sub-clause (8) above.

#### Applications for Planning Approval

(10) In dealing with any matters which may affect a heritage precinct or individual entry on the Heritage List, including any application for planning approval, Council shall have regard to any heritage policy of the Council.

(11) 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 any other relevant bodies, and take those views into account when determining the application.

(12) Notwithstanding any existing assessment on record, 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.

(13) For the purpose of clause 6.1 of the Scheme the term 'development' shall have the meaning as set out in the Town Planning and Development Act (as amended) but shall also include, in relation to any place entered in the Heritage List or contained within a heritage precinct, any act or thing that is likely to significantly change the external character of the building, object, structure or place.

#### **Formalities of Application**

(14) In addition to the application formalities prescribed in sub-clause (10), (11), (12) and (13) and any formalities or requirements associated with applications for planning approval contained in any other provision of the Scheme, the Council may require an applicant for planning approval, where the proposed development may affect a place of cultural heritage significance or 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 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 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 each lot immediately adjoining the subject lot; and
- (d) any other information which the Council indicates that it considers relevant.

#### **Variations to Scheme Provisions**

(15) Where desirable to facilitate the conservation of a heritage place or to enhance or preserve heritage values, the Council may vary any provision of the Scheme provided that, where in the Council's opinion 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 uses pursuant to clause 6.6; and
- (b) have regard to any expressed views prior to making its decision to grant the variation.

(16) In granting the variations under sub-clause (15) 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.

#### **5.7 CONSERVATION INCENTIVES**

(1) In dealing with any application concerning or affecting a place of cultural heritage significance or a Heritage Precinct (Heritage Buildings as listed in the Municipal Inventory), the Council may for the purpose of conserving or enhancing the place or precinct give a special approval, benefit, allowance or incentive, including but not limited to, the granting of density bonuses.

(2) Where in the Council's opinion the granting of a conservation incentive is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the incentive, the Council shall consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to clause 6.5 and shall have regard to any expressed views prior to making its decision to grant the incentive.

(3) In granting a conservation incentive under subclause (1) the Council may enter into a heritage agreement under Part 4 of the Heritage of Western Australia Act 1990 with an owner who would benefit from the incentive. The agreement may specify the owner's obligations and contain covenants noted on relevant Certificates of Title.

**NOTE**—*Clause 6.6 sets out requirements for the advertising of a planning approval application.*

#### **5.8 DENSITY BONUSES**

(1) A density bonus shall only be granted where the increased development would not adversely affect the cultural heritage significance or character or amenity of the place, the streetscape or precinct, and if one or more of the following circumstances apply—

- (a) in the opinion of the Council such bonus will assist in the conservation of the heritage place.
- (b) provision is made for the preservation of significant landscape features, including significant trees or other vegetation;
- (c) provision is made for the carrying out of conservation works approved by the Council on a heritage place; or

(2) In a case where the Council has allowed an increase in the permitted dwelling density, the standards and provisions of the higher density code applicable to that permitted dwelling density shall apply.

## **5.9 PROTECTION OF TOWNSCAPE**

For the preservation of amenity, no building shall be constructed or finished or left unfinished so that its external appearance would, in the Council's opinion disfigure the locality or tend to depreciate the value of adjoining property.

## **5.10 CONTROL OF ADVERTISEMENTS**

### **Power to Control Advertisements**

(1) For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Planning approval is required in addition to any licence pursuant to Council's Signs, Hoarding and Bill Posting By-Laws.

(2) Applications for Council's planning approval pursuant to this Part shall be submitted in accordance with the provisions of Part 6 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Schedule 5 giving details of the advertisement(s) to be erected, placed or displayed on the land.

### **Existing Advertisements**

(3) Advertisements which—

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

### **Consideration of Applications**

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

### **Exemptions from the Requirement to Obtain Planning Approval**

(5) Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of sub-clause 5.10 (1), the Council's prior planning approval is not required in respect of those advertisements listed in Schedule 8 which for the purpose of this Clause are referred to as 'exempted advertisements'. The exemptions listed in Schedule 8 do not apply to land, buildings, objects, structures and places included on the Heritage List or within a heritage precinct established or designated under Clause 5.6 of the Scheme.

### **Discontinuance**

(6) Notwithstanding the scheme objectives and sub-clause 5.10 (5), where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Clause, 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.

### **Derelict or Poorly Maintained Signs**

(7) Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may by notice in writing require the advertiser to—

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

### **Notices**

(8) 'The advertiser' shall be interpreted as any one person or any group comprised of the landowner, occupier, licensee or other person having an interest in or drawing benefit from the display of the advertisement concerned.

(9) Any notice served in exceptional circumstances pursuant to sub-clause 5.10 (6) or 5.10 (7) shall be served upon the advertiser and shall specify—

- (a) the advertisement(s) the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;
- (c) the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.

(10) 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 to the Hon Minister for Planning or the Town Planning Appeal Tribunal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.

**Scheme to Prevail**

(11) Where the provisions of this Clause are found to be at variance with the provisions of the Council's Signs, Hoardings and Bill Posting By-Laws, the provisions of the Scheme shall prevail.

**Enforcement and Penalties**

(12) The offences and penalties specified in Clause 8.2 of the Scheme apply to the advertiser in this Clause.

**5.11 HEIGHT OF BUILDINGS**

(1) The maximum height of any building on a lot directly fronting Hannan Street between Lane Street and the Eastern Bypass road and directly fronting Burt Street between Lionel and Hamilton Streets, shall be no greater than the height of the building existing on the lot at the Gazettal date. Where there exists a vacant lot and there is no evidence of a heritage building ever being sited on this land the maximum height of a proposed building will be no greater than the height of the existing buildings in this precinct.

(2) Subject to subclause (1) a building shall not be erected or added to so as to exceed the following height limits—

- (a) in every zone other than the Central Business and District Business Zones—a maximum height of 2 storeys;
  - (b) in the Central Business and District Business Zones—a maximum height of two storeys; and
  - (c) in that portion of the Central Business Zone bounded by Outridge Terrace, the eastern Bypass, Hanbury Street, Boulder Road, Egan Street, Porter Street and Shamrock Street—a maximum height of 6 storeys.
- (3) Notwithstanding subclause (2)(b) but subject to clause 5.29—
- (a) a tower mast or aerial may exceed the prescribed height;
  - (b) a place of worship may have a tower, spire or arch feature which exceeds the prescribed height;
  - (c) mining related structures such as mine headframes may exceed the prescribed height; and
  - (d) industrial buildings where the Council is satisfied that the additional height is necessary to support the industrial activity proposed may exceed the prescribed height.

**5.12 TOWER MASTS**

Within any Zone, the erection of a mast for the transmission and reception of radio signals, in excess of 5m from natural ground level, shall not be permitted unless—

- (a) the opinion of all adjoining property owners, or whoever the Council considers may be affected by the erection of a mast, is obtained;
- (b) the approval of any government body or instrumentality, which may be affected by the erection of a mast, is obtained; and
- (c) the approval of the airport manager is obtained.

**5.13 MINING ACTIVITY**

(1) Planning approval is not required for mining activity within the Rural Zone carried out in accordance with a mining lease.

(2) Notwithstanding any other clause in this Scheme, the Council may consider proposals for mining activity in any zone where the Council considers such a proposal to be in the community's interest, subject to—

- (a) an application being made on the form specified in Schedule 2 and in accordance with the requirements of clauses 6.4 and 6.5; and
- (b) the proposal is advertised for comment in accordance with clause 6.6.

(3) Where mining activity is proposed in the Rural Zone within 200m of a Residential Zone, a management plan and impact statement shall be submitted for Council approval.

**NOTE**—Clause 6.6 sets out requirements for the advertising of a planning approval application.

**PART 6—PLANNING APPROVAL****6.1 REQUIREMENT FOR PLANNING APPROVAL**

(1) A person shall not commence or carry out development of any land or building within the Scheme area unless it is a development exempted by clause 6.2 without first having applied for planning approval.

**NOTE**—'development' is defined in Schedule 1.

(2) A person shall not make application for a building licence in respect of any development of any land or building within the Scheme area unless it is a development exempted by clause 6.2 without having applied for planning approval.

**NOTE**—A 'planning approval' is granted by the Council under the provisions of Part 6.

**6.2 EXEMPTIONS FROM PLANNING APPROVAL**

The planning approval 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 or buildings which is classified as a "P" use in Table No. 1—Zoning Table in the zone in which that land is situated provided it does not involve the carrying out of any building or other works and any building to be occupied has been constructed in accordance with the Scheme;

**NOTE**—A "P" use is defined in clause 3.3 to be a use that is permitted. "P" uses are set out in the Zoning Table, being Table 1 in this Scheme.

- (c) the erection of a boundary fence;
- (d) the erection of an advertising sign which complies with the requirements of the Scheme and in respect of which a building licence has been obtained;

**NOTE**—The requirements of the Scheme in respect of advertisements and advertising signs are set out in clause 5.10.

- (e) the demolition of any building or structure where a demolition licence has been obtained and where the building or structure is not listed in the Council's inventory of heritage places;
- (f) the excavation or filling of land, provided there are no likely adverse visual or environmental impacts, as determined by the Council;
- (g) the excavation of land related to mining activity under the provisions of the Mining Act.
- (h) the erection on a lot of a single dwelling and ancillary development in a zone where the proposed use is designated with the symbol "P" in Part 4 and there is proposed no substantial alteration to the natural contour of the land as determined by the Council;
- (i) the maintenance and repair of any building, plant or machinery being lawfully used immediately prior to the Scheme having effect;
- (j) The carrying out of any works on, in, over or under a street or road by a public authority pursuant to the provisions of any Act.
- (k) the carrying out of works for the 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; and
- (l) the carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services or for protection of the environment.

### 6.3 R CODE VARIATION TO A SINGLE HOUSE

Notwithstanding that a single house does not require the prior approval of the Council pursuant to the Scheme, any person who wishes Council to vary any particular provision of the R-Codes relating to the erection of a single house shall, at the time of lodging an application for a building licence or earlier, apply in writing to Council, seeking Council's approval for the variation.

The Council may approve the variation with or without conditions or may refuse to approve the variation. The Council shall, before granting its approval, satisfy itself that—

- (a) the variation requested is one which the Council has the power to approve; and
- (b) approval of that variation would not compromise the objectives of the R-Codes.

### 6.4 FORM OF APPLICATION

An application for planning approval shall be made in the form set out in Schedule 2 and shall be accompanied by all plans and other information required by the Scheme.

### 6.5 INFORMATION TO BE PROVIDED

Unless the Council waives any particular requirement, every application for planning approval shall be accompanied by—

- (a) 3 copies of site plan or plans to a scale of 1:200 or larger, showing—
  - (i) street names, lot numbers, north point and the dimensions of the site;
  - (ii) the location and proposed use of the site, including any existing building to be retained and proposed buildings to be erected on the site;
  - (iii) position of street trees existing and proposed, driveways and permanent street furniture such as bus stops, telephone boxes, power poles and manholes, other than for sites within the rural/mining zone;
  - (iv) the position and size of any existing sewers, stormwater drains and other major services on the site;
  - (v) the location and height of any existing building including buildings on adjoining land, the location of proposed buildings on the land and the type and height of existing fences on adjoining land, other than for sites within the rural/mining zone;
  - (vi) the existing contours and proposed finished levels of the land relative to the levels of adjoining land, streets, footpaths and other vehicle carriageways;
  - (vii) details of any retaining walls or embankments required to support any proposed cutting or filling of the existing ground surface;
  - (viii) the existing and the proposed means of access for pedestrians and vehicles to and from the land;
  - (ix) the location, number, dimensions and layout of all car parking spaces, accessways and circulation areas intended to be provided;

- (x) the location and dimensions of any service area or area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the premises and the means of access to and from such area;
  - (xi) the position, type and height of all significant vegetation including any trees over four metres on the land and indicating which (if any) are to be removed, other than for sites within the Rural Zone;
  - (xii) the nature and extent of any landscaped open space and pedestrian areas proposed for the site, whether public or private;
  - (xiii) the location and design of any open storage or trade display area;
  - (xiv) the location, size and type of any advertising sign; and
  - (xv) details of the type and colour of materials to be used in respect to the external finish of any walls, roofs, drive-ways, car parks, service areas and fences;
- (b) 3 copies of floor plans, elevations and sections, to a scale of 1:100 of any building proposed to be erected or altered and of any building it is intended to retain showing relationships of proposed floor levels to proposed finished ground levels; and
- (c) any other plan, model or information required to be provided pursuant to the Scheme or that the Council may require to enable the application to be determined.

### 6.6 ADVERTISING OF APPLICATION

(a) where an application is made for planning approval to commence or carry out development which involves an "SA" use the Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause (c) of this Clause;

*NOTE—An "SA" use is defined in clause 3.3 to mean a use which may be permitted by Council at its discretion, subject to compliance with this provision. "SA" uses are set out in the Zoning Table being Table 1 in the Scheme.*

(b) where an application is made for planning approval to commence or carry out development which involves an "AA" use, or any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause (c) of this clause;

*NOTE—An "AA" use is defined in clause 3.3 to mean a use which may be permitted by Council at its discretion. "AA" uses are set out in the Zoning Table at Table 1 in the Scheme.*

(c) where the Council is required or decides to give notice of an application for planning approval the Council shall require—

- (i) notice of the proposed development to be served on the owners and occupiers as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within 21 days of the service of the notice;
- (ii) a sign or signs displaying notice of the proposed development to be erected in a position clearly visible from the primary abutting streets on the land for a period of 21 days from the date of publication of the notice referred to in paragraph (b) of this clause. The costs of preparation and erection of the sign being borne by the applicant;
- (iii) 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 21 days after the publication. The costs of advertising shall be borne by the applicant;

(d) the notices referred to in sub-clause (c)(i) and (iii) shall be in the form specified by the Council with such modifications as circumstances require, and

(e) after expiration of 21 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.

*NOTE—The form of notice referred to in paragraph (c)(i) and (iii) is set out in Schedule 3 to the Scheme.*

### 6.7 CONSULTATION WITH OTHER AUTHORITIES

To ensure the Council is fully informed prior to determining any application for planning approval—

- (a) the Council may consult with any other statutory, public or planning authority or advisory committee or any other party it considers appropriate; and
- (b) in the case of land reserved under the Scheme for the purpose of a public authority, the Council shall consult that authority before making its determination.

### 6.8 ADVISORY COMMITTEES

(1) The Council may appoint an advisory committee to advise it on any matter it deems appropriate including design, Aboriginal culture, heritage and vegetation protection.

(2) Any committee established under sub-clause (1) of this Clause shall consist of not fewer than 3 persons, qualified by reason of their respective professions or experience.

(3) Any committee established under sub-clause (1) shall operate as follows—

- (a) in giving advice to the Council the committee shall have regard to the provisions of the Scheme and may, where the committee considers necessary, make recommendations for amendments to any provision of the Scheme;
- (b) the Council shall not be bound to accept any advice given or adopt any recommendation made by the committee but in such cases shall state its reasons; and
- (c) the Council shall make available to any member of the public on request any recommendation made by the committee.

### 6.9 MATTERS TO BE CONSIDERED BY COUNCIL

The Council in considering an application for planning approval shall have due regard to the following—

- (a) any planning policy, strategy or plan adopted by the Council under the provisions of clause 8.8 of this Scheme;
- (b) the requirements of orderly and proper planning and the preservation of the amenities of locality;
- (c) any relevant submissions received on an application;
- (d) the provisions of this Scheme and any other relevant town planning scheme operating within the district including a Region Scheme;
- (e) any relevant proposed new town planning scheme of the Council or amendment or proposed Region Scheme amendment insofar as they can be regarded as seriously entertained planning proposals;
- (f) any approved Statement of Planning Policy of the Commission;
- (g) any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;
- (h) the preservation of any object or place of heritage significance;
- (i) the City of Kalgoorlie-Boulder Commercial Centres Strategy;
- (j) the City of Kalgoorlie-Boulder Road Train / Heavy Haulage Policy.
- (k) the impact of the development on the Obstacle Restriction Area and the statutory Protection Zones of the Kalgoorlie-Boulder Airport.
- (l) any other planning considerations which the Council considers relevant.

### 6.10 DETERMINATION OF APPLICATIONS

(1) In determining an application for planning approval the Council may—

- (a) grant its approval with or without conditions;
- (b) refuse to grant its approval.

(2) The Council shall convey its decision to the applicant in the form prescribed in Schedule 4 to the Scheme.

Where the Council grants planning approval, that approval—

- (a) continues in force for two years, or such other period as specified in the approval, after the date on which the application is approved; and
- (b) lapses if the development has not substantially commenced before the expiration of that period.

(3) Where the Council grants planning approval, the Council may impose conditions limiting the period of time for which the development is permitted.

### 6.11 DEEMED REFUSAL

(1) Subject to subclause (2), an application for planning approval shall be taken to have been refused where notice of planning approval is not given to the applicant by the Council—

- (a) within 60 days of the receipt of the application by the Council; or

*NOTE—An applicant for planning approval has a right of appeal where there has been a deemed refusal (see clause 8.7).*

- (b) within such further time as agreed between the applicant and the Council within that period of 60 days.

(2) An application for planning approval which is the subject of a notice under clause 6.6 shall be taken to have been refused where notice of planning approval is not given to the applicant by the Council—

- (a) within 90 days of the receipt of the application by the Council; or
- (b) within such further time as agreed between the applicant and the Council within that period of 90 days.

(3) Nothing in this clause prevents the Council from making a decision about an application after the expiry of the periods referred to in subclauses (1) and (2), and that decision shall be regarded as valid.

### 6.12 APPROVAL OF EXISTING DEVELOPMENTS

(1) The Council may grant approval to 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, with or without the exercise of a discretion provided in the Scheme, as to all matters other than the provisions requiring Council's approval prior to the commencement of development.

(2) The application to the Council for approval under sub-clause 6.12 (1) shall be made on the form prescribed in Schedule 2.

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

### **6.13 REVOCATION OF PLANNING APPROVAL**

(1) If, in the opinion of the Council, a condition of planning approval is not being, or has not been, complied with, the Council may give to the owner and occupier of the relevant land or building a notice in writing requiring the owner or occupier, or both, to comply with the condition within a specified period as determined by the Council.

(2) If the notice under subclause (1) is not complied with, the Council may, without further notice to the owner or occupier, revoke its planning approval.

*NOTE—Where planning approval has been revoked under this clause, a fresh application for planning approval must be submitted to and approved by the Council before any development which was the subject of the revoked planning approval can be continued or recommenced.*

## **PART 7—NON-CONFORMING USES**

### **7.1 NON-CONFORMING USE RIGHTS**

(1) Except as otherwise provided in this part, no provision of the Scheme shall prevent—

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

### **7.2 EXTENSION OF NON-CONFORMING USE**

(1) 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 approval of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

### **7.3 CHANGE OF NON-CONFORMING USE**

(1) Notwithstanding anything contained in the Zoning Table, the Council may grant its planning approval 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 purpose of the zone or reserve.

### **7.4 DISCONTINUANCE OF NON-CONFORMING USE**

(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.

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

### **7.5 DESTRUCTION OF BUILDINGS**

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

### **7.6 REGISTER OF NON-CONFORMING USES**

(1) A person who wishes the Council to record a non-conforming use may submit to the Council in writing full details of the nature, location and extent of the non-conforming use.

(2) Where the Council is satisfied that a non-conforming use exists, it is to record, in a register of non-conforming uses, details of each non-conforming use.

(3) A copy of the register of non-conforming uses is to be—

- (a) kept at the offices of the City; and
- (b) made available for public inspection during office hours.

## **PART 8—ADMINISTRATION**

### **8.1 POWERS OF THE SCHEME**

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

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

## 8.2 OFFENCES

(1) No person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person use or suffer or permit the use of any land or building or undertake or suffer or permit the undertaking of any development within the Scheme Area—

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

(2) Any 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 such penalties as are prescribed by section 10 of the Act.

## 8.3 NOTICES

(1) A notice required to be given by the Council under section 10(1) of the Act is to be a 30 days notice signed by the Chief Executive Officer and sent by registered post to the owner and to any occupier or lessee of the premises affected by the notice.

(2) The Council may recover expenses under section 10(2) of the Act in any manner in which it is from time to time entitled to recover rates levied by it under the Local Government Act 1960.

## 8.4 COMPENSATION

(1) Except as otherwise provided, the time limit for the making of claims for compensation for injurious affection pursuant to Section 11 of the Act resultant from the making of, or the making of an amendment to, the Scheme is six (6) months from the date of publication of the Scheme or the Scheme Amendment in the Government Gazette.

(2) Where, in respect of any application for planning approval to commence and carry out development on land reserved under this Scheme, the Council, or any appellate body thereafter, refuses or grants approval subject to conditions such that the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose, the owner of the land may, within six (6) months of the date of the relevant decision, claim compensation from the Council for injurious affection.

## 8.5 ELECTION TO PURCHASE AND VALUATION

(1) Where compensation for injurious affection is claimed pursuant to either sub-clauses 8.4(1) or 8.4(2), the Council may, at its option elect to acquire the land so affected instead of paying compensation.

(2) Where the Council elects to acquire the land in respect of which the claim for compensation for injurious affection is made, the Council shall give notice of that election to the claimant by notice in writing within three (3) months of the claim for compensation being made.

(3) Where the Council elects to acquire land as provided in sub-clause 8.5(1), if the Council and the owner of the land are unable to agree as to the price to be paid for the land by the Council, the price at which the land may be acquired by the Council shall be the value of the land as determined in accordance with sub-clause 8.5(4).

(4) The value of the land referred to in sub-clause 8.5(3) shall be the value thereof on the date that the Council elects to acquire the land and that value shall be determined -

- (a) by arbitration in accordance with the Commercial Arbitration Act 1985; or
- (b) by some other method agreed upon by the Council and the owner of the land,

and the value shall be determined without regard to any increase or decrease, if any, in value attributable wholly or in part to this Scheme.

(5) The Council may deal with or dispose of land acquired for a Local Reserve or pursuant to the preceding sub-clause 8.5(4) upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.

## 8.6 AUTHORISED ENTRY

(1) An officer authorised by the Council may, with any assistance required, enter at any reasonable time any building or land to determine whether the provisions of this Scheme have been or are being observed.

(2) An authorised officer exercising the power of entry under subclause (1) or any other person accompanying an authorised officer who—

- (a) finds a person committing; or
- (b) on reasonable grounds suspects a person of having committed,

a breach of a provision of this Scheme, may ask that person or his or her name and address.

(3) A person who—

- (a) in any way opposes the exercise of an authorised officer's power of entry; or
- (b) when asked to do so under subclause (2), refuses to state his or her name or address or states a false name or address,

commits an offence.

(4) A person who gives or is suspected of giving a false name or address to the person making the enquiry under subclause (2) may, without any other warrant, be apprehended by the person making the demand and taken before a Justice to be dealt with according to law.

### 8.7 RIGHTS OF APPEAL

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

### 8.8 PLANNING POLICIES

(1) The Council may prepare a planning policy which may make 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 planning policy so prepared.

(2) A planning policy shall become operative only after the following procedures have been completed—

- (a) the Council, having prepared and adopted a draft planning 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 planning policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made,
- (b) Policies 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 planning policy in the light of any submissions made and shall then resolve either to finally adopt the draft planning policy with or without modification, or not to proceed with the draft planning policy,
- (d) following final adoption of a planning policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme area.

(3) The Council shall keep copies of any planning policy with the Scheme documents for public inspection during normal office hours.

(4) An amendment or addition to a planning policy may be made after the planning policy has become operative and shall be made in the same manner as provided for the making of a planning policy in sub-clause (2).

(5) A planning policy may be rescinded by—

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

(6) A planning policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the planning policy and the objectives which the planning policy is designed to achieve before making its decision.

(7) The planning policies of the City as adopted by the Council immediately before the Gazettal date are to be taken as being operative under this clause.

**NOTE**—‘Gazettal date’ is defined in Schedule 1.

(8) Any policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

### 8.9 DELEGATION

(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 Approval 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 approval within its municipal district, and being qualified by experience with the work of any such committee; and/or
- (b) that officer of the Council, holding or eligible to hold a Municipal Town Planners Certificate, appointed to the position of Town Planner for the purpose of the Local Government Act 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 (a) and (b) above.

(2) Any delegation made under sub-clause 8.9 (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.

(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.

(4) The performance of the function by a delegate under subclause 8.9 (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.

(5) 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.

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

(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) 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.

### 8.10 AMENDMENTS TO THE SCHEME

(1) The Council shall keep the Scheme under constant review and where appropriate carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means for pursuing community objectives regarding development and land use.

(2) The Council may, from time to time, initiate an amendment to the Scheme in accordance with the Act and Regulations and shall give consideration to any application to have the Scheme amended.

(3) In the case of a proposed amendment to the zoning of land other than requested by the owner, the Council shall, before initiating any amendment to the Scheme, invite comment from the owner of the land concerned.

(4) Council shall take into consideration any comments or submissions received in respect of a proposed amendment to the Scheme and shall only proceed with the amendment where it is satisfied the amendment would be consistent with the objectives of the Scheme and would not be contrary to the public interest.

## SCHEDULE 1

### INTERPRETATIONS

1. In this Scheme, unless the contrary intention appears—

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

**absolute majority** has the meaning given to it in the Local Government Act 1960.

#### NOTE:

The Local Government Act defines 'absolute majority' in relation to—

- (a) the members of a Council as a total majority of the members for the time being of the Council, whether present and voting or not; and
- (b) the members of a committee of the Council, as a total majority of the members of that committee of the Council, whether present and voting or not.

**Act** means the Town Planning & Development Act 1928.

**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.

**amenity building** means a building that employees or persons engaged in an industry or business use for their personal comfort, convenience or enjoyment of leisure as distinct from the work of the industry or business.

**amusement facility** means land and buildings, open to the public, used for not more than 2 amusement machines.

**amusement machine** means—

- (a) a machine, device or games table, mechanically or electronically powered, that releases or makes available balls, discs or other items for projection in or on the machine by the use of springs, flippers, paddles or cues; or
- (b) an electronic device which is controlled or partly controlled by computer associated with an electronic screen,

which is operated by one or more players for amusement or recreation.

**amusement parlour** means land and buildings, open to the public, and where there are more than two amusement machines operating within the premises.

**ancillary use** means a use associated with and incidental to the predominant use.

**auction mart** means a building used for the storage and sale by auction of goods and materials.

**automotive hire** means land and buildings used for the hiring out of motor vehicles but does not include land or buildings used for mechanical repair or servicing of such vehicles.

**automotive panel beating/spray painting** means the use of land and buildings for the purpose of chassis reshaping, minor and major body repairs and automotive spray painting.

**automotive repairs** means the use of land and buildings for the purpose of conducting mechanical repairs and overhauls to vehicles and machinery.

**automotive sales** means the use of land and buildings for the display, sale and repair of new or second-hand motorcycles, cars, trucks, or caravans and includes the sale of parts and accessories associated with such use.

**automotive wrecking** means the use of land and buildings for the storage, breaking up or dismantling of vehicles and includes the sale of second-hand automotive accessories and spare parts.

**battle-axe lot** means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.

**betting agency** means a building operated in accordance with the Totalisator Agency Board Betting Act 1960.

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

- (a) premises the subject of a hotel, hotel restricted or tavern licence granted under the provisions of the Liquor Licensing Act 1988 or otherwise designed and intended to be used for purposes associated with such a licence;
- (b) premises used as a boarding school approved under the Education Act 1928;
- (c) a single or attached house, or grouped or multiple dwelling (as defined in the Residential Planning Codes); and
- (d) any building that is the subject of a strata title issued under the provisions of the Strata Titles Act 1985.

**NOTE:**

The Residential Planning Codes define 'grouped dwelling' as a dwelling which is one of a group of 2 or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise; and 'multiple dwelling' is defined as a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other.

**building** has the same meaning as that given to it in the Residential Planning Codes when related to a residential building, but for all other purposes shall have the same meaning as is given to it in the Building Code of Australia 1990.

**NOTE:**

The Residential Planning Codes define 'building' as any structure or appurtenance thereto, whether fixed or movable, temporary or permanent, placed or erected upon land, and includes carports, garages, verandahs and retaining walls.

**builders yard** means the use of land or buildings for the storage, assembly or dismantling of building materials.

**bulky goods** mean goods which due to their size, mass or volume are not readily or comfortably able to be moved, relocated or transported by a customer on or within a sedan motor vehicle.

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

**caravan park** means an area set aside for the parking of caravans in conformity with the Caravan Parks and Camping Grounds Regulations 1974, made pursuant to the provisions of the Health Act 1911.

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

**car park** means land or buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.

**car wash** means the use of premises for the washing or cleaning of the external surfaces of motor vehicles by mechanical means.

**cat boarding facility** means a building designed and used for the purpose of keeping more than 3 cats over the age of 3 months.

**cemetery/crematoria** means land and buildings used for the storage and disposal of bodies by burning or burial, or both.

**child day care centre:** means any land or buildings used for the daily or occasional care of children in accordance with the Child Care Regulations 1968 (as amended) but does not include a Child Family Care Centre.

**child family care centre:** means a Child Minding Centre conducted in a private dwelling where children are received for care but does not include a Child Day Care Centre.

**Cinema/theatre:** means any land or building where the public may view a motion picture or theatrical production.

**City** means the City of Kalgoorlie/Boulder established as a municipality under the Local Government Act 1960.

**civic building** means any building used by Government departments, instrumentalities of the Crown or the Council for administrative or other like purposes.

**civic uses** means land or buildings used by a Government department, an instrumentality of the Crown, or the Council, for administration, recreational or other purposes.

**club premises:** means any land or 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.

**commercial vehicle:** means a vehicle whether licensed or not and which is used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self propelled or not but shall not include a passenger car derivative as defined by the Vehicle Sales Regulations 1976 (as amended), a van, utility or light truck which is rated by the manufacture as being suitable to carry loads of up to 1.5 tonnes.

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

**community purpose:** means the use of land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.

**community health centre** means a structure provided from public funds for medical and para-medical services to provide comprehensive family medical care and advice.

**conservation** in relation to any place or heritage precinct, means 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, stabilisation, 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.

**NOTE:**

'place' is defined in this Schedule.

**consulting rooms (medical)** means a building (other than an hospital) used in the practice of a profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, chiropractor, masseur or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments.

**convenience goods** means goods commonly sold in supermarkets, delicatessens and newsagencies, and also includes petrol.

**convenience store** means land and buildings not exceeding 350m<sup>2</sup> gross floor area used for the retail sale of convenience goods during hours which include but which may extend beyond normal trading hours.

**corner shop** means a shop used for the sale of daily grocery needs to person in the immediate locality, with a gross floor area not exceeding 100m<sup>2</sup>, attached to a dwelling in residential zones and which is operated as an additional use thereto by the permanent tenants of the dwelling.

**Council** means the executive body of the City.

**cultural heritage significance** in relation to a place or heritage precinct, means 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.

**Curtilage:** in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of the Council. The term shall have a like meaning in relation to land around buildings other than dwellings.

**depot** means a place where goods or vehicles are deposited or stored for purposes other than retail or wholesale.

**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”.

**display home centre:** means a group of two or more dwellings which are intended to be open for public inspection.

**district** means the municipal district of the City of Kalgoorlie-Boulder.

**dog boarding facility** means land and buildings used for the boarding and breeding of dogs; and includes land and buildings used for the sale of dogs where such use is an ancillary use to the predominant use of boarding and breeding dogs.

**drive-in theatre:** means any land or buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.

**dry cleaning agency** means a building used for the picking up or setting down of any item for cleaning at dry cleaning premises.

**dry cleaning premises** means land and buildings used for the cleaning of garments and other fabrics by chemical process.

**dwelling** means a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by—

(a) a single person;

(b) a family; or

(c) No more than 6 persons who do not comprise a single family,

and includes rooms, outbuildings and other structures attached to or separate from, but ancillary to those buildings.

**educational establishment** means a school, college, university, technical institute, academy or other educational centre, or a lecture hall, but does not include a reformatory institution or institutional home.

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

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

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

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

**factory unit building** means an industrial building designed, used or adapted for use as two or more separately occupied production or storage areas.

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

**fish shop** means a building where wet fish and similar foods are sold.

**NOTE:**

The Interpretation Act 1984 defines 'sell' to 'include barter, exchange, offer to sell and expose for sale'.

**frontage** means the width of a lot at the street alignment.

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

**funeral parlour** means land and buildings occupied by undertakers where bodies are stored and prepared for burial or cremation.

**garden centre** means land and buildings used for the growing or storage of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens or the sale of trees, plants, shrubs or flowers and associated garden supplies.

**Gazettal date** means the date on which notice of the approval of the Minister to this Scheme is published in the Government Gazette.

**gross leasable area or GLA** means—

(a) the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts; and

(b) includes basements, mezzanines and storage areas.

**gross floor area or GFA** means the total floor area within a building exclusive of parking facilities sited within the building.

**health studio/centre** means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.

**heritage precinct** means an area designated as such by Council under clause 5.6.

**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.

**hire premises (industrial)** means any land or building used for offering for hire or rent of bulky items for industrial purposes including machines and mechanical equipment.

**hire premises (non-industrial)** means any land or building used for the offering for hire or rent of goods of a non-bulky nature which does not include large mechanical devices or equipment.

**home occupation** means the carrying on of any business conducted in a dwelling or within the boundaries of the lot upon which a dwelling is constructed.

**hospital** means a building, whether permanent or otherwise, in which persons are received and lodged for medical treatment or care.

**hotel** means land and buildings the subject of a hotel licence, granted under the provisions of the Liquor Licensing Act 1988, or otherwise designed and intended to be used for purposes associated with such a licence, but does not include a motel, tavern or private hotel.

**industry** means the carrying out of any process for or incidental to:

- (a) the making, altering, repairing or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or breaking up or demolition of any article or part of any article;
- (b) the winning, processing or treatment of minerals;
- (c) the generation of electricity or the production of gas;
- (d) the manufacture of edible goods for human or animal consumption,

being a process carried on in the course of trade or business for gain, other than operations connected with—

- (i) the carrying out of agriculture;
- (ii) site work on buildings, work or land; and
- (iii) in the case of the manufacture of goods referred to in paragraph (d) above, the preparation on the premises of a shop of food for sale,

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, the sale of goods manufactured, repaired or assembled on the premises and the use of land for the amenity of persons engaged in the process.

**industry—extractive** means an industry which involves 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 as extracted or on land adjacent thereto.

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

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

**industry—light** means an industry—

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

**industry—noxious** means an industry in which the processes involved constitute an offensive trade, within the meaning of the Health Act 1911 but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, piggery or poultry farm.

**industry—rural** means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

**industry—service** means a light industry carried out on land or in buildings which services consumer needs through the provision of specialised services including the repair, replacement, assembly or fabrication of goods.

**inventory** 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.

**kindergarten** means premises provided by private or public resources for the part-time education of preschool aged children.

**landscape, landscaping or landscaped area** means land developed with, or by planting of lawns, garden beds, shrubs and trees and includes such features as rockeries, ornamental ponds, swimming pools, barbecue areas or children's playgrounds and any other such area approved by the Council as landscaped area.

**laundromat** means a building, open to the public in which washing machines are available for use.

**liquor store** means a building the subject of a liquor store licence granted under the provisions of the Liquor Licensing Act 1988, or otherwise designed and intended to be used for purposes related to that licence.

**lodging house** has the meaning given to it in the Health Act 1911.

**NOTE:**

Section 3(1) of the Health Act defines 'lodging house' to mean ' any building or structure, permanent or otherwise and any part thereof, in which provision is made for lodging or boarding more than 4 persons, exclusive of the family or the keeper thereof, for hire or reward; but the term does not include -

- (a) premises licensed under a publican's general licence, limited hotel licence, or way-side house licence, granted under the Licensing Act 1911;
- (b) premises used as a boarding school approved under the Education Act 1928; or
- (c) any building comprising residential flats'.

**lunch bar** means premises wherein the goods sold are predominantly foodstuffs and other items intended for the day to day consumption or use by persons living or working in the locality of the building.

**NOTE:**

The Interpretation Act 1984 defines 'sell' to 'include barter, exchange, offer to sell and expose for sale'.

**manufacture** means the making of articles or materials by human, mechanical or electronic power.

**marine collectors yard** means land and buildings used for the storage of marine stores under the provisions of the Marine Stores Act 1902 and marine store has the same meaning.

**market** means land and buildings used for a fair, a farmer's or producer's market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stall-holders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

**medical centre** means a building (other than a hospital) that contains or is designed or intended to contain facilities for medical practitioners and for ancillary services such as chemists, pathologists, and other medical and health services approved by the Council.

**Minister:** means the Minister for Planning or the Minister of the Western Australian Government responsible for town planning.

**motel** means land, and a building or buildings, used or intended to be used to accommodate patrons in a manner similar to a hotel but with separate bathing and toilet facilities for each suite and in which special provision is made for the accommodation of patrons with motor vehicles.

**museum** means land and buildings used for storing and exhibiting objects illustrative of antiquities, natural history, art, nature and curiosities.

**night club** means a building or land used for night time entertainment with or without combined eating facilities and for which a cabaret licence or special facility licence under the Liquor Licensing Act 1988 has been granted.

**non-conforming use** means the use of land which, though lawful immediately prior to the coming into operation of the Scheme, is not in conformity with the Scheme.

**nursing home:** means any building used for the medical treatment or care of sick persons, whether resident or not, but does not include consulting rooms;

**nursery** means land and ancillary buildings used for the extensive propagation, growing, storing displaying or cultivation of trees, shrubs, flowers and any other types of flora.

**occasional uses** means the use of land or buildings on an occasional basis for the purposes of recreation, entertainment or other community activity which does not prejudice the integrity of the Scheme, and includes a swap-meet market or fair, the profits of which (if any) are to be employed for charitable or community purposes.

**office** means a building used for the conduct of the administration requirements of a business or industry.

**open air display** means the use of land for display or sale of goods and equipment.

**owner** in relation to any land includes the Crown in right of the State and the Commonwealth and every person who, jointly or severally, whether at law or in equity—

(a) is entitled to the land for any estate of 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 lessee or licensee from the Crown; or

(d) is entitled to receive or is in receipt of, or, if the lands were let to a tenant, would be entitled to receive, the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession or otherwise.

**petrol filling station** means land and buildings used for the supply of petroleum products and motor vehicle accessories.

**place** in relation to cultural heritage significance 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, lake or estuary;

(b) any works or buildings situated there, their contents relevant to the purpose of this 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.

**planning policy** means a planning policy made by the Council under clause 8.8.

**plot ratio** means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries and in calculating the gross total of the areas of all floors the areas shall be measured over any walls but shall not include lift shafts, stairs or stair landing, machinery rooms, air conditioning, equipment rooms, non-habitable floor space in basements, areas used exclusively for the parking of wheeled vehicles at or below ground level, lobbies or amenities common to more than 1 dwelling or private open balconies of not more than 2.4m depth;

**private hotel** means land and a building or buildings the subject of a hotel restricted licence granted under the provisions of the Liquor Licensing Act 1988 or otherwise designed and intended to be used for purposes associated with that licence.

**private recreation** means the use of land for parks, gardens, playgrounds, sports areas or other grounds for recreation which are not normally open to the public without charge.

**processing** means the altering, producing or treating of an article or articles, but does not include the repackaging of food items purchased in bulk into smaller packages, and sale direct to the consumer.

**public amusement** means the use of land and buildings as a theatre, a cinema, a dance hall, a skating rink, swimming pool or gymnasium, or for games or otherwise for the entertainment of the public with or without charge.

**public assembly—place of** means any special place of assembly including grounds for athletics, all sports grounds with spectator provision, racecourse, trotting track, stadium or showground.

**public authority** means a Minister of the Crown acting in his official capacity, a State Government Department, State trading concern, State instrumentality, State public utility and any person or body, whether corporate or not, who or which, under authority of any Act, administers or carries on for the benefit of the State, a social service or public utility.

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

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

**public worship—place of** includes buildings used primarily for the religious activities of a church, but does not include an institution for primary, secondary or higher education, or a residential training institution.

**radio equipment** means masts, aerials and other associated equipment used for the transmission and reception of radio signals for hobby or commercial purposes.

**radio & television installation** means land, buildings, devices or structures used for the transmission or receiving of signals or pictures or both but does not include domestic radio and television receivers.

**reception centre** means land and buildings used by parties for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes.

**recreation facility** means land and buildings designed, used or adapted for use for the purpose of public or private tennis courts, swimming pools, gymnasia or other active uses and classes for painting, cooking, drama, instruction, and other similar activities.

**residential building** means a building, together with rooms and outbuildings separate from the building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation—

- (a) temporarily by 2 or more persons; or
- (b) permanently by 7 or more persons,

who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school.

**Residential Planning Codes** means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1 prepared under section 5AA of the Act.

**restaurant** means a building wherein food is prepared solely for sale and consumption within the building or portion thereof or on premises adjacent thereto with Council's approval, and includes a licensed restaurant, cafe or night club used for this purpose.

**responsible authority** means the Council of the City of Kalgoorlie-Boulder.

**restricted premises** means any premises, used or designed to be used for the sale by retail or for the exchange, hire, exhibition, loan, delivery or for the display and offer of:

- (a) publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902; or
- (b) material compounds, preparations, or devices which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activities,

but does not include a newsagency, pharmacy, video shop or any other shop, or cinema.

**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 or 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.

**salvage yard** means land and buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to, structures including, without limitation, buildings, machinery, vehicles and boats.

**Scheme area** means the area defined in clause 1.3 of this Scheme.

**Scheme text** means the document to which this Schedule is attached and includes this and all other Schedules.

**service station** means land and buildings used for the supply of petroleum products and fuels and automotive accessories and includes greasing, tyre repairs and minor mechanical repairs.

**shop** means any building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, a market, showroom factory, showroom warehouse, service station, milk depot, marine store, timber yard or land and buildings used for the sale of motor and other vehicles or for any purpose falling within the definition of industry.

**showroom** means a building wherein goods are displayed and may be sold by wholesale 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.

**NOTE:**

The Interpretation Act 1984 defines 'sell' to 'include barter, exchange, offer to sell and expose for sale'.

**solid fuel depot** means land or buildings used for storing, preparation, sale or distribution of any solid fuel materials including coal, coke, firewood, briquettes or similar combustible materials.

**sports ground** means any land used for any sport, but does not include land within the curtilage of a dwelling, if not used commercially.

**squash courts** means a building wherein persons may participate in or view the game of squash.

**stables** means land and buildings used for the keeping and agistment of livestock.

**street alignment** means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed means the new street alignment as prescribed.

**street verge** means that portion of the street as is contained between the edge of the formed carriageway and the adjacent lots.

**Super Pit Gold Mine** means the open cut gold mine located within the Safety Exclusion Zone.

**tavern** means land and buildings the subject of a tavern licence, granted under the provisions of the Liquor Licensing Act 1988 or otherwise designed and intended to be used for purposes associated with the licence.

**transport depot** means land and buildings used for the garaging of road 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 other such motor vehicles, and includes the use of such land and buildings for maintenance management and repair of those vehicles.

**transportable structures/dwellings** means a structure designed for ease of transporting from one location to another, and includes structures such as "Donga" units with skid mountings, metal sandwich panel and flat roof design, and other proprietary names like "Durabuilt", "Atco" and the like.

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

**veterinary hospital** means land and buildings used for, or in connection with, the treatment of sick animals and birds and includes the accommodation of sick animals and birds.

**warehouse** means any building or any enclosed land or part thereof used for the storage of goods and the carrying out of commercial transactions involving the sale of such goods by wholesale but does not include land or buildings used for the sale of goods by retail.

**wholesale** means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a "wholesale merchant" for sales tax purposes under the provisions of the Sales Tax Assessment Act No. 1 1980.

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

**zoological gardens** means any land or building used for the keeping, breeding or display of native and/or imported fauna and the term includes "zoo" or any other similar terminology but does not include kennels for the keeping, breeding or showing of domestic pets.

2. In this Scheme, unless the contrary intention appears, a reference to—

- (a) land includes part of the land;
- (b) premises includes part of the premises; and
- (c) a building includes part of the building.

SCHEDULE 2

CITY OF KALGOORLIE-BOULDER TOWN PLANNING SCHEME NO. 1

APPLICATION FOR PLANNING APPROVAL

1. Surname of Applicant ..... Given Names .....

Full Address ..... Postcode .....

2. Surname of Land Owner (if different from above) ..... Given Names .....

3. Submitted by .....

4. Address for Correspondence .....

Tel. No ..... Fax No .....

5. Locality of Development .....

6. Title Details of Land .....

7. Name of Road Serving Property .....

8. Description of Development .....

Nature and size of all buildings proposed .....

Materials to be used on external surfaces of buildings .....

General treatment of open portions of the site .....

Details of car parking and landscaping proposals .....

Approximate cost of proposed development .....

Estimated time for completion .....

Signature of Owner ..... Signature of Applicant or Agent .....

(Both signatures are required if applicant is not the owner)

..... Date ..... Date .....

SCHEDULE 3

CITY OF KALGOORLIE-BOULDER TOWN PLANNING SCHEME NO. 1

Notice of Public Advertisement of Planning Proposal

It is HEREBY NOTIFIED for public information and comment that the Council has received an application to develop land for the purpose described hereunder:

LAND DESCRIPTION

LOT NO ..... STREET .....

PROPOSAL .....

Details of the proposal are available for inspection at the Council office. Comments on the proposal may be submitted to the Council in writing on or before the ..... day of ..... 19 .....

CHIEF EXECUTIVE OFFICER

DATE

SCHEDULE 4

CITY OF KALGOORLIE-BOULDER TOWN PLANNING SCHEME NO. 1

DECISION ON APPLICATION FOR PLANNING APPROVAL

The Council having considered the application

Dated

Submitted by .....

On behalf of .....

Lot No. .... Street .....

Proposal .....

.....

hereby advise that it has decided to:

REFUSE/GRANT APPROVAL

TO COMMENCE DEVELOPMENT

TO DISPLAY AN ADVERTISEMENT

subject to the following conditions/for the following reasons.

CHIEF EXECUTIVE OFFICER .....

DATE .....

\_\_\_\_\_

SCHEDULE 5

CITY OF KALGOORLIE-BOULDER TOWN PLANNING SCHEME NO. 1

CONTROL OF ADVERTISEMENTS

ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL

(to be completed in addition to Application for Planning Approval)

1. Name of Advertiser (if different from owner):

.....

2. Address in full:

.....

.....

3. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:

.....

.....

.....

.....

4. Details of Proposed Sign:

Height: ..... Width: ..... Depth: .....

Colours to be used: .....

Height above ground level: —to top of advertisement: .....

—to underside: .....

Materials to be used:

Illuminated: Yes/No

If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating etc: .....

If yes, state intensity of light source: .....

5. State Period of time for which advertisement is required:

.....

6. Details of signs, if any, to be removed if this application is approved:

.....

.....

.....

.....

**NB:**This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6. above.

Signature of Advertiser(s): .....  
(if different from land owners)

Date: .....



SCHEDULE 6

CITY OF KALGOORLIE-BOULDER TOWN PLANNING SCHEME NO. 1

Statutory Declaration

Residential Planning Codes

Ancillary Accommodation

I/We .....  
(Full Christian Names) (Surname Block Letters)

of .....

in the State of Western Australia. Occupation .....

now apply for approval to build ancillary accommodation on

Lot ..... House No .....

Street ..... Suburb .....

and do solemnly and sincerely declare that the additional accommodation required on the said land referred to above is intended for use and occupancy by

.....

a relative(s), aged or dependent person(s) to the owner of the said lot and for no other purpose and that in the event of the said occupant or occupants vacating the ancillary accommodation then such additional building shall revert to a Class 1 building (single occupancy residence) and shall not be inhabited by any persons other than the owner of the property without special approval in writing issued by the hand of the Chief Executive Officer, City of Kalgoorlie-Boulder.

And we make this solemn declaration under the provisions of Section 106 of the Evidence Act 1906.

Declared at ..... in the said State,

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

Before me .....

(Justice of the Peace/Commissioner for Declarations)

Owner's signature .....

Proposed occupant's signature .....

SCHEDULE 7  
CITY OF KALGOORLIE-BOULDER TOWN PLANNING SCHEME NO. 1  
NATIVE VEGETATION

## TREES

Species	Common Name	Approx. Height	Soil Type	Description
Euc brockwayii	Dundas Mahogany	up to 20m	From heavy loams through to stony areas, hillsides etc.	Good shade tree, attractive mottled bark and dark green shiny leaves.
Euc camaldulensis	River Gum	16m	Light to heavy loams	Shade tree, fast growing with habit pendulous
Euc campaspe	Silver Topped Gimlet	8m	Heavy clay	Shade and ornamental, silvery blue crown, bronze smooth bark
Euc diptera	Two-Winged Gimlet	5-7m	Medium to heavy loams	Shade tree, good crown, grey-green leaves
Euc dundasii	Dundas Blackbutt	up to 20m	Has some salt tolerance, will grow in medium to heavy loams	Good crown, shade tree, dark green shiny foliage
Euc cremophila	Tall Sand Mallee	8m	Light sandy clay	Shade, ornamental, very attractive cream coloured flowers
Euc gracilis var yilgarnensis	Southern Cross Blackbutt	8m	Light to heavy loam, salt tolerant	Light green foliage, generally dense crown
Euc lesouefii	Goldfields Blackbutt	up to 14m	Sandy to medium loams	Shade tree, good crown, leaves dull to shiny green
Euc salmonophloia	Salmon Gum	up to 20m	Medium to heavy loams	Good shade tree, slow growing, dense crown, light green shiny leaves
Euc salubris	Gimlet	8-10m	Medium to heavy loams	Dark green shiny leaves bronze bark, good shade crown
Euc salubris var glauca	Gimlet	8-10m	Heavy loams	Glaucous leaves, good shady crown, bronze bark
Euc sargentii	Salt River Gum	up to 15m	Salt tolerant, medium to heavy loams - lake sand	Large tree, good crown, attractive creamy flowers, flowers profusely
Euc torquata	Coral Flowered Gum	8-10m	Can accommodate soils from light loam to very stony areas	Shade, ornamental, very attractive pink flowers
Euc woodwardii	Lemon Flowered Gum	10m	Light to medium loams	Open crown, pendulous habit, attractive lemon flowers

## SHRUBS

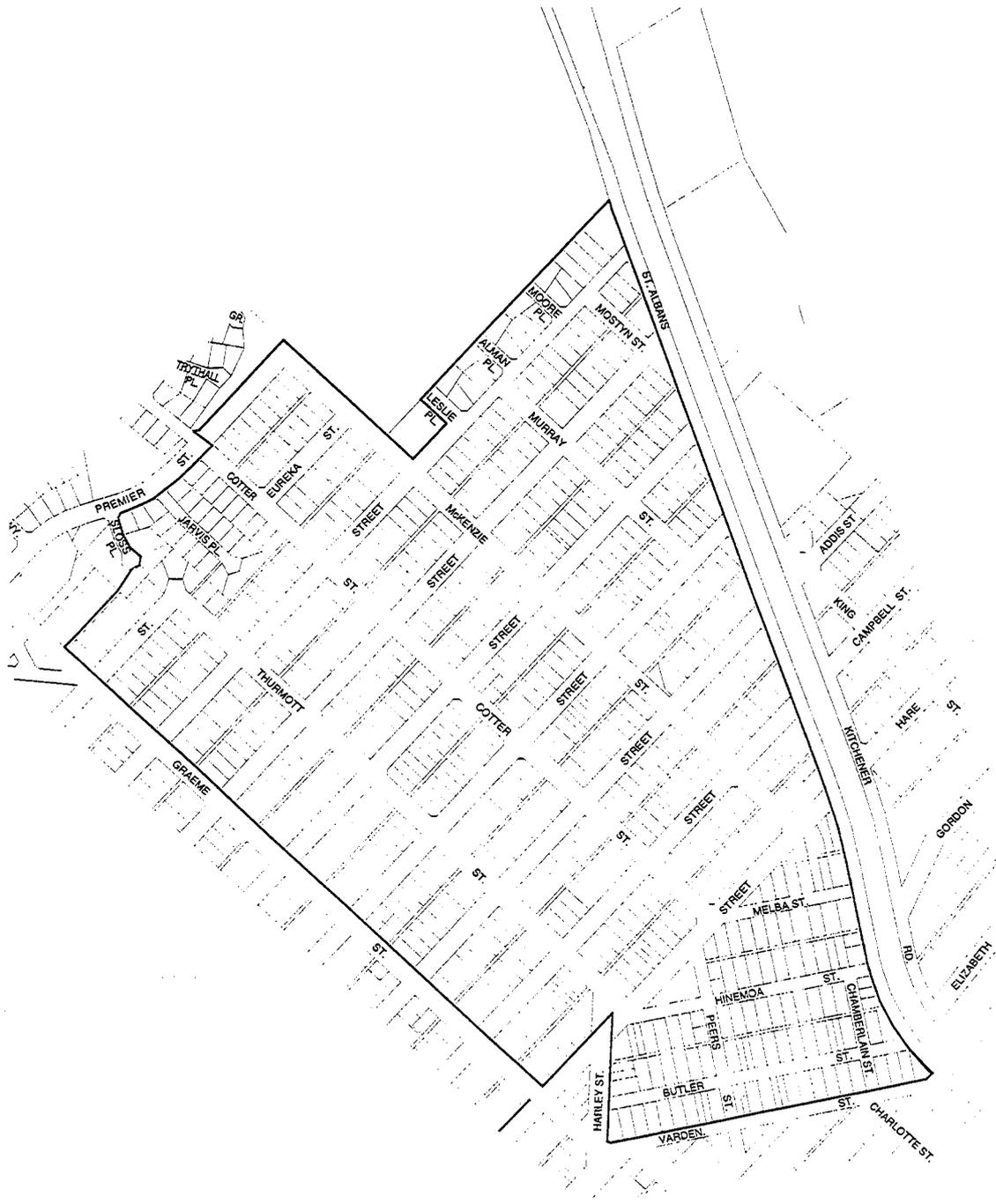
Species	Common Name
Acacia tetragonophylla	Curara
Atriplex nummularia	Old Man Saltbush
Cassia helmsii	Crinkled Cassia
Cassia nemophila	Desert Cassia
Dodonea spp	Hopbush
Eremophila maculata	Native Fuchsia
Eremophila oldfieldii	Pixie Bush
Grevillea spp	Grevillea
Hakea suberea	Corkwood
Maireana sedifolia	Pearl bluebush
Ptilotus Obovatus	Cotton Bush
Ptilotus rotundifolius	Royal Mulla Mulla
Santalum acuminatum	Sweet Quandong
Santalum spicatum	Sandalwood

**SCHEDULE 8**  
**CITY OF KALGOORLIE-BOULDER TOWN PLANNING SCHEME NO. 1**  
**EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 5.10**

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name-plate as appropriate.	0.2m <sup>2</sup>
Home Occupations	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 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 whether or not those signs are connected to a pole, wall or other building.  A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements shall not exceed 15m <sup>2</sup> .  Maximum permissible total area shall not exceed 10m <sup>2</sup> and individual advertisement signs shall not exceed 6m <sup>2</sup> .
Showroom, 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.	N/A
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and  (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government Department, public authority or the Council of a municipality, and  (c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A  N/A  N/A
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m <sup>2</sup> in area.
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings.	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m <sup>2</sup>
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows:  (i) Dwellings  (ii) Multiple Dwellings, Shops, Commercial and Industrial Projects.  (iii) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding three storeys in height.	One Advertisement per street frontage containing details of the project and the contractors undertaking the construction work.  One sign as for (i) above.  One sign as for (i) above.  One additional sign showing the name of the project builder.	2m <sup>2</sup>  5m <sup>2</sup>  10m <sup>2</sup>  5m <sup>2</sup>

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m <sup>2</sup>
Property Transactions:  Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:  (a) Dwellings  (b) Multiple Dwellings, Shops, Commercial and Industrial Properties.  (c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5 ha.	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.  One sign as for (a) above.  One sign as for (a) above.	Each sign shall not exceed an area of 2m <sup>2</sup>  Each sign shall not exceed an area of 5m <sup>2</sup>  Each sign shall not exceed an area of 10m <sup>2</sup>
Display Home Centre  Advertisement signs displayed for the period over which dwellings are on display for public inspection.	(i) One sign for each dwelling on display.  (ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder and giving details of the project building company and details of the range of dwellings on display.	2m <sup>2</sup>  5m <sup>2</sup>
(All uses)	An advertising sign relating to the carrying out of building or similar work on the land on which it is displayed, not being land which is normally used for those purposes.	2m <sup>2</sup>
(All uses)	An advertising sign announcing a local event of a religious, educational, cultural, political, social, or recreational character, not promoted or carried on for commercial purposes.	2m <sup>2</sup>
(All uses)	An advertising sign relating to the prospective sale or letting of the land on which it is displayed.	2m <sup>2</sup>
(All uses)	An advertising sign exhibited upon any land vested in or owned by the Minister for Railways which is directed only to persons upon or entering a railway station or platform or bus station.	N/A
(All uses)	Directional signs, street signs and other like signs erected by a public authority.	N/A

SCHEDULE 9  
BOUNDARIES OF DISTRICT OF LAMINGTON



SCHEDULE 10  
ADDITIONAL USES

No.	Land Particulars	Base Zone	Additional Use	Development Standards—Conditions
1	Lot 101 & 102 William Street, Kalgoorlie	Showroom/Office/ Warehouse	Fuel Depot	As determined by Council

ADOPTION

Adopted by Resolution of the Council of the City of Kalgoorlie-Boulder at the meeting of the Council held on the 18th day of September 1995.

R. S. YURYEVICH, Mayor.  
P. A. ROB, Chief Executive Officer.

FINAL APPROVAL

1. Adopted by Resolution of the Council of the City of Kalgoorlie-Boulder at the meeting of the Council held on the 24th day of March 1997 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

R. S. YURYEVICH, Mayor.  
P. A. ROB, Chief Executive Officer.

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in Clause 1.4 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

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

Dated: 2/4/97

3. FINAL APPROVAL GRANTED

G. KIERATH, Minister for Planning.

Dated: 3/4/97

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## PREMIER AND CABINET

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PR301

**SUPREME COURT ACT 1935**

DESIGNATION OF ACTING ATTORNEY GENERAL REVOCATION ORDER 1997

Made by His Excellency the Governor in Executive Council.

**Citation**

1. This Order may be cited as the *Designation of Acting Attorney General Revocation Order 1997*.

**Designation of Acting Attorney General Order (No. 2) 1997 revoked**

2. The *Designation of Acting Attorney General Order (No. 2) 1997\** is revoked.

[\* *Published in Gazette 18 March 1997, p. 1547.*]

By His Excellency's Command,

J. PRITCHARD, Clerk of the Executive Council.

**PR401****PUBLIC SECTOR MANAGEMENT ACT 1994  
CHIEF EXECUTIVE OFFICER APPOINTMENTS**

The Government of Western Australia is keen to ensure that chief executive officers of all public service departments and agencies, are the most suitable for the position. I have therefore decided that it is generally preferable to advertise chief executive officer positions at the expiry of existing appointments, to ensure that competitive and merit-based appointments are made. This approach should not, however, be seen as a reflection upon the capacity of current chief executive officers whose terms of appointment have expired. I expect that present occupants will, in most cases, wish to apply for appointment to advertised positions.

Having received and considered relevant advice in respect of the chief executive officer listed below, I, Richard Fairfax Court, Minister for Public Sector Management, notify that I have not recommended the reappointment of—

Agency	Title	Name of Current Occupant
Main Roads Department	Commissioner	Dr Ken Michael

I shall soon be requesting the Commissioner for Public Sector Standards to act to enable the filling of this vacancy.

RICHARD COURT, Premier and Minister for  
Public Sector Management.

**PR402****MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that the temporary appointment of Hon. E. J. Charlton MLC as Minister for Justice; the Arts in the place of Hon. P. G. Foss MLC in the period 14 to 23 April 1997 inclusive, as published in the *Government Gazette* dated 18 March 1997, has been cancelled.

M. C. WAUCHOPE, Chief Executive.

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**RACING, GAMING AND LIQUOR**


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**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>			
1643/96	Anh Dung Phuong	Application for the transfer of a Restaurant licence in respect of premises situated in Mount Pleasant and known as Prince of China Restaurant, from Kings Court Pty Ltd.	24/4/97
1644/96	Osamu Uchino & Rico Uchino	Application for the transfer of a Restaurant licence in respect of premises situated in Mosman Park and known as Restaurant Sirocco, from Vexwood Pty Ltd.	27/4/97
1645/96	Goldfields Radiator Specialists Pty Ltd and Egas Fabrication Pty Ltd	Application for the transfer of a Restaurant licence in respect of premises situated in Fremantle and known as Oreithya, from Goldfields Radiator Specialists Pty Ltd.	25/4/97

App. No.	Applicant	Nature of Application	Last Date for Objections
1646/96	Rosesand Nominees Pty Ltd	Application for the transfer of a Restaurant licence in respect of premises situated in Port Hedland and known as Catherine's For Fine Dining, from Capa Enterprises Pty Ltd.	27/4/97
<b>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
1026/96	Andre Jean-Marie Benoit and Margaret Mary Benoit	Application for the grant of a Restaurant licence in respect of premises situated in Lower Chittering and known as Farmhouse Restaurant.	7/5/97

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

G. B. AVES, Director of Liquor Licensing.

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## WATER

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### WA401

#### WATERWAYS CONSERVATION ACT 1976

For the purpose of making an appointment to the Albany Waterways Management Authority His Excellency the Governor acting pursuant to the powers conferred by section 14 the Waterways Conservation Act 1976 as amended and on the recommendation of the Minister for Water Resources has been pleased on the 25th day of March 1997 to appoint—

Mr Vincent Calleja	as Member	to 30 June 1999
Mr Steven Porritt	as Member	to 30 June 1999

J. PRITCHARD, Clerk of the Council.

### WA402

#### WATERWAYS CONSERVATION ACT 1976

For the purpose of making an appointment to the Wilson Inlet Management Authority His Excellency the Governor acting pursuant to the powers conferred by section 14 the Waterways Conservation Act 1976 as amended and on the recommendation of the Minister for Water Resources has been pleased on the 25th day of March 1997 to appoint—

Mr Matthew Stephens	as Chairman	to 30 June 1999
Mr David Morrell	as Deputy Chairman	to 30 June 1999
Mr Basil Schur	as Member	to 30 June 1999
Mr Michael Jenkins	as Member	to 30 June 1999
Mrs Janet Nekel	as Member	to 30 June 1999
Mr Desmond Wolfe	as Member	to 30 June 1999
Mr Steven Porritt	as Member	to 30 June 1999

J. PRITCHARD, Clerk of the Council.

### WA403

#### WATERWAYS CONSERVATION ACT 1976

For the purpose of making an appointment to the Leschenault Inlet Management Authority His Excellency the Governor acting pursuant to the powers conferred by section 14 the Waterways Conservation Act 1976 as amended and on the recommendation of the Minister for Water Resources has been pleased on the 25th day of March 1997 to appoint—

Mr Peter Jeffree	as Member	to 30 June 1999
Mr Graeme Edwards	as Member	to 30 June 1999
Mr Anthony Brandis	as Member	to 30 June 1999
Mr William Russell	as Member	to 30 June 1999
Mr Farran Dixon	as Deputy Member	to 30 June 1999
Mrs Barbara Booth	as Member	to 30 June 2000
Mr Domenic Figliomeni	as Member	to 30 June 2000
Mr John Barratt	as Deputy Member	to 30 June 2000

J. PRITCHARD, Clerk of the Council.

## TENDERS

### ZT201

#### MAIN ROADS WESTERN AUSTRALIA

##### *Tenders*

Advertised from 9/4/97 to 15/4/97

Tenders are invited for the following projects.

Information on these Tenders is available from the Contracts Officer, Supply Branch, Don Aitken Centre, Waterloo Crescent, East Perth.

Tender No.	Description	Closing Date
		1997
320/96	Road crack patching, asphalt, cold planing, bitumen and primer seal works, metropolitan area (south) .....	29 April
516/96	Guidepost installation and maintenance and litter collection and disposal, various roads, Gascoyne Region .....	29 April
751/96	Planting on various Main Roads, highways and freeways road reserves in the metropolitan area .....	24 April
756/96	Cleaning of office workshop and depot buildings, Great Southern Region .....	23 April

#### *Acceptance of Tenders*

Contracts Awarded from 9/4/97 to 15/4/97

Contract No.	Description	Successful Tenderer	Amount \$
106/96	Supply and delivery of crushed aggregate, Metropolitan Region	BGC Quarries ) Boral Quarries ) CSR Readymix Quarries ) Pioneer Concrete (WA) Pty Ltd ) Quarry Park Pty Ltd ) WA Limestone )	900 000.00
148/96	Refurbishment and maintenance of selected timber bridges, South West Region	George Thackray & Sons Marine Const Pty Ltd	148 884.00
491/96	Channelisation modification at the intersection of Stirling Highway, Mounts Bay Road and Winthrop Avenue	Highway Construction Pty Ltd	120 340.50
666/96	External painting of Main Roads office building, Messmate Way, Kununurra	John Silver & Company .....	4 650.00

Director, Corporate Services.

### ZT301

#### DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES

##### *Tenders Invited*

Tender forms and full particulars of the Schedule hereunder may be obtained on application at the Tenders Office, 6th Floor, 2 Havelock Street, West Perth, WA 6005, or by contacting 222 5498 or 222 5201, Fax Nos. 222 5152 or 222 5150. Internet Address <http://www.wa.gov.au/contracts/>

Date of Advertising	Schedule No.	Description	Date of Closing
		<i>Supply &amp; Delivery</i>	
March 28	RFT 250/97	9.5 Metre Aluminium Hulled Patrol Vessel for the Department of Fisheries .....	April 24

DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES—*continued*  
*Tenders Invited—continued*

Date of Advertising	Schedule No.	Description	Date of Closing
April 11	RFT 332/97	Supply, Delivery, Installation and Commissioning of one (1) Computerised Numerical Controller (CNC) Machine Centre at the South West Regional College of TAFE, Bunbury Campus for the Midland College of TAFE .....	April 24
April 11	RFT 253/97	Supply of Cleaning, Gardening and Hardware Products for the Western Australian Police Service . <b>A mandatory briefing session will be held at 10.30am on Monday, 21 April 1997 at CAMS 6th floor Conference Room, Dumas House, 2 Havelock Street, West Perth. For confirmation of attendance contact Errol Webber (09) 222 5474 before 4.00pm Friday, 18 April 1997.</b>	May 1
April 11	RFT 256/97	Supply of 900 Litre Fast Attack 4WD Diesel Powered Single Cab Fire Appliances, for the Bush Fires Board of WA .....	May 1
<i>Provision of Service</i>			
April 4	RFT 306/97	Construction of Groundwater Monitoring Bores, North Eastern Goldfields Air Core Drilling Project, on behalf of the Water and Rivers Commission .....	April 22
March 28	RFT 10/97	Provision of Service for Preparing a Report including Qualitative and Quantitative Surveys for the "Living in the Regions" Project .....	April 24
March 21	RFT 277/97	Provision of Service for Implementation and Support of Resource Management Software for the Office of the Auditor General .....	April 24
April 4	RFT 339/97	Provision of Service Analysis, Design and Programming Services for Powerbuilder Functional Briefing Package Application .....	April 24
<b>A Non-mandatory Briefing Session was held on Tuesday 15th April, 1997.</b>			
April 11	RFT 360/97	Provision of Geographical Information Systems Software, Advice on Hardware Requirements and Installation and Training Services for the Water and Rivers Commission .....	April 29
<b>A briefing session will be held at 10.00am on Tuesday, 22 April 1997 at the Water and Rivers Commission, Level 2, 3 Plain Street, East Perth. For confirmation of attendance contact Kim Wearne (09) 278 0307 before 4.00pm Monday, 21 April 1997.</b>			
April 11	RFT 278/97	Provision of Telecommunication Services to Provide an Internet Service for Bureau Services, CAMS .....	May 1
April 11	RFT 359/97	Provision of Training titled "Understanding and Responding to Domestic Violence" for the Women's Policy Development Office .....	May 1
<b>A mandatory briefing session will be held at 2.00pm Thursday, 24 April, 1997 at the 10th floor Executive Conference Room, Dumas House, 2 Havelock Street, West Perth. For confirmation of attendance contact Lynn Koehler (09) 264 1928 before 4.00pm Wednesday, 23 April 1997.</b>			
April 18	RFT 418/97	Provision of Service to Write and Deliver a Competency Based Training Module on Managing Performance and Giving and Receiving Feedback for a Ministry Wide Performance Development System for the Ministry of Justice .....	May 8
April 18	RFT 53/97	Provision of Temporary Clerical, Information Technology and Technical Personnel for Metropolitan Government Agencies by Preferred Providers .....	May 15

DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES—*continued*  
*Tenders Invited—continued*

Date of Advertising	Schedule No.	Description	Date of Closing
April 18	RFT 422/97	Co-located Supreme and District Courts Consultancy for the Review of Operational Procedures for the Ministry of Justice .....	May 15
		<b>A briefing session will be held at 11.00am Wednesday, 30 April, 1997 at the Executive Conference Room, Level 16, Westralia Square, 141 St George's Terrace, Perth. Please contact Mr Richard Foster on (09) 264 1138 to confirm your attendance before 4.00pm Monday, 28 April 1997.</b>	
April 18	RFT 351/97	State Management and Co-ordination—Property Management Planning in Western Australia for Agriculture WA .....	May 30
		<i>Request for Proposal</i>	
April 11	RFP 403/97	Provision of a Leadership Development Program for the Department of Transport .....	May 6
April 18	RFP 437/97	Consultancy to Develop the Building Condition Assessment Methodology for CAMS The Consultancy includes the development of methodology (rules and guidelines), ensuring consistency in Element Categorisation approach and determining the Maintenance Backlog rules .....	May 21
		<b>A briefing session will be held at 10.00am Monday, 28 April, 1997 at the SGIO Theatre, 170 St Georges Terrace, Perth. Please contact Anne Fleck on (09) 222 5630 to confirm your attendance before 3.00pm Thursday, 24 April 1997.</b>	

Tenders addressed to the Tenders Office, 6th floor, Dumas House, 2 Havelock Street, West Perth, WA 6005, before 2.30 pm 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.

April 16, 1997.

## 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 19th May 1997, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bezant, Mabel, late of Home of Peace, Thomas Street, Subiaco, died 17/3/97 (DEC 300417 DG2).

Brown, Muriel Gwendoline, late of Karri Lodge, Baltimore Road, Merrawa, died 10/2/97 (DEC 299587 DS4).

Craig, Hazel Ruth, late of Room 27, Trinity Lodge, Hill View Terrace, Bentley, died 19/3/97 (DEC 300339 DC4).

Ellis, Dora Winifred, late of Lathlain Nursing Home, 63 Archer Street, Carlisle, died 11/12/95 (DEC 297442 DS4).

Green, Lenard George, late of Freeman Nursing Home, Bull Creek Road, Rossmoyne, died 27/2/97 (DEC 300335 DL4).

Hood, Rita, late of St Rita's Nursing Home, Queens Crescent, Mount Lawley, died 10/3/97 (DEC 300222 DG2).

Jennings, James Joseph, late of Unit 29/216 Cambridge Street, Wembley, died 24/3/97 (DEC 300471 DL3).

Johnson, Arthur William, late of 33 Spray Street, Rosebud, Victoria, died 25/2/97 (DEC 300315 DG3).

- Kessell, Raymond, late of Emerald Plantation, North River Road, Carnarvon, died 15/8/95 (DEC 286501 DD2).
- Langley, Roy Edwin, late of Lemnos Hospital, 227 Stubbs Terrace, Shenton Park, died 3/4/97 (DEC 300406 DS4).
- Laurissen, Golda Hope, late of Parklands Lodge, 17A/52 Liege Street, Woodlands, died 8/3/97 (DEC 300361 DS3).
- McPherson, Norma Joyce, late of 24 Rosmead Avenue, Beechboro, died 16/3/97 (DEC 300458 DG3).
- Moorhouse, Lesley Maude, late of 47 Sulman Avenue, Salter Point, died 12/3/97 (DEC 300356 DP3).
- Murray, Bernard Luke, late of Victoria Park Nursing Home, 1 Croesus Street, Kalgoorlie, died 3/1/96 (DEC 299240 DG4).
- Negus, Eileen May, late of Unit 37, 156 Whatley Crescent, Maylands, died 31/3/97 (DEC 300268 DS2).
- Ojdym, Janina, late of Unit 3, 117 Walter Road, Dianella, died 14/3/97 (DEC 300190 DL3).
- Peake, Yvonne June, also known as Peake-Symons, Yvonne June, late of 38 Brazier Street, Denmark, died 20/4/90 (DEC 300374 DA2).
- Peirce, Eunice Mary, formerly of Mertome Village, Unit 30C/30 Winifred Road, Bayswater, late of Cottage Hospice, 1 Bedbrook Place, Shenton Park, died 14/3/97 (DEC 300316 DL3).
- Read, Florence Irene, late of Burswood Nursing Home, 16 Duncan Street, Victoria Park, died 11/3/97 (DEC 300338 DS4).
- Roberts, Theresa Mary, late of Unit 9 Thomas Scott Village, 63 Ypres Road, Kelmscott, died 13/2/97 (DEC 299918 DL4).
- Sorensen, Frank Fleming, late of 53 Hagart Way, Lockridge, died 15/1/97 (DEC 298745 DE3).
- White, Doris Louisa, late of 14/306 Preston Point Road, Attadale, died 6/2/97 (DEC 300069 DG2).
- Wilkerson, Charles Neville, late of Unit 2/171 Augustus Street, Geraldton, died 14/1/97 (DEC 300188 DD2).

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 in respect of the Estate of the late Peter Frank John Fillery who died on 9th of October 1996 at Mount Pleasant are requested to send particulars of their claims to the Executor Helen Fillery-James c/- Michael Whyte & Co, Barristers & Solicitors, Level 1, 41-43 Ord Street, West Perth 6005 within one (1) month from the date of this notice after which date the Executor may distribute the assets having regard only to the claims of which they have then had notice and the said Executor shall not be liable to any person of whose claim they have had no notice at any time of administration or distribution.

**ZZ202****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Creditors and other persons having claims in respect of the Estate of the late Phillip Alfred McDonnell who died on 14th of October 1996 at Hines Hill are requested to send particulars of their claims to the Executor Alexander Philip Salvaris and Laurence Melville Iffla c/- Michael Whyte & Co, Barristers & Solicitors, Level 1, 41-43 Ord Street, West Perth 6005 within one (1) month from the date of this notice after which date the Executor may distribute the assets having regard only to the claims of which they have then had notice and the said Executor shall not be liable to any person of whose claim they have had no notice at any time of administration or distribution.

**ZZ203****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Trustees Act 1962 in the Estate of Frederick Arthur Aldous, late of 22 Oats Street, Kewdale in the state of Western Australia, Pensioner Deceased.

Creditors and other persons having claim (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of the above named deceased, who died on the 5th of April 1997 to send the claim to me Ross Edward Bedford of P.O. Box 967, Bunbury 6231, on or before the 5th of May 1997. After which date I may convey or distribute the assets having regard only to the claims of which I then have notice.

R. E. BEDFORD,  
117 Ocean Drive,  
Bunbury W.A. 6230.

## CONTENTS

### REGULATIONS, BY-LAWS, RULES, DETERMINATIONS, ORDERS

	Page
Electricity Act 1945—Electricity (Energy Efficiency Labelling) Regulations 1997 .....	1959-61
Electricity Act 1945—Electricity (Energy Efficiency Labelling) Notice 1997 .....	1961
Supreme Court Act 1935—Designation of Acting Attorney General Revocation Order 1997	2041

---

### GENERAL CONTENTS

	Page
Conservation and Land Management .....	1959
Electoral Commission .....	1962
Health .....	1962-64
Heritage Council .....	1965
Justice .....	1965-66
Land Administration .....	1966-71
Local Government .....	1971-73
Main Roads .....	1973-75
Minerals and Energy .....	1976-83
Planning .....	1984-2041
Premier and Cabinet .....	2042
Racing and Gaming .....	2042-43
Water .....	2043
Tenders—	
Main Roads—Western Australia .....	2044
Department of Contract and Management Services .....	2044-46
Public Notices .....	2046-47

