



**WESTERN  
AUSTRALIAN  
GOVERNMENT**  
**Gazette**



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JOHN A. STRIJK,  
Government Printer.

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## PROCLAMATIONS

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AA101

**ACTS AMENDMENT (MARINE RESERVES) ACT 1997**

(No. 5 of 1997)

## PROCLAMATION

WESTERNAUSTRALIA  
P. M. Jeffery,  
Governor.  
[L.S.]

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

I, the Governor, acting under section 2 of the Acts Amendment (Marine Reserves) Act 1997, and with the advice and consent of the Executive Council, fix the day on which this proclamation is published in the *Government Gazette* as the day on which that Act comes into operation.

Given under my hand and the Public Seal of the State on 26 August 1997.

By Command of the Governor,

CHERYL EDWARDES, Minister for the Environment.

GOD SAVE THE QUEEN !

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## JUSTICE

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JM401

**JUSTICES ACT 1902**

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

Mrs Pauline O'Connor of 17 Gregory Street, Wembley  
Mr Trevor John Walker of 1 Gimlet Court, Kambalda

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

RICHARD FOSTER, Executive Director, Court Services.

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## LOCAL GOVERNMENT

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LG301

**LOCAL GOVERNMENT ACT 1995****LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) AMENDMENT REGULATIONS (No. 2) 1997**

Made by the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Local Government (Functions and General) Amendment Regulations (No. 2) 1997*.

**Regulation 8 of Local Government (Functions and General) Regulations 1996 amended**

2. Regulation 8 of the *Local Government (Functions and General) Regulations 1996\** is amended by inserting after subregulation (2) the following subregulation —

“

(3) A transaction under which a local government disposes of a leasehold interest in land is an exempt land transaction for the purposes of section 3.59 of the Act if —

- (a) all or any of the consideration to be received by the local government under the transaction is by way of an increase in the value of the land due to improvements that are to be made without cost to the local government; and

- (b) although the total value referred to in the definition of "major land transaction" in that section is more, or is worth more, than the amount prescribed for the purposes of that definition, it would not be if the consideration were reduced by the amount of the increase in value mentioned in paragraph (a).

[\* *Published in Gazette 24 June 1996, pp. 2771-97.*  
*For amendments to 15 August 1997 see 1996 Index to Legislation of Western Australia, Table 4, p. 172, and Gazette 29 April 1997.]*

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

LG302\*

### HEALTH ACT 1911

#### CITY OF ARMADALE HEALTH AMENDMENT LOCAL LAWS (No. 2) 1997

Made by the Council of the City of Armadale.

#### Citation

1. These local laws may be cited as the *City of Armadale Health Amendment Local Laws (No. 2) 1997*.

#### Principal local laws

2. In these local laws the *City of Armadale Health Local Laws 1996\** are referred to as the principal local laws.

[\**Published in the Gazette of 12 July 1996 p. 3285-3351.*]

#### Section 47 amended

3. Section 47(3) of the principal local laws is amended by deleting "the fee prescribed by Schedule 20" and substituting the following—

"the appropriate fee as fixed from time to time by Council pursuant to the provisions of section 344C of the Act"

#### Section 68 amended

4. Section 68 (2) is amended by inserting immediately after the word "cow" the words "or such other animal as Council may specifically decide".

#### Section 142 amended

5. Section 142(b) of the principal local laws is amended by deleting "By-Laws" and substituting the following—

"Local Laws"

#### Section 143 amended

6. Section 143 of the principal local laws is amended by deleting "By -Laws" and substituting the following—

"Local Laws"

#### Various references to "this By-Law" changed to "these Local Laws"

7. The principal local laws are amended in each Section listed in the Table to this Section by deleting "this By-Law" wherever it occurs and substituting in each case the following—

"these Local Laws"

	Table	
44(2)(b)		264
150(2)(b) (i)		275
242		

#### Schedule 2 amended

8. Schedule 2 to the principal local laws is amended by deleting "Health By-Law" and substituting the following—

"Health Local Laws"

#### Schedule 6 amended

9. Schedule 6 to the principal local laws is amended by deleting "Proposed dated of operation (if known)" and substituting the following—

"proposed dates of operation (if known)".

**Schedule 20 repealed**

10. Schedule 20 to the principal local laws is repealed.

R. C. STUBBS JP, Mayor.

J. W. FLATOW, Chief Executive Officer

**LG401****SHIRE OF LAKE GRACE**

## Authorised Officers

It is hereby notified for public information that Mr Alan Neil Snow and Ms Becky Jane Russell have been authorised by Council to act under the provisions of the following Act, Council By-laws and Regulations as from the 20th August 1997—

- Dog Act 1976, Regulation and Council By-laws
- Council By-laws pertaining to "Removal and Disposal of Obstructing Animals and Vehicles"
- Caravan Parks and Camping Regulations.

J. K. McENCROE, Chief Executive Officer.

**LG402****DOG ACT 1976***Shire of Tambellup*

It is hereby notified for public information that Bryan Thomas Trezona has been appointed as an Authorised Person under the provisions of the Dog Act 1976.

R. T. HILTON, Chief Executive Officer.

**LG403****LOCAL GOVERNMENT ACT 1995****HEALTH ACT 1911***Shire of Wyalkatchem*

## Memorandum of Imposing Rates 1997/98

At a meeting of Wyalkatchem Shire Council held on the 8th August 1997 it was resolved that the rates and charges specified hereunder should be imposed on all rateable property within the district of the municipality in accordance with the provisions of the above Acts.

Dated: 8th August 1997.

R. J. CRUTE, President.

B. E. TAYLOR, Chief Executive Officer.

## Schedule of Rates and Charges

## General Rates—

Gross Rental Values 0.095758 cents in the dollar

Unimproved Values 0.025856 cents in the dollar

## Minimum Rates—

Wyalkatchem Townsite \$90.00

Korrelocking Townsite \$30.00

Rural \$38.00

Discount—A discount of 10% on all current rates issued and received in full at the Shire Office up to 4.30 pm on the 23rd September 1997.

## Options for payment of Rates—

Option 1—Prompt Payment. Due no later than 4.30 pm, 23rd September 1997.

Option 2—Four Equal instalments—

1. First instalment due no later than 4.30 pm, 23rd September 1997.
2. Second instalment due no later than 4.30 pm, 23rd November 1997.
3. Third instalment due no later than 4.30 pm, 23rd January 1998.

4. Fourth instalment due no later than 4.30 pm, 23rd March 1998.

Note: No discount applicable on payment option 2. Instalment options are not applicable if arrears and any interest that has accrued up to the date of issue of the notices are not paid by the due date.

Administration Charge—A charge of \$5.00 per reminder notice will apply on option 2.

Instalment Plan Interest Rate—A charge of 6.5% per annum calculated daily by simple interest from 23rd September 1997.

Rubbish Removal Charges—

Residential—\$84.00 per annum for one weekly service.

Commercial—\$99.00 per annum for one weekly service.

Pensioners—\$42.00 per annum for one weekly service.

#### LG405

### LOCAL GOVERNMENT ACT 1995

*Shire of Williams*

#### ANNUAL FEE REVIEW

1997/98 Fees and Charges

At meetings held on 16 July 1997 and 20 August 1997 Council set fees and charges in relation to the following—

- Photocopying and Facsimile
- Refuse Collection
- Staff Housing Rentals
- Swimming Pool
- Hall and Pavilion
- Arts and Craft Centre
- Recreation Ground
- Private Works—Plant and Labour
- Members meeting fees and expenses
- Williams and Boraning Public Cemeteries

The fees and charges are available for public inspection at the Council office during normal office hours.

V. EPIRO, Chief Executive Officer.

#### LG404

### LOCAL GOVERNMENT ACT 1995

#### HEALTH ACT 1911

*Shire of Mount Marshall*

Memorandum of Imposing Rates and Charges 1997/98

At a meeting of the Shire of Mount Marshall held on 13 August, 1997 it was resolved that the rates and charges specified hereunder shall be imposed on all rateable properties within the Municipality for the period 1 July 1997 to 30 June 1998 in accordance with the provisions of the abovementioned Acts.

Dated 26 August 1997.

L. W. O'NEIL, President.  
P. R. BRADBROOK, Chief Executive Officer.

#### Schedule of Rates and Charges Levied

General Rates—

10.1515 cents in the dollar on Gross Rental Valuations.

4.6718 cents in the dollar on Unimproved Valuations.

Minimum Rate—\$95 per Lot/Location or Assessment.

Specified Area Rates—

1.8112 cents in the dollar on Gross Rental Valuations.

0.3237 cents in the dollar on Unimproved Valuations.

Minimum Rate—\$20 per Lot/Location or Assessment.

Interest Charges—

6% interest on instalments

12% pa interest on outstanding rates

12% pa on sundry debtors outstanding for 35 days or more

Administration Charges—\$5 on each rate instalment notice.

Discount—A discount of 10% will be allowed on all current rates paid in full within 21 days of the date of issue.

**Rubbish Charges—**

Domestic—\$95.00/per annum for the weekly removal of one 240 Litre Mobile Rubbish Bin.

Commercial—\$95.00/per annum for the weekly removal of one 240 Litre Mobile Rubbish Bin.

**Instalment Plan Options—**

Four payments as under—

- (i) 25% of the rates within 35 days
- (ii) 25% of the rates within 2 months of (i)
- (iii) 25% of the rates within 2 months of (ii)
- (iv) 25% of the rates within 2 months of (iii) being 6 months from the expiration of the initial 35 day period and 6 months and 35 days from the date of issue of the notice.

Fees and Charges—A full schedule of the fees and charges is available for public inspection, from the Shire Administration Centre, Monger Street, Bencubbin, during normal office hours.

**LG406**

**CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978**

*Shire of Gingin*

**VARIATION TO BOUNDARIES OF PERMITTED AREA**

Department of Local Government,  
Perth, 29 August, 1997.

DLG: GG 8-2

Pursuant to the powers conferred on me by section 12 of the Control of Vehicles (Off Road Areas) Act 1978, and with the consent of the Governor, I, Paul D Omodei MLA, being the Minister as defined by section 3 of the Act, hereby vary the boundaries of the permitted area as specified in Item 4 of the Schedule contained in the "Notice Declaring Permitted Areas" published in the *Government Gazette* of 19 October 1979, to those specified in the Schedule to this notice.

PAUL D. OMODEI, Minister for Local Government.

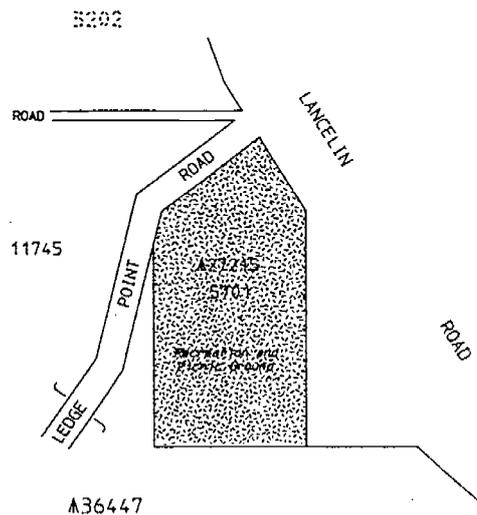
**Schedule**

All that portion of land being Swan Location 5701 (Reserve 27215) as shown delineated in black and stippled on Department of Land Administration Miscellaneous Diagram No. 29 Sheet 12

Department of Land Administration Public Plan

LANCELIN N.E. 1:25000

Department of Land Administration  
Miscellaneous Diagram No. 29 Sheet 12  
Supersedes Miscellaneous Diagram 29 Sheet 6  
Shire of Gingin



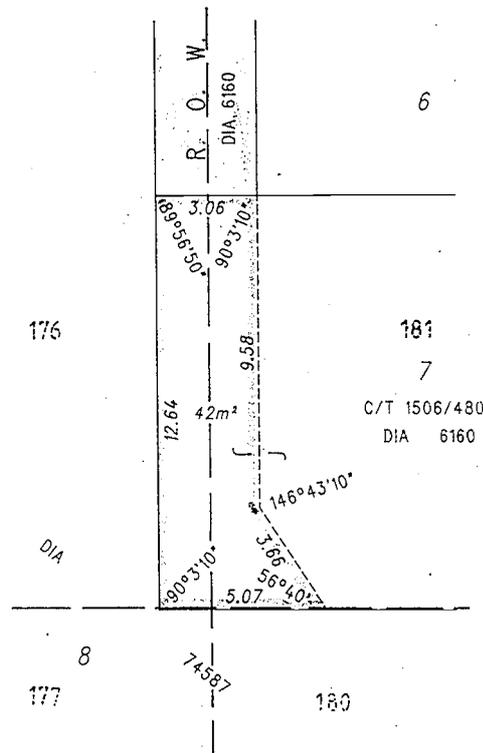
LG407

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960***City of Bunbury***CLOSURE OF PRIVATE STREET**Department of Local Government,  
Perth, 29 August, 1997.

LG: BY 4-14

It is hereby notified for public information that His Excellency the Governor has approved under the section 297A of the Local Government (Miscellaneous Provisions) Act 1960, the resolution passed by the City of Bunbury that portion of the private street which is described as portion of each of Bunbury Town Lots 175, 176, 181 and 182 being portion of the land coloured brown on Diagram 6160 and being part of the land contained in Certificate of Title Volume 1858 Folio 998 be closed and the land contained therein be amalgamated with adjoining Lot 7 Wittenoom Street, Bunbury, as shown in the Schedule hereunder.

JOHN LYNCH, Department of Local Government.

Schedule  
DIAGRAM No. 93633

LG501

**BUSH FIRES ACT 1954***City of Geraldton*

Notice to All Owners and/or Occupiers of Land in the City of Geraldton

Pursuant to the powers contained in section 33 of the above Act, you are hereby required, on or before the 15th day of November of each year, or within 14 days of the date of your becoming owner or occupier should this be after the 15th day of November to remove from the land owned or occupied by you, all inflammable materials or to clear firebreaks in accordance with the following and thereafter to maintain the land or the firebreaks clear of inflammable material up to and including the 31st day of March the following year—

- (i) Where the area of the land is 0.202 hectares or less, all inflammable material on the land shall be removed from the whole of the land;
- (ii) Where the land exceeds 0.202 hectares in area, firebreaks at least 3 metres wide and high shall be cleared of all inflammable material immediately—
  - (a) inside all external boundaries of the land; and
  - (b) surrounding all buildings situated on the land.

Inflammable material is defined for the purpose of this notice to include bush, timber, boxes, cartons, paper and like inflammable materials, rubbish and also any combustible matter, but does not include living trees, shrubs, growing bushes and plants under cultivation.

Clearing is defined for the purpose of this notice to include ploughing, cultivating, scarifying, slashing or to otherwise clear the land or firebreaks as determined above. Where the option of slashing is preferred, the height of grass when slashed shall not exceed 150mm.

Burning of all rubbish or refuse is not permitted within the City of Geraldton without Council permission; therefore burning of vegetation for clearing purposes is not a permitted method, except in special circumstances approval may be authorised by the Manager of Health and Essential Services on receipt of a written application.

If it is considered to be impracticable for any reason to clear firebreaks by this notice, you may apply to Council or its duly authorised officer, no later than 1st day of November of each year, for permission to provide firebreaks in alternative positions or to take alternative action to abate fire hazards on the land. If permission is not granted by Council or its duly authorised officer, you are to comply with the requirements of this notice.

The penalty for failing to comply with this notice is either an \$80.00 infringement fine or a court fine to a maximum of \$1 000. A person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed in this notice if it is not carried out by the owner or occupier by the date required by this notice.

By Order of the Council,

G. K. SIMPSON, Chief Executive Officer.

## LG503

### BUSH FIRES ACT 1954

*Shire of Wyalkatchem*

#### FIREBREAK ORDER

Notice to all Owners and/or Occupiers of Land within the Shire of Wyalkatchem

Pursuant to the powers contained in Section 33 of the above Act, you are hereby required on or before 1 November, 1997 to plough, scarify, spray, cultivate or otherwise clear and thereafter, maintain free of all inflammable material until 1 March, 1998, firebreaks in the following position and of the following dimensions, on the land owned or occupied by you.

#### 1. Rural Land

- (i) Firebreaks of not less than three (3) metres in width around the boundary of all standing crops and that the maximum area of standing crop to be 200 hectares or to the external boundary of each paddock, of most inflammable material, such break to be not more than 20 metres inside the boundary fence.
- (ii) Clear and maintain firebreaks at least three (3) metres wide within 20 metres of the perimeter of any building or group of buildings or hay stacks, in such a manner as to completely encircle the building or hay stack.

#### 2. Townsite

All Townsite Lots within the Shire of Wyalkatchem are required to be cleared and maintained free of all inflammable material.

For the purpose of this section inflammable material means dead grass and timber, boxes, cartons, paper and any combustible material or rubbish but does not include living trees, bushes and shrubs and plants in gardens.

#### 3. Fuel Dumps and/or Depots

All grass or inflammable materials to be cleared from areas where drum ramps are located and where drums, full or empty are stored and such areas are to be maintained free of grass and similar inflammable material until 1 March, 1998.

For the purpose of this section inflammable means dead grass and timber, boxes, cartons, paper and any combustible material or rubbish but does not include living trees and bushes.

Prohibited burning period from 1 November, 1997 to 7 February, 1998.

Restricted burning period from 19 September, 1997 to 31 October, 1997 and 8 February, 1998 to 22 March, 1998.

#### 4. General Provisions

If it is considered to be impracticable for any reason to provide firebreaks in the position or adhere to the provisions required by this notice, the approval of the Council must be obtained to prepare such firebreaks in an alternative position. Approval to any such variation will only be granted where the Bush Fire Control Officer for the area has first signified his approval for the variation. (Examples of reasons to relocate firebreaks include where there are natural firebreaks or areas prone to soil erosion).

The penalty for failing to comply with this notice is a fine of not more than \$1 000 or a penalty of \$80 may be incurred by issue of an Infringement Notice, and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed in this notice if it is not carried out by the owner or occupier and by the date required by this notice.

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

Dated this 1st day of August, 1997.

By Order of the Council,

B. E. TAYLOR, Chief Executive Officer.

**LG502**

**BUSH FIRES ACT 1954**

Section 33

*Shire of Westonia*

Firebreaks Order

Notice to owners and occupiers of land within the Shire of Westonia

Pursuant to the powers contained in section 33 of the abovementioned Act, all owners and/or occupiers of land within the Shire of Westonia are hereby required on or before the 1st day of November 1997 to provide a firebreak clear of all inflammable material, of not less than three (3) metres wide on all rural and townsite land owned or occupied by you and thereafter to maintain such firebreaks clear of all inflammable materials up to and including the 31st day of January 1998 in accordance with the following schedule—

1. Immediately inside all external boundaries of land
2. In such other positions as is necessary to divide the land in the areas not exceeding 404 hectares
3. Immediately surrounding any part of the land used for pasture crop
4. Immediately surrounding all buildings, haystacks and fuel ramps situated on the land.

If for any reason it is considered impractical to comply with any provisions of this notice, written application should be made to the Council not later than the 15th day of October 1997. If permission is not granted by the Council the owner and/or occupier of land shall comply with the requirements of the notice as specified.

The penalty for failure with this notice is a fine of not less than \$40, no more than \$400 and a person in default is also liable, whether prosecuted or not, to pay the costs of performing the work directed in this notice if it is not carried out by the owner or occupier by the date required.

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

Dated 25th August 1997.

By Order of the Council,

A. W. PRICE, Chief Executive Officer.

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**MINERALS AND ENERGY**

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**MN401**

**MINING ACT 1978**

**NOTICE OF INTENTION TO FORFEIT**

Department of Minerals & Energy,  
Perth WA 6000.

In accordance with Regulation 50(b) of the Mining Act, 1978, notice is hereby given that unless the rent due on the undermentioned licences and leases is paid on or before 18 September 1997, it is the intention of the Hon Minister for Mines under the provisions of Sections 96A(1) and 97(1) of the Mining Act, 1978-1983 to forfeit such for breach covenant, viz, non-payment of rent.

DIRECTOR GENERAL.

Number	Holder	Mineral Field
		Exploration Licences
08/716	Duda Pty Ltd Shemmessian, Mihran	Ashburten
09/775	Agnew, David Garrick	Gascoyne
15/395	Never Can Tell Mining & Exploration Pty Ltd	Coolgardie

Number	Holder	Mineral Field
<i>Exploration Licences—continued</i>		
15/396	Never Can Tell Mining & Exploration Pty Ltd	Coolgardie
25/124	Gindalbie Gold NL	East Coolgardie
36/231	Epis, James Gregory	East Murchison
36/307	Heron Resources NL	East Murchison
36/340	Portbeam Holdings Pty Ltd	East Murchison
37/446	Epis, James Gregory	Mt Margaret
38/627	Kulla Pty Ltd	Mt Margaret
38/628	Kulla Pty Ltd	Mt Margaret
38/629	Kulla Pty Ltd	Mt Margaret
38/785	Kulla Pty Ltd	Mt Margaret
38/787	Kulla Pty Ltd	Mt Margaret
47/776	Opaltrend Nominees Pty Ltd	West Pilbara
53/620	Reidler, Christopher William	Wiluna
53/622	Reidler, Christopher William	Wiluna
53/634	Madigan, Michael	Wiluna
53/635	Madigan, Michael	Wiluna
53/637	Madigan, Michael	Wiluna
58/141	Gold State NL	Murchison
58/175	Fargo Investments Pty Ltd	Murchison
59/447	Homestake Australia Ltd	Yalgoo
77/572	Bidwell Pty Ltd	Yilgarn
	Skalidis, George	
	Castona Pty Ltd	
04/935	Mansfield, Godfrey Alexander	West Kimberley
	Towers, John Hunter	
04/936	Mansfield, Godfrey Alexander	West Kimberley
	Towers, John Hunter	
04/954	Mansfield, Godfrey Alexander	West Kimberley
	Towers, John Hunter	
04/955	Mansfield, Godfrey Alexander	West Kimberley
	Towers, John Hunter	
04/1039	Dioro Exploration NL	West Kimberley
28/640	Attgold Pty Ltd	North East Coolgardie
36/317	Del Piano, James John	East Murchison
37/423	Mining Corporation of Australia Ltd	Mt Margaret
37/449	Gold Dust Holdings Pty Ltd	Mt Margaret
45/1497	O'Brien, Rodney John	Pilbara
	Plenty River Mining Co. NL	
53/515	Morgan, Andrew James Hugh	Peak Hill
	Rowles Pty Ltd	
59/395	Mount Grace Gold Mining NL	Yalgoo
70/1601	CSR Ltd	South West
70/1613	Melvin, Leslie	South West
	Ryding, Robert Sinclair	
80/1720	Moy Hall Pty Ltd	Kimberley
<i>Mining Leases</i>		
21/101	Reton Holdings Pty Ltd	Murchison
52/196	Tripe, Robert Dampier Atkins	Peak Hill
59/313	Adolphie Holdings Pty Ltd	Yalgoo
16/169	Coolgardie Gold NL	Coolgardie
	Curtin Mining NL	
24/32	Hoppman, Angela Mary Anne	Broad Arrow
	Hoppman, Amanda Louise	
	Hoppman, Robert Jurgen	
37/446	John L Rowe Consultants Pty Ltd	Mt Margaret
47/325	Money Mining NL	West Pilbara
47/365	Lyburn Nominees Pty Ltd	West Pilbara
52/371	Horseshoe Gold Mine Pty Ltd	Peak Hill
52/372	Horseshoe Gold Mine Pty Ltd	Peak Hill
52/373	Horseshoe Gold Mine Pty Ltd	Peak Hill
58/61	Davey, Herbert Ernest	Murchison

Number	Holder	Mineral Field
Mining Leases— <i>continued</i>		
59/194	McMurdo, Raymond Vincent	Yalgoo
59/368	Mount Grace Gold Mining NL	Yalgoo
70/409	Bentonite (Australia) Ltd	South West
77/708	Roebuck Resources NL	Yilgarn
80/394	Schulda, Harry George	Kimberley

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## PLANNING

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**PD401\*****TOWN PLANNING AND DEVELOPMENT ACT 1928****TOWN PLANNING SCHEME AMENDMENTS AVAILABLE FOR INSPECTION****CITY OF ARMADALE****TOWN PLANNING SCHEME NO 2—AMENDMENT NOS 135 AND 139**

Ref: 853/2/22/4 Pts 135 & 139

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

**AMENDMENT NO 135:**

Modifying Requirement No. 3 of the Development Table for Prescribed Special Use No. 72 by increasing the maximum no. of lots from 143 to 154 lots.

**AMENDMENT NO 139**

Rezoning Lots 9, 12, 100 and a portion of Lot 13 (Reserve 14763) Saunders Way, Lots 20, 22, 23 and 24 Rokewood Way, Karragullen from Rural "E" and "Reservation: Public Purpose" to "Special Use (Cool Stores)".

Plans and documents setting out and explaining the scheme amendments 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 October 10, 1997.

Submissions on the scheme amendments may be made in writing on Form No 4 and lodged with the undersigned on or before October 10, 1997.

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

J. W. FLATOW, Chief Executive Officer.

**PD402\*****TOWN PLANNING AND DEVELOPMENT ACT 1928****TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION****CITY OF BAYSWATER****TOWN PLANNING SCHEME NO 21—AMENDMENT NO 68**

Ref: 853/2/14/25 Pt 68

Notice is hereby given that the local government of the City of Bayswater has prepared the abovementioned scheme amendment for the purpose of rezoning Part Swan Location 5218 and Part Lot 4 No. 240 Beechboro Road North, Bayswater, from "Residential R20/25" to "Medium Density Residential R40".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 61 Broun Avenue, Morley 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 October 10, 1997.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before October 10, 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.

M. J. CAROSELLA, Chief Executive Officer.

**PD403\***

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

TOWN PLANNING SCHEME NO 11—AMENDMENT NO 110

Ref: 853/2/15/10 Pt 110

Notice is hereby given that the local government of the City of Belmont has prepared the abovementioned scheme amendment for the purpose of rezoning Part Locations 34 and Lots 1 to 5 (inclusive) Great Eastern Highway from "Private Clubs and Institutions (Hospital)" zone to "Business Enterprise" zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 215 Wright Street, Cloverdale 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 October 10, 1997.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before October 10, 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.

N. P. HARTLEY, A/Chief Executive Officer.

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**PD404\***

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

TOWN PLANNING SCHEME NO 3—AMENDMENT NO 138

Ref: 853/2/17/10 Pt 138

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 Melville Town Planning Scheme Amendment on August 19, 1997 for the purpose of including Lot 62 (568) Canning Highway, Attadale as a Special Use in Appendix 5, so that permitted uses shall include residential, consulting rooms, coffee shop/restaurant, medical suites, office and professional office and that the use shall be contained within the existing building. Should the subject house, identified in the Municipal Inventory, be demolished the special use will cease to operate.

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

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**PD405\***

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

TOWN PLANNING SCHEME NO 2—AMENDMENT NO 115

Ref: 853/2/8/4 Pt 115

Notice is hereby given that the local government of the City of Nedlands has prepared the abovementioned scheme amendment for the purpose of amending the zoning of Number 31 (Pt Lot 738), The Avonue, Nedlands from "Residential R10" to "Residential R20".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 71 Stirling Highway, Nedlands 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 October 10, 1997.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before October 10, 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. J. FAULKNER, Chief Executive Officer.

**PD406\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*CITY OF STIRLING*  
**DISTRICT PLANNING SCHEME NO 2—AMENDMENT NO 305**

Ref: 853/2/20/34 Pt 305

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 Stirling Town Planning Scheme Amendment on August 24, 1997 for the purpose of altering the interpretation of the term "Rural Use" in clause 1.1.11.2 by deleting the phrase:

"(b) the rearing or agistment of poultry, sheep, cattle or beasts of burden;"  
 and renumbering subsequent sub-clauses.

D. C. VALLELONGA, Mayor.  
 M. WADSWORTH, Chief Executive Officer.

**PD407\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*CITY OF WANNEROO*  
**TOWN PLANNING SCHEME NO 1—AMENDMENT NO 781**

Ref: 853/2/30/1 Pt 781

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 Wanneroo Town Planning Scheme Amendment on August 19, 1997 for the purpose of recoding portion of Part Lot 158 (12) Hepburn Avenue, Sorrento from Residential Development R20 to Residential Development R30 and R50.

B. A. COOPER, Mayor.  
 L. DELAHAUNTY, Chief Executive Officer.

**PD408\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION**  
*CITY OF WANNEROO*  
**TOWN PLANNING SCHEME NO 1—AMENDMENT NO 753**

Ref: 853/2/30/1 Pt 753

Notice is hereby given that the local government of the City of Wanneroo has prepared the abovementioned scheme amendment for the purpose of including various local government zones to correspond with the North West Corridor Omnibus Metropolitan Region Scheme Amendment No. 963/33 to achieve the following:

- (a) rationalisation of Important Regional Roads and Controlled Access Highways Reservations in the Iluka and Currambine localities to include a Residential Development R20 zone;
- (b) rezoning various lots north of the Wanneroo Townsite from the Rural Zone to the Urban Development Zone;
- (c) transferring land between Scenic Drive, Ocean Reef Road and Wanneroo Road from Rural Zone and Parks and Recreation Reservation to the Urban Development Zone and Service Industrial Zone;
- (d) transferring land adjacent to the intersection of Hepburn Avenue and Mitchell Freeway from the Controlled Access Highway Reservation to Residential Development R20.

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 October 10, 1997.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before October 10, 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.

**PD409\***

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

TOWN PLANNING SCHEME NO 1—AMENDMENT NO 766

Ref: 853/2/30/1 Pt 766

Notice is hereby given that the local government of the City of Wanneroo has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 10 Davallia Road, Duncraig from Commercial to Special Zone (Restricted Use)—Consulting Rooms, Educational Establishment, Health Centre, Health Studio, Laundrette, Medical Clinic, Office, Private Recreation, Public Amusement, Restaurant, Service Industry, Showroom, Veterinary Consulting Rooms, Video Library, Warehouse.

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 October 10, 1997.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before October 10, 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.

**PD410\***

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

TOWN PLANNING SCHEME NO 5—AMENDMENT NO 336

Ref: 853/6/6/6 Pt 336

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

1. Rezoning Lots 11, 12, 179, 180, 181, 182 and 183 Rendezvous Road, Vasse from 'General Farming' to 'Special Rural' and 'Important Regional Roads'.
2. Including the subject land in Appendix X of the Scheme Text—'Special Rural Zones—Provisions Relating to Specified Areas' along with appropriate subdivision, land use and development controls.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Southern Drive, Busselton 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 October 10, 1997.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before October 10, 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.

M. SWIFT, Chief Executive Officer.

**PD411\***

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

DISTRICT PLANNING SCHEME NO 2—AMENDMENT NO 180

Ref: 853/2/24/16 Pt 180

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 Kalamunda Town Planning Scheme Amendment on August 22, 1997 for the purpose of rezoning Part Lot 4, Lot 26, Pt Lot 3 and Lot 5 Canning Road from Special Purpose (Car park) to Shopping and Lot 2 Seymour Road, Lots 1, 29 and 28 Lane Road and Lot 27 Lewis Road from Residential (R10) to Shopping.

O. F. McGRATH, President.  
D. E. VAUGHAN, Chief Executive Officer.

**PD412\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*SHIRE OF KALAMUNDA*  
**DISTRICT PLANNING SCHEME NO 2—AMENDMENT NO 182**

Ref: 853/2/24/16 Pt 182

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 Kalamunda Town Planning Scheme Amendment on August 24, 1997 for the purpose of inserting in Appendix "D" of the Scheme Text:

- (i) under column "Particulars of Land" Lot 430, (361) Paulls Valley Road, Paulls Valley;
- (ii) under column "Additional Use" Tourist Facility—Camel Farm. Development being generally in accordance with the indicative guide development plan dated January 1997 as included in the scheme amendment documents.

O. F. McGRATH, President.  
D. E. VAUGHAN, Chief Executive Officer.

**PD413\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*SHIRE OF SERPENTINE-JARRAHDAL*  
**TOWN PLANNING SCHEME NO 2—AMENDMENT NO 75**

Ref: 853/2/29/3 Pt 75

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 August 19, 1997 for the purpose of rezoning Lot 3 South Western Highway, Byford from "Residential" to "Commercial".

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

**PD414**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*SHIRE OF SWAN*  
**TOWN PLANNING SCHEME NO 9—AMENDMENT NO 277**

Ref: 853/2/21/10 Pt 277

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 Swan Town Planning Scheme Amendment on August 24, 1997 for the purpose of:

1. Rezoning portion of Swan Location K from "Industrial Development" to "Highway Service".
2. Rezoning Lots 100, 101, 102, 103, 104, 105, 106 and 107 Commerce Street, and Lots 116, 117, 118, 119, 120, 121, 122 and 123 Trade Road from "Industrial Development" to "Highway Service".
3. Rezoning portion of Swan Location K from "Industrial Development" to "General Industrial".
4. Rezoning portion of Swan Location K from "Industrial Development" to "Service Station".
5. Inserting into Table 5A the following landuse parking requirement:

Landuse	Minimum Parking Provision (Ratio)
Retail Establishment	5 spaces per 100 square metres GLA

6. Inserting into Schedule 1—Definitions, the following definition:  
"Retail Establishment" means any building where goods of a bulky or non-bulky character, not normally purchased on a daily basis, are kept for display or sale by retail or wholesale and the area for display and sale is not less than 400 m<sup>2</sup>.

## 7. Inserting into Appendix 6B—"Additional or Restricted Uses" the following particulars:

Locality	Street and Land Particulars	Additional or Restricted Uses and Conditions
Malaga	Portion of Swan Loc K, Cnr Marshall Road and Malaga Drive	1. The following uses are additional uses: <ul style="list-style-type: none"> <li>• "P"—Shop—Maximum Floorspace 750 m<sup>2</sup> GLA</li> <li>• "P"—Office: Service Maximum Floorspace 600 m<sup>2</sup> GLA</li> <li>• "P"—Office: Professional Maximum Floorspace 500 m<sup>2</sup> GLA</li> <li>• "P"—Restaurant Maximum Floorspace 400 m<sup>2</sup> GLA</li> <li>• "AA"—Retail Establishment Maximum Floorspace 5000 m<sup>2</sup> GLA</li> </ul>
Malaga	Lots 100, 101, 102, 103, 104, 105, 106 and 107 Commerce Street	1. The following uses are additional uses: <ul style="list-style-type: none"> <li>• "P"—Office: Service</li> <li>• "P"—Office: Professional</li> <li>• "P"—Restaurant</li> <li>• "AA"—Retail Establishment</li> </ul>
Malaga	Lots 116, 117, 118, 119, 120, 121, 122, 123, Trade Road	1. The following uses are additional uses: <ul style="list-style-type: none"> <li>• "AA"—Retail Establishment</li> <li>• "AA"—Factory Tenement Building</li> <li>• "AA"—General Industry</li> </ul>
Malaga	Portion of Swan Location K Fronting Marshall Road affected by Western Power easement	1. The following uses are additional uses: <ul style="list-style-type: none"> <li>• "P"—Stable, Horticultural Pursuit, Rural Pursuit</li> <li>• The Council shall refer any application for development to Western Power and notwithstanding that a use is permitted, may refuse such applications on the recommendations of Western Power.</li> </ul>

## 8. Amending the Scheme Maps accordingly.

A. C. FREWING, Executive Manager, Management Services.  
E. W. LUMSDEN, Chief Executive Officer.

PD415\*

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION  
*SHIRE OF WYNDHAM-EAST KIMBERLEY*  
TOWN PLANNING SCHEME NO 4—AMENDMENT NO 41

Ref: 853/7/5/6 Pt 41

Notice is hereby given that the local government of the Shire of Wyndham-East Kimberley has prepared the abovementioned scheme amendment for the purpose of rezoning additional land in the Lakeside Neighbourhood from Residential Development Zone to:

- (a) Residential 1 Zone
- (b) Residential 2 Zone
- (c) Public Purpose Reserve (as marked)
- (d) Special Foreshore Reserve
- (e) Public Open Space Reserve

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Coolibah Drive, Kununurra 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 October 10, 1997.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before October 10, 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. HAMMOND, Chief Executive Officer.

PD701\*

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*SHIRE OF BROOMEHILL*  
**TOWN PLANNING SCHEME NO 1**

Ref: 853/5/5/1

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 Broomehill Town Planning Scheme No 1 on June 26, 1997—the Scheme Text of which is published as a Schedule annexed hereto.

G. HOLLY, President.  
P. FITZGERALD, A/Chief Executive Officer.

**SCHEDULE**  
**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
*Shire of Broomehill*  
**Town Planning Scheme No. 1**

The Broomehill Shire Council, 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 town planning scheme for the purposes laid down in the act.

**SCHEME TEXT**

Arrangement

**PART 1—PRELIMINARY**

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

**PART 2—RESERVES**

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

**PART 3—ZONES**

- 3.1 Zones
- 3.2 Zoning Table

**PART 4—NON-CONFORMING USES**

- 4.1 Non-conforming Use Rights
- 4.2 Extension of Non-conforming Use
- 4.3 Change of Non-conforming Use
- 4.4 Discontinuance of Non-conforming Use
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**PART 5—DEVELOPMENT REQUIREMENTS**

- 5.1 Development of Land
- 5.2 Discretion to Modify Development Standards
- 5.3 Residential Development—Residential Planning Codes
- 5.4 Special Application of Residential Planning Codes
- 5.5 Site Requirements
- 5.6 Relocated Second-hand Buildings
- 5.7 Development Limited by Liquid Waste Disposal
- 5.8 Supply of Potable Water
- 5.9 Development of Lots Abutting Unconstructed Roads
- 5.10 Home Occupation
- 5.11 Industrial Zone
- 5.12 Rural Residential Zones
- 5.13 Farming Zone

**PART 6—HERITAGE PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE**

- 6.1 Purpose and Intent
- 6.2 Heritage List
- 6.3 Designation of Heritage Precincts

- 6.4 Applications for Development Approval
- 6.5 Formalities of Application
- 6.6 Variations to Scheme Provisions

#### PART 7—PLANNING CONSENT

- 7.1 Application for Planning Consent
- 7.2 Advertising of Applications
- 7.3 Determination of Application
- 7.4 Deemed Refusal

#### PART 8—ADMINISTRATION

- 8.1 Powers of the Scheme
- 8.2 Offences
- 8.3 Notice for Removal of Certain Buildings
- 8.4 Compensation
- 8.5 Rights of Appeal
- 8.6 Planning Policies
- 8.7 Delegation

#### SCHEDULES

- 1 Interpretations
- 2 Rural Residential Zones

#### PART 1—PRELIMINARY

**1.1 Citation:** This Town Planning Scheme may be cited as the Shire of Broomehill Town Planning Scheme No. 1 hereinafter called “the Scheme” and shall come into operation on the publication of the Scheme in the *Government Gazette*.

**1.2 Responsible Authority:** The Authority responsible for implementing the Scheme is the Council of the Shire of Broomehill hereinafter called “the Council”.

**1.3 Scheme Area:** The Scheme applies to the whole of the land within the Municipal District of the Shire of Broomehill hereinafter called “the Scheme Area”.

**1.4 Contents of Scheme:** The Scheme comprises—

- a) this Scheme Text
- b) the Scheme Map (sheets numbers 1 to 5 inclusive)

**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—NON-CONFORMING USES
- PART 5—DEVELOPMENT REQUIREMENTS
- PART 6—HERITAGE PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE
- PART 7—PLANNING CONSENT
- PART 8—ADMINISTRATION

**1.6 Scheme Objectives:** The objectives of the Scheme are—

- a) to zone the Scheme Area for the purposes described in the Scheme;
- b) to secure the amenity health and convenience of the Scheme Area and the residents thereof;
- c) to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;
- d) the preservation of places of natural beauty, of historic buildings, and objects of historical and scientific interest; and
- e) to make provision for other matters necessary or incidental to Town Planning and housing.

#### **1.7 Interpretation**

**1.7.1** Except as provided in clauses 1.7.2 and 1.7.3 the words and expressions of the Scheme have their normal and common meaning.

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

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

#### PART 2—RESERVES

**2.1 Scheme Reserves:** The land shown as Scheme Reserves on the Scheme Map, hereinafter called ‘Reserves’ are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder—

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

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

### 2.3 Compensation

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

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

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

## PART 3—ZONES

### 3.1 Zones

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

RESIDENTIAL  
TOWN CENTRE  
INDUSTRIAL  
RURAL RESIDENTIAL  
FARMING

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

### 3.2 Zoning Table

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

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

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

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

“SA” means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with clause 7.2.

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

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

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

- a) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted; or
- b) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.2 in considering an application for planning consent.

TABLE 1—ZONING TABLE

USES	Residential	Town Centre	Industrial	Rural Residential	Farming
1 abattoir					SA
2 aged or dependent persons dwelling	AA			AA	AA
3 caretaker's dwelling		AA	AA		AA
4 civic building	AA	AA	AA		
5 consulting rooms	SA	AA			
6 dwelling	P		AA	P	P
7 education establishment	AA	AA			AA
8 fuel depot			AA		
9 home occupation	AA			AA	AA
10 hotel		SA			
11 industry—cottage	AA		AA	AA	P
12 industry—extractive			AA		SA
13 industry—general			AA		
14 industry—light		AA	P		

TABLE 1—ZONING TABLE—*continued*

USES	Residential	Town Centre	Industrial	Rural Residential	Farming
15 industry—noxious					SA
16 industry—rural			P		P
17 motel		P			SA
18 motor vehicle repair			P		
19 office			P	AA	
20 piggery					SA
21 poultry farm					SA
22 public recreation	AA	AA	AA		AA
23 public utility	AA	AA	AA	AA	AA
24 residential building	AA				
25 rural pursuit				AA	P
26 service station		AA	P		
27 shop		P			
28 tavern		SA			
29 transport depot			AA		SA
30 worship—place of	AA	AA			AA

**PART 4—NON-CONFORMING USES**

**4.1 Non-conforming Use Rights:** No provision of the Scheme shall prevent—

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

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

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

**4.4 Discontinuance of Non-conforming Use**

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

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

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

**PART 5—DEVELOPMENT REQUIREMENTS****5.1 Development of Land**

**5.1.1** Subject to clause 5.1.2 a person shall not commence or carry out development of any land zoned under the Scheme without first having applied for and obtained the planning consent of the Council under the Scheme.

**5.1.2** The planning consent of the Council is not required for the following development of land—

- a) the use of land in a reserve, where such land is held by the Council or vested in a public authority;
  - i) for the purpose for which the land is reserved under the Scheme; or
  - ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;
- b) the erection of a boundary fence except as otherwise required by the Scheme;
- c) the erection on a lot of a single house, including ancillary outbuildings except where the lot on which the single house is proposed does not have frontage to a constructed road in a dedicated road reserve in which case an application for planning consent is required;

- d) the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act;
- e) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building; or
- f) the carrying out of works urgently necessary for public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

## 5.2 Discretion to Modify Development Standards

5.2.1 Sub-clause 5.2.2 shall not apply to—

- a) development in respect of which the Residential Planning Codes apply under the scheme;
- b) development on land abutting an unconstructed road; or
- c) development on a lot which does not have frontage to a constructed road.

5.2.2 Subject to sub-clause 5.2.1, if a development the subject of an application for planning consent does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, and landscaping, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that—

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

## 5.3 Residential Development—Residential Planning Codes

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

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

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

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

5.4 **Special Application of Residential Planning Codes:** In areas coded R10 the development of not more than two dwellings on one lot in accordance with the R15 Code, may be permitted at the Council’s discretion subject to—

- a) the Council being satisfied as to on-site effluent disposal; and
- b) the proposal being advertised in accordance with the procedures of clause 7.2.

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

TABLE 2  
SITE REQUIREMENTS—MINIMUM SETBACKS FROM BOUNDARIES

ZONE	STREET	REAR	SIDE
Residential		As in the R Codes	
Town Centre	0m	At the Council’s discretion	
Industrial	7.5m	7.5m	5m on one side
Rural Residential	15.0m	10.0m	10.0m
Farming	15.0m	10.0m	10.0m

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

5.5.2 In the Industrial zone the first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the Council. Where a lot has frontage to two streets the Council may vary the landscaping requirement only when the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the Council.

5.5.3 Unless with the approval of the Council a minimum of 10% of the area of all lots within the Broomehill townsite and Broomehill suburban area is to be maintained with indigenous trees.

5.6 **Relocated Second-hand Buildings:** Notwithstanding anything elsewhere appearing in the Scheme the placement of a relocated second-hand dwelling or building shall not be permitted on any lot unless—

- a) in the opinion of the Council such dwelling or building is in a satisfactory condition and will not detrimentally affect the amenity of the area; and
- b) an applicant for a building licence for such dwelling or building lodges a cash bond and enters into an agreement to the satisfaction of the Council to reinstate the dwelling or building to an acceptable standard of presentation as determined by the Council within 12 months of the

issue of a building licence. The cash bond received by the Council shall be deposited in an interest bearing Trust Account and upon completion of necessary works to the satisfaction of the Council such monies owing shall be refunded.

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

**5.8 Supply of Potable Water:** Each dwelling shall be provided with a supply of potable water either from a reticulated system, or underground bore, or a rainwater-storage system with a minimum capacity of 92,000 litres to the satisfaction of the Council.

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

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

#### **5.10 Home Occupation**

**5.10.1** The Council shall not grant planning consent to a home occupation unless it is satisfied that the use—

- a) will not prejudicially affect the amenity of the neighbourhood by way of emissions of any nature;
- b) will not occupy an area greater than 20 square metres;
- c) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;
- d) does not entail the retail sale of any goods not produced on the site;
- e) is compatible with the principal uses to which the land in the zone in which it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area; and
- f) does not display a sign exceeding 0.2 square metres in area.

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

**5.10.3** If, in the opinion of the Council, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality the Council may rescind the planning consent.

#### **5.11 Industrial Zone**

**5.11.1** Prior to the issue of planning consent for an industry in the Industrial Zone, the Council will ascertain the appropriate buffer for that industry, and such industry may only be granted planning consent if the relevant buffer can be accommodated wholly within the zone.

**5.11.2** Prior to making recommendations to the Commission on subdivisional proposals for the Industrial Zone the Council shall require the preparation and adoption of a Development Guide Plan for the land. The Development Guide Plan should show graduating buffer distances from the perimeter of the zone, anticipated major roads, creek lines, wetlands and associated areas, remnant vegetation and other areas worthy of protection together with the interface between the industrial and other land uses including the provision of landscaping.

**5.11.3** Following receipt of a Development Guide Plan prepared in accordance with clause 5.11.2, the Council shall cause the plan to be advertised in accordance with the Scheme requirements.

**5.11.4** A proposed Development Guide Plan shall be deemed refused by the Council where a decision on the proposal has not been determined by the Council within three (3) months of the Council's receipt of the proposal or within such further time as may be agreed in writing between the applicant and the Council.

**5.11.5** Where the Council rejects the Development Guide Plan, or attaches conditions or requires modification which the applicant considers unreasonable, the applicant shall have a right of appeal pursuant to Part V of the Act.

**5.11.6** Notwithstanding clause 5.11.5 the applicant shall prior to exercising any right of appeal pursuant to Part V of the Act, submit the Development Guide Plan and Council's resolution to the Commission and request the Commission make a determination.

**5.11.7** All development shall be landscaped at the perimeter of the zone.

**5.11.8** In considering proposals for industries which would generate industrial liquid, solid, or gaseous wastes the Council may refer such proposals to the Department of Environmental Protection, and the granting of planning consent for such industries shall be subject to wastes being treated and disposed of in accordance with advice/guidelines received.

## 5.12 Rural Residential Zones

### Objectives—

- a) An objective of the Rural Residential Zone is to select areas wherein closer subdivision will be permitted into lots one hectare and above to provide for such uses as hobby farms, horse breeding and rural-residential retreats, and to make provision for the retention or improvement of the rural landscape and environment.
- b) It is the intention of the Council to consider only those proposals for Rural Residential development for land within a 10 kilometre radius of the Broomehill townsite.
- c) Each application for a Rural Residential Zone is to be accompanied by a land suitability assessment prepared at the proponents' cost and to the satisfaction of the Commission and the Council.

### 5.12.1 General Provisions: Before making provision for a Rural Residential Zone, the Council will require a submission supporting the creation of the zone and such submission shall include—

- a) a plan showing the location of the area proposed to be included in the zone (herein called the "subject land") together with the area surrounding the subject land which is likely to be affected by the proposed zone having regard to the nature and purpose of the proposed subdivision and the uses proposed in respect thereof.
- b) a statement as to the purpose or intent for which the zone is proposed.
- c) the reasons for selecting the particular area the subject of the proposed zone with particular reference to the location and land characteristics which support use of the subject land for the intended purpose.
- d) a plan or plans of the subject and surrounding land showing contours at such intervals as to adequately depict the landform of the area, land uses and physical features such as existing roads, buildings, crops and other improvements, soil and vegetation types, rivers, creeks, swamps, and rock outcrops.
- e) brief details of the proposed lot sizes and land uses proposed on the subject land.
- f) information regarding the method whereby it is proposed to provide water supply to each lot and the proposed method of effluent disposal.

### 5.12.2 If the Council resolves to initiate an amendment to the Scheme to include land in the Rural Residential Zone the applicant shall prepare and submit to the Council draft Scheme Amendment documents comprised of a Scheme Amendment Report and the Scheme Text provisions necessary to control the use and management of the land.

### 5.12.3 The Scheme Amendment Report shall include information and plans which address the following matters—

- a) purpose/intent;
- b) demand for the lots proposed;
- c) physical characteristics of the subject land;
- d) land capability and suitability of the subject land;
- e) landscape/heritage/amenity values;
- f) infrastructure requirements;
- g) water supply and effluent disposal;
- h) fire hazard assessment and fire protection requirements
- i) measures proposed to be undertaken in order to—
  - i) protect broad-hectare farmland;
  - ii) prevent conflict with adjoining land uses;
  - iii) protect vegetation, water courses and mineral resources;
  - iv) revegetate any denuded areas;
  - v) protect landscape, heritage and amenity values;
  - vi) eliminate any adverse affects of flooding; and
  - vii) address any other issues that the Council considers need to be addressed.

### 5.12.4 The provisions for controlling subdivision and development in a Rural Residential Zone shall comply with the requirements laid down in Schedule 2 and shall include a Subdivision Guide Plan which shows—

- a) the proposed ultimate subdivision including lot sizes and dimensions.
- b) the proposed public road access to be provided to each new lot.
- c) where appropriate, building envelopes.
- d) all significant improvements on the land including dwellings, farm buildings, crops, fences, bores, pumps, dams, and wells.
- e) the extent of natural and other vegetation on the land.
- f) watercourses, swamps, lakes, etc.
- g) those physical features it is intended to conserve (eg. landscape features and areas of vegetation and watercourses to be protected by fencing).
- h) areas to be revegetated.
- i) land to be set aside for public open space, community purpose sites, pedestrian accessways, horse trails, etc.

- j) fire protection measures (ie. fire fighting facilities, water supply for fire fighting purposes, strategic firebreaks etc).

**5.12.5 Development Requirements:** The provisions for controlling subdivision and development in a Rural Residential Zone shall comply with the requirements of Schedule 2 and with the following—

- a) subdivision shall generally accord with the plan of subdivision for the specified area referred to in Schedule 2 and such plan of subdivision shall show the minimum lot size for subdivision; notwithstanding this the Commission may approve variations to the subdivisional design but further break down of the lots so created shall be deemed to be contrary to the provisions of the Scheme;
- b) in addition to a building licence, the Council's prior planning consent is required for all development including a single house and such application shall be made in writing to the Council and be subject to the provisions of the Scheme;
- c) not more than one dwelling per lot shall be erected. The Council may approve ancillary accommodation in accordance with the R Codes;
- d) a building envelope with an area not exceeding 3000m<sup>2</sup> of the relevant lot shall be defined in a position to be agreed by the Council before any building is constructed on a lot; no building shall be constructed on a lot other than within the defined building envelope without the written approval of the Council;
- e) the Council will, where practical require building envelopes to be located within existing cleared areas such that fragmentation of remnant vegetation through the development of buildings, driveways, firebreaks and low fuel areas, is minimised.
- f) in order to conserve the rural environment or features of natural beauty no indigenous trees or substantial vegetation shall be felled or removed except where—
  - trees are dead, diseased, or dangerous;
  - the establishment of a firebreak is required under a regulation or a by-law or a local law;
  - access to a building site is required and is approved by the Council; or
  - an area up to one metre in width for the purpose of erecting and maintaining a fence line is required and approved by the Council; in these areas the land shall be slashed with a view to preventing erosion.
- i) removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the consent of the Council and as a condition of granting consent, the Council may require the planting and maintenance for a period of at least three years, of endemic trees of species and in locations approved by the Council.
- ii) clearing of native vegetation with the approval of the Council for the erection of a dwelling shall not exceed the approved building envelope.
- iii) a 20 metre wide low fuel buffer shall be provided around each dwelling and flammable material controlled in accordance with the Shire of Broomehill Fire Break Order.
- g) in order to enhance the rural amenity of the land in areas Council considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the Council.
- h) with the intention of preventing overstocking, erosion or any other nuisance detrimental to amenity within the zone, rural pursuits and the breeding or keeping of animals for commercial gain shall not be permitted without the approval in writing of the Council. The Council may impose limits on stocking or any other conditions as it sees fit and may vary such conditions in the light of prevailing seasonal condition.
  - i) The Council may only permit the keeping of stock and other rural pursuits in areas that are already substantially cleared and pastured so as not to conflict with paragraphs f) and g) relating to tree preservation and tree planting.
  - ii) The Council will impose fencing requirements as a condition of its approval to protect substantive vegetation.
  - iii) Provision of an adequate water supply for stock may also be required as a condition of approval.
  - iv) Offensive trades and pursuits shall be referred by the proponent to Agriculture Western Australia, the Department of Environmental Protection, and other public authorities as required for comment prior to being submitted to the Council for planning consent.
- i) any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the Council. Where in the opinion of the Council the continued presence of animals is likely to contribute or is contributing to noise, odour, or dust pollution or soil erosion, notice may be served on the owner of the land requiring the removal within the period specified in the notice of those animals specified in the notice for a period specified in the notice.

**5.12.6** In considering an application for planning consent for a proposed development (including additions and alterations to existing development) the Council shall have regard to the following—

- a) the colour and texture of external building materials;
- b) building size, height, bulk, roof pitch;
- c) setback and location of the building on its lots;
- d) architectural style and design details of the building;

- e) relationship to surrounding development; and
- f) other characteristics considered by the Council to be relevant.

### 5.13 Farming Zone

#### Objectives—

- a) The Council intends the predominant form of rural activity in the Farming Zone will continue to be based on large farming units. It will generally be opposed to the fragmentation of farming properties through the process of subdivision.
- b) The Council may recommend approval for subdivision in the Farming Zone for use of the land for more intensive forms of rural production but only where the application as submitted to the Commission is accompanied by the following—
  - i) identification of soil types, availability and adequacy of water supply, and any areas of salt affected land;
  - ii) evidence of consultations by the proponent with Agriculture Western Australia on the suitability of the proposed lot(s) and lot size for the intended land use;
  - iii) the proponent entering into an Agreement with the Council to proceed with the intended land use;
  - iv) details of stream protection where appropriate; and
  - v) such other matters as may be requested by the Council.
- c) The Council does not recognise precedent resulting from subdivision created in the early days of settlement of the District as a reason for it to support further subdivision in the Farming Zone.
- d) The Council will favourably consider applications for adjustment of lot boundaries where the application if approved will not result in the creation of one or more additional lots.

#### 5.13.1 Subdivision: There shall be a general presumption against subdivision in the Farming Zone unless—

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

#### 5.13.2 Dwellings in the Farming Zone

- a) notwithstanding anything elsewhere appearing in the Scheme, within the Farming Zone the Council may permit the erection of not more than two dwellings per lot for private residential purposes associated with farm management of the lot.
- b) where the Council is satisfied that justification exists for agricultural or farm management purposes the Council may permit more than two dwellings on one property.

## PART 6—HERITAGE PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE

### 6.1 Purpose and Intent: The purpose and intent of the heritage provisions are—

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

### 6.2 Heritage List

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

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

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

### 6.3 Designation of Heritage Precincts

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

6.3.2 The Council shall adopt for each Heritage Precinct a policy statement which shall comprise—

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

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

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

- a) 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,

by the serving of notice of the proposal on the owners and/or occupiers of land 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;

- b) the Council shall invite submissions on the proposal within 28 days of the date specified in the notice referred to in paragraph (a) above;
- c) the Council shall carry out such other consultations as it thinks fit;
- d) 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;
- e) the Council shall forward notice of its decision to the Heritage Council of WA.

6.3.5 The Council may modify or may cancel a Heritage Precinct or any policy statement which relates to it by following the procedure set out in clause 6.3.4.

#### **6.4 Applications for Development Approval**

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

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

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

#### **6.5 Formalities of Application**

6.5.1 In addition to the application formalities prescribed in clause 6.4 and any formalities or requirements associated with applications for planning consent contained in any other provision of the Scheme, the Council may require an applicant for planning consent, where the proposed development may affect a place of cultural heritage significance or a Heritage Precinct, to provide one or more of the following to assist the Council in its determination of the application—

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

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

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

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

6.6.2 In granting variations under sub-clause 6.6.1 the Council may enter into a heritage agreement under Part 4 of the Heritage of Western Australia Act 1990 (as amended) with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

### **PART 7—PLANNING CONSENT**

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

#### **7.2 Advertising of Applications**

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

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

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

- a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning consent

stating that submissions may be made to the Council within twenty-one days of the service of such notice;

- b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- c) a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph b) of this clause.

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

### 7.3 Determination of Application

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

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

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

### 7.4 Deemed Refusal

7.4.1 Where the Council has not within sixty days of the receipt by it of an application for planning consent either conveyed its decision to the applicant or given notice of the application in accordance with clause 7.2 the application may be deemed to have been refused.

7.4.2 Where the Council has given notice of an application for planning consent in accordance with clause 7.2 and where the Council has not within ninety days of receipt by it of the application conveyed its decision to the applicant, the application may be deemed to have been refused.

7.4.3 Notwithstanding that an application for planning consent may be deemed to have been refused under clauses 7.4.1 or 7.4.2 the Council may issue a decision in respect of the application at any time after the expiry of the sixty day or ninety day period specified in those clauses, and that decision shall be regarded as being valid.

## PART 8—ADMINISTRATION

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

- a) the Council may enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.
- b) the Council may acquire any land or buildings pursuant to the provisions of the Scheme or the Act.
- c) the Council may deal with or dispose of any land which it has acquired pursuant to the Scheme or the Act in accordance with law and for such purpose may make such agreements with other owners as it considers fit.
- d) an officer of the Council, authorised by the Council for the purpose, may at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.
- e) the Council may require a proponent for planning consent to pay the costs of the advertising of the proposal under clause 7.2 of the Scheme.

### 8.2 Offences

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

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

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

### 8.3 Notice for Removal of Certain Buildings

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

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

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

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

### 8.6 Planning Policies

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

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

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

8.6.3 A Planning Policy may only be altered or rescinded by—

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

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

### 8.7 Delegation

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

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

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

8.7.4 A resolution to revoke or amend a delegation under clause 8.7 may be passed by a simple majority.

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

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

8.7.7 The staff of the Council exercising the power delegated pursuant to the provisions of clause 8.7 shall comply with the provisions of the Scheme governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.

## SCHEDULE 1

### INTERPRETATIONS

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

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

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

- a) an advertising sign of less than 2m<sup>2</sup> in area relating to the carrying out of building or similar work on land on which it is displayed, not being land which is normally used for those purposes;
- b) an advertising sign of less than 2m<sup>2</sup> in area announcing a local event of a religious, educational, cultural, political, social or recreational character not promoted or carried on for commercial purposes;
- c) an advertising sign of less than 2m<sup>2</sup> in area relating to the prospective sale or letting of the land or building on which it is displayed;

- d) an advertising sign exhibited upon any land vested in or owned by the Minister for Railways which is directed only to persons upon or entering a railway station or platform or bus station; and
- e) directional signs, street signs and other like signs erected by a public authority.
- aquaculture: means any fish farming operation for which a fish farm licence issued pursuant of the provisions of Part V of the *Fisheries Act 1905 (as amended)* and the *Fisheries Regulations 1938 (as amended)* is required.
- battle-axe lot: means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.
- building envelope: means an area of land within a lot marked on a plan forming part of the Scheme outside which building development is not permitted.
- caravan park: means land and buildings used for the parking of caravans under the By-laws of the Council, or the *Caravan Parks and Camping Grounds Regulations, 1974 (as amended)* made pursuant to the provisions of the *Health Act, 1911 (as amended)*.
- caretaker's dwelling: means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.
- civic building: means a building designed, used or intended to be used by a public authority or the Council as offices or for administrative or other like purpose.
- club premises: means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the *Liquor Licensing Act, 1988 (as amended)* or not and which building or premises are not otherwise classified under the provisions of the Scheme.
- Commission: means the Western Australian Planning Commission constituted under the *Western Australia Planning Commission Act, 1985 (as amended)*.
- constructed road: means a track that has been graded and stabilised within a gazetted road reserve.
- consulting rooms: means a building (other than a hospital or medical centre) used by practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors or persons ordinarily associated with a practitioner in the prevention or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.
- conservation: means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will—
- enable the cultural heritage significance of that place or precinct to be retained; and
  - 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.
- cultural heritage significance: means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.
- development: shall have the same meaning given to it in and for the purposes of the Act but shall also include in relation to any building, object structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that—
- is likely to change the character of the place or the external appearance of any building; or
  - would constitute an irreversible alteration to the fabric of any building.
- District: means the Municipal District of the Shire of Broomehill.
- dog kennels: means land and buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.
- education establishment: means a school or other educational centre, but does not include a reformatory or institutional home.
- fuel depot: means a depot for the storage or bulk sale of solid or liquid or gaseous fuel, but does not include a service station or the sale by retail into the final users vehicle of such fuel from the premises.
- gazetted date: means the date of which the Scheme is published in the Government Gazette.
- 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.
- heritage precinct: means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.
- home occupation: means a business or activity carried out with the written permission of the Council within a dwelling or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant.

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

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

- a) the winning, processing or treatment of minerals;
- b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing, or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;
- c) the generation of electricity or the production of gas;
- d) the manufacture of edible goods, and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include—
  - i) the carrying out of agriculture,
  - ii) on-site work on buildings or land,
  - iii) in the case of edible goods the preparation of food for retail sale from the premises.

**industry—cottage:** means an industry which produces goods within a dwelling or the curtilage of a dwelling and which cannot be carried out under the provisions relating to a “home occupation” and that—

- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products;
- b) is conducted in an out-building which is compatible to the zone and its amenity and does not occupy an area in excess of 55m<sup>2</sup>;
- c) does not require the provisions of any essential service main of a greater capacity than normally required in the zone in which it is located;
- d) does not display a sign exceeding 0.2m<sup>2</sup> in area.

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

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

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

**industry—light:** means an industry—

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

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

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

**industry—service:** means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.

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

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

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

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

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

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

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

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

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

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

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

poultry farm: means any land and buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the *Health Act, 1911 (as amended)*.

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

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

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

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

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

residential building: means a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation —

- temporarily by two or more persons; or
- permanently by seven or more persons, who do not comprise a single family;

but does not include a hospital or sanatorium, a prison, an hotel, a motel, or a residential school

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

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

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

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

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

- i) the processing, treatment or packing of produce;
- ii) the breeding, rearing or boarding of domestic pets;
- iii) the breeding, rearing, or agistment of fauna including but not limited to emus, kangaroos, and ostriches.

schedule: means a schedule to the Scheme.

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

shop: means any building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yard or land and buildings used for sale of vehicles or for any purpose falling within the definition of industry.

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

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

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

## SCHEDULE 2

### RURAL RESIDENTIAL ZONES

#### PARTICULARS OF LAND

In the Broomehill Townsite Lots 525 to 549 inclusive bounded by Tie Line Road, Garrity Road, Darcy Street, and Nardlah Road.

In the Broomehill townsite Lots 445 and 446 bounded by Green Street, Morgan Road, Nelson Street; and with the exception of Lots 370 and 371 (Reserves 1699 and 7797) all of the land in the Broomehill Suburban Area bounded by Broomehill-Kojonup Road, Morgan Road, Nelson Street, Gordon Street, Jones Road, Morgan Road, Boundy Road, and road number 1097.

Lots 17-23 Spencer Road and Gordon Street, Broomehill.

Lot 581 bounded by Javelin Street, Jetsam Street, unnamed road, and Janus Street, Broomehill

#### REQUIREMENTS OF THE ZONE

1 The plan of subdivision referred to in clause 5.12.1(a) of the Scheme shall be the existing cadastral plan for the townsite as shown in the Scheme Map.

2 The Council may recommend approval and the Commission may approve the amalgamation of lots, or the adjustment of boundaries between lots where the resultant lot(s) have a minimum area of 1.5 hectare.

3 All lots of less than 2 hectares shall be connected to a reticulated public water supply as a condition of subdivision.

1 The plan of subdivision referred to in clause 5.12.1(a) of the Scheme shall be the existing cadastral plan for the townsite and the suburban area as shown in the Scheme Map

2 The Council may recommend approval and the Commission may approve the amalgamation of lots, or the adjustment of boundaries between lots where the resultant lot(s) have a minimum area of 2.0 hectares.

1 The plan of subdivision referred to in clause 5.12.1(a) of the Scheme shall be the existing cadastral plan for the townsite as shown in the Scheme Map, and no further subdivision shall be permitted.

1 Subdivision is to be generally in accordance with a Plan of Subdivision certified by the Chief Executive Officer and approved by the Commission. The minimum lot size should be no less than 1.0 hectare.

2 Each lot shall be serviced with a reticulated water supply, electricity and telecommunications. The provision of these services shall be the responsibility of the subdivider.

#### ADOPTION

Adopted by Resolution of the Council of the Shire of Broomehill at the meeting of the Council held on the 17th day of November 1994.

G. HOLLY, President.  
P. FITZGERALD, Acting Chief Executive Officer.

**FINAL APPROVAL**

1. Adopted by Resolution of the Council of the Shire of Broomchill at the meeting of the Council held on the 15th day of May 1997 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of—

G. HOLLY, President.  
P. FITZGERALD, Acting 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.

Date 26 June 1997.

**3. FINAL APPROVAL GRANTED**

G. KIERATH, Hon. Minister For Planning.

Date 26 June 1997.

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**POLICE**

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**PE408****POLICE AUCTION**

Under the provision of the Police Act 1892, Unclaimed and Stolen property will be sold by public auction at the premises of Snowball Auctions, Frederick Street, Albany at 9.00 am on 5 September 1997.

Auction to be conducted by Ronald Scott, Auctioneer.

R. FALCONER, Commissioner of Police.

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**PORT AUTHORITIES**

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**PH401****ALBANY PORT AUTHORITY ACT 1926**

## Notice

**APPLICATION TO LEASE**

In accordance with the provisions of section 25 of the Albany Port Authority Act 1926, it is hereby advertised that an application has been received from WA Bunkering Services Pty Ltd for the lease of part lot 898 of port land vested in the Albany Port Authority for a period exceeding three years for the purpose of storage of bunkering fuels.

Dated this 30th day of July 1997.

C. R. BERRY, Finance Manager.

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## RACING, GAMING AND LIQUOR

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RA301

### WESTERN AUSTRALIAN TROTTING ASSOCIATION RULES OF TROTTING

#### *Notice of Amendment*

Notice is hereby given that at a meeting of the Committee of the Western Australian Trotting Association held at Gloucester Park, East Perth, on the 12th day of August 1997, it was resolved by an absolute majority of the members of the Committee that the Rules of Trotting be amended as follows—

Part 17 of the Rules of Trotting are amended by deleting Rule 206 and inserting Rule 206 as follows—

#### PART 17 STAKES AND FORFEITS

##### **Stakes Payable**

206. (a) All stakes shall be paid within seven days of the date of the meeting unless the total stake excluding trophies of the placing is eleven thousand dollars (\$11 000) or greater.
- (b) In races where the stake excluding trophies of the placing is eleven thousand dollars (\$11 000) or greater, the stake shall be paid within seven days of the date of the meeting unless—
- (i) an inquiry affecting the result of the race shall be pending, or
  - (ii) the result of a report on a swab taken from the horse in respect of which the stake is payable shall not have been received.
- (c) Where any horse is disqualified from a race, any stakemoney paid out by the Controlling Body or any Club shall become immediately payable by the person to whom it was paid.

Part 42 of the Rules of Trotting are amended by deleting Rule 502 and inserting Rule 502 as follows—

#### PART 42 ADMINISTRATION AND DETECTION OF DRUGS

##### **Post Race Disqualifications**

502. (1) Except as provided in sub-rule (2) of this Rule, where a horse has run in any race and is found by the Stewards or the Controlling Body to have had a drug administered to it, the horse shall be disqualified from that race.
- (2) Where a horse, which is the subject of a notice of treatment in accordance with Rule 499, has run in any race and is found by the Stewards or the Controlling Body to have had a drug administered to it, the horse may be disqualified from that race.

GARY PAPADOPOULOS, WATA President.

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: (08) 9425 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>			
1747/97	Burrendah Investments	Application for the transfer of a Restaurant licence in respect of premises situated in Hillarys and known as Reids On The Harbour, from Bogdanis Nominees Pty Ltd.	4/9/97
1748/97	Ti-Yi Pty Ltd	Application for the transfer of a Restaurant licence in respect of premises situated in Perth and known as Milligan Street Cafe, from Thorley Pty Ltd.	8/9/97

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATIONS FOR TRANSFER OF LICENCE—<i>continued</i></b>			
1749/97	Manorview Investments Pty Ltd	Application for the transfer of a Hotel licence in respect of premises situated in Eden Hill and known as Rangeview Hotel, from Pearbrook Holdings Pty Ltd.	8/9/97
1750/97	Tanami Cattle Company Pty Ltd	Application for the transfer of a Tavern licence in respect of premises situated in Broome and known as Turntable Tavern, from Offline Holdings Pty Ltd.	9/9/97
<b>APPLICATION FOR THE GRANT OF A LICENCE</b>			
1118/97	Tiger Kart Club (Inc)	Application for the grant of a Club Restricted licence in respect of premises situated in Neerabup and known as Tiger Kart Club (Inc.)	21/9/97
1127/97	Clinton Holdings Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in East Perth and known as Friends Restaurant.	21/9/97

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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## RAILWAYS

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### RB401

#### WESTERN AUSTRALIAN GOVERNMENT RAILWAYS

Railways Working Account for quarter ended 30 June 1997 (as required by section 59 of the Government Railways Act).

1. Revenue and Expenditure	\$'000
Revenue .....	105 079
Expenditure .....	91 056
Surplus .....	14 023
2. Fixed Assets	\$'000
At cost less depreciation (as at 30 June 1997) .....	1 026 129

ROSS DRABBLE, Commissioner of Railways.

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## TRANSPERTH

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### TP401

#### METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST ACT 1957

I, Eric Charlton, being the Minister administering the Metropolitan (Perth) Passenger Transport Trust Act 1957, appoint in accordance with the provision of Section 7 of the Act.

- Russell Allen as Chairperson of the Metropolitan (Perth) Passenger Transport Trust from 28 November 1996 to 17 November 1998.
- Eva Desiree Rita Skira as Deputy Chairperson of the Metropolitan (Perth) Passenger Transport Trust from 28 November 1996 to 17 November 1998.
- Geoffrey Sherwin as a Member of the Metropolitan (Perth) Passenger Transport Trust from 1 November 1996 to 31 October 1998.

ERIC CHARLTON, Minister for Transport.

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**WATER**


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**WA401****WATER BOARDS ACT 1904**

For the purpose of making an appointment to the Bunbury Water Board His Excellency the Governor acting pursuant to the powers conferred by sections 10 and 10A of the Water Boards Act 1904 as amended and on the recommendation of the Minister for Water Resources has been pleased on the 12th day of August 1997 to appoint—

Dr Ernie Manea	as Member for a period to expire on 31 May 1999
Mr Stephen Prosser	as Member for a period to expire on 31 May 1999
Mr Robert Nicholson	as Member for a period to expire on 31 May 1998
Mr Vernon Haley	as Member for a period to expire on 31 May 1998
Ms Vera Guinness	as Member for a period to expire on 31 May 2000
Mr Max Brett	as Member for a period to expire on 31 May 2000

JOHN PRITCHARD, Clerk of the Council.

**WA402\*****WATER SERVICES COORDINATION ACT 1995****WATER SERVICES COORDINATION (OPERATION OF REGULATIONS) NOTICE 1997**

Made by the Minister under section 46 (2) of the Act.

**Citation**

1. This notice may be cited as the *Water Services Coordination (Operation of Regulations) Notice 1997*.

**When certain regulations came into operation**

2. In accordance with section 46 (1) of the Act, the *Water Services Coordination (Extension of Enactments) (SWIMCO) Regulations 1997* came into operation on 26 August 1997.

K. D. HAMES, Minister for Water Resources.

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**TENDERS**


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**ZT201**

MAIN ROADS  
WESTERN AUSTRALIA

*Tenders*

Tenders are invited for the following projects.

Information on these Tenders is available from the Store Control Officer, Supply Branch, Ground Floor, Don Aitken Centre, Waterloo Crescent, East Perth.

Tender No.	Description	Closing Date
		1997
149/97	Panel Contract to Service Computer Applications .....	11 September
165/97	Supply and Delivery of Large Precast Box Culvert Units for Bridge 6190 Woolibar Creek, Goldfields Highway .....	9 September
166/97	Supply of Tric-Bloc Safety Barriers .....	9 September
170/97	Supply and Delivery of Sand Fill to South Western Highway Bunbury to Boyanup Section .....	5 September
97D10	Purchase and Removal of Shower/Toilet Caravan, Emulsion Sprayer and Single Axle Trailer .....	4 September
97D12	Purchase and Removal of Genset, Single Axle Trailer, Chainsaws and Car Fridge .....	4 September
97D13	Disposal of Surplus Goods .....	12 September
97D14	Disposal of 160m of 2.1m Diameter Spirallock Corrugated Pipes and Joining Plates .....	12 September

**ZT202***Acceptance of Tenders*

Contract No.	Description	Successful Tenderer	Amount \$
748/96	Resealing Various Roads, Supply and Delivery of Crushed Aggregate and Bitumen, Gascoyne/Pilbara Region	Boral Asphalt.....	765 997.00
952/96	Development of a Recognition and Reward System	Century Consulting Group	23 750.00
8/97	Supply and Delivery of Crushed Aggregate, Goldfields-Esperance Region	Little Transport & Processing Industries	219 150.99
17/97	Project Leader for RIM and ROMIS Support	DBR Group Pty Ltd .....	99 000.00
32/97	Supply & Installation of W Beam Guardrail to Useless Loop Road, Shire of Shark Bay	Safety Rail Installations ..	26 998.72
97D7	Purchase & Removal of—		
	1992 Stihl BT308 Earch Auger	Armando-Arcorace .....	187.50
	1990 Isuzu FVM1400 Flat Top Truck	Raytone Motors Pty Ltd ...	48 378.00
	1989 Modra 3kva Gen Set	Smith Broughton Pty Ltd	477.00
	1993 Emco 1200L Fuel Tanker		1 200.00
	1980 Posiflex Single Axle Trailer	Steven Bayliss .....	585.00
	1987 Tandem Axle Trailer		600.00
	1992 Nomad 160 Welder	WA Machinery Brokers ....	970.00
	1977 Road Broom		610.00
97D8	Purchase and Removal of one Nissan Patrol 4WD Wagon	Jeremy Markler .....	24 750.00

D. R. WARNER, Executive Director Corporate Services.

**ZT301**

## DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES

*Accepted Tenders*

Schedule No.	Particulars	Contractor	Rate
<i>Provision of Service</i>			
RFT486/97	Consultancy to Undertake an Evaluation of the Young People in Nursing Homes Project on behalf of the Disability Services Commission	E-QUAL	\$135 097.00

August 27, 1997.

**PUBLIC NOTICES****ZZ101****PUBLIC TRUSTEE ACT 1941**

Notice is hereby given that pursuant to section 14 of the Public Trustee Act 1941 and amendments the Public Trustee has elected to administer the estates of the undermentioned deceased persons.

Dated at Perth the 22nd day of August 1997.

K. E. BRADLEY, Public Trustee,  
565 Hay Street, Perth WA 6000.

Name of Deceased; Address; Date of Death; Date Election Filed

Perryman, Dorothy; Brookton; 20 April 1997; 15 August 1997.

Neave, Murray Newman; Claremont; 1 July 1997; 15 August 1997.

Bennett, Arthur Lawrence; Nedlands; 30 June 1997; 20 August 1997.

Macrone, Colin Allan; Orelia; 14 July 1997; 20 August 1997.

**ZZ102****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 29th September 1997, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Allen, Grace, late of 30/8 Bradford Street, Mount Lawley, died 24/7/97. (DEC 303333 DP3)

Ashley, Joyce Mary, late of 31 Flinders Street, Yokine, died 11/8/97. (DEC 303852 DS4)

Bousfield, Trixie Myrtle, late of St. George's Home, 2 Essex Street, Bayswater, formerly of 57 Kathleen Street, Trigg, died 7/8/97. (DEC 303800 DD1)

Cadwallader, Arthur William, late of Unit 13, 29 Drabble Road, Scarborough, died 1/8/97. (DEC 303738 DC2)

Coussens, Winnifred Olive, late of Sussex Hostel, Lilacdale Road, Innaloo, died 20/8/96. (DEC 302695 DE3)

Craen, Ronald Wentworth, late of 55/49 Smith Street, Highgate, died 15/7/96. (DEC 303843 DE2)

Flanagan, Annie Elder Duthie, late of Kinross Care Centre, 71 Kinross Drive, Kinross, died 28/7/97. (DEC 303581 DG4)

High, Dorothy Jeanne, late of 77 Station Street, Cannington, died 7/8/97. (DEC 303540 DS3)

Hill, Ellen Fanny, late of 44 South Crescent, Byford, died 14/8/97. (DEC 303686 DL4)

Ibbs, Donald John, late of 28 Pitchford Avenue, Maddington, died 11/8/97. (DEC 303780 DG1)

Klopf, Frank Joseph, also known as Klopf, Franz, late of 28 Lilika Street, Armadale, died 21/7/97. (DEC 303052 DD2)

Liddell, Ivy Marion, late of 10 Salmson Street, Balcatta, died 17/7/97. (DEC 303050 DP3)

Oberkiewicz, Emma, late of 66 Margaret Street, Ashfield, died 18/5/97. (DEC 301511 DD2)

Powell, Gary Douglas, late of 754 Andover Way, Karratha, died 4/12/96. (DEC 303059 DE2)

Regan, Michael Daniel, late of Unit 4/5 Currie Street, Daglish, died 1/8/97. (DEC 303714 DG3)

Ryan, John Patrick, late of 63 Buxton Street, Mount Hawthorn, died 25/7/97. (DEC 303755 DL4)

Sweeney, Eva Margaret, also known as Charles, Eva Margaret, late of 46 Sewell Street, East Fremantle, died 14/7/97. (DEC 303750 DS4)

Ward, Harry, late of 11 Doris Street, North Perth, died 12/8/97. (DEC 303830 DS3)

Whalley, Cecil, late of Coolibah Lodge, Mandurah Retirement Village, Third Avenue, Mandurah, formerly of Unit 31, Mandurah Retirement Village, Third Avenue, Mandurah, died 23/7/97. (DEC 303139 DS2)

Wyndham, Ada, late of Craigwood Nursing Home, 29 Gardner Street, Como, formerly of 1 Parian Place, Rossmoyne, died 22/7/97. (DEC 303201 DG4)

Wynne, Henry Frederick, late of 12 Wheatcroft Street, Scarborough, died 26/7/97. (DEC 303283 DG2)

K. E. BRADLEY, Public Trustee,  
Public Trust Office, 565 Hay Street, Perth WA 6000.  
Telephone: 9222 6777.

**ZZ201****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Creditors and other persons having claims to which section 63 of the Trustees Act 1962 relates in respect of the estate of Stephen Ross Ganfield deceased, late of Lot 5 Johnston Road, Glen Iris in the State of Western Australia, Mechanical Fitter/Welder who died on 4th August 1996 are required by the personal representative to send particulars of their claims addressed to the Administrator of the Estate of Stephen Ross Ganfield deceased care of Young & Young, 5 Spencer Street, Bunbury by the 29th day of September 1997 after which date the personal representative may convey or distribute the assets having regard only to the claims of which the personal representative then has notice.

**ZZ202****TRUSTEES ACT 1962**

Elia Nedelkovski, late of 198 Wanneroo Road, Tuart Hill, Commonwealth Public Servant deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of the deceased who died on 3 August 1996 are required by the Administrator of care of Stables Scott, 8 St George's Terrace, Perth to send particulars of their claims to him by no later than 29 September 1997 after which date the Administrator may convey or distribute the assets having regard only to the claims of which he then has notice.

**ZZ203****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the Estate of the undermentioned deceased persons, are required by Perpetual Trustees W.A. Ltd of 89 St George's Terrace, Perth, to send particulars of their claims to the Company, by the undermentioned date, after which date the said Company may convey or distribute the assets, having regard only to the claims of which the Company then has notice.

Claims for the following expire one month after the date of publication hereof.

Alford, Victor Daniel, late of 82 Lindsay Street, Coolgardie WA 6429, Retired Prospector, died 31 July 1997.

Braunsdorf, Betty, late of Unit 113/20 Excelsior Street, Shenton Park WA 6008, Widow, died 16 July 1997.

Byrnes, Charles Albert, late of 92B Kintail Road, Applecross WA 6153, Retired, died 15 August 1997.

Cook, Iris Ruby, late of 4 Afric Street, Middle Swan WA 6056, Widow, died 11 August 1997.

Lapins, Marija, late of 266 Hale Road, Woodlands WA 6018, Retired School Teacher, died 8 August 1997.

Leaman, Coralie Loraine, late of Homes of Peace, Thomas Road, Subiaco WA 6008, Married Woman, died 16 April 1997.

Middleton, Margaret Viveash, late of Hollywood Senior Citizens Village Nursing Home, Monash Avenue, Nedlands WA 6009, Retired Nurse, died 23 July 1997.

Mitchell, McKenzie, late of Home of Peace, Walter Road, Inglewood WA 6052, Retired Builder, died 24 July 1997.

Southall, Samuel Arthur, late of 113 Great Eastern Highway, South Guildford WA 6055, Retired Mechanic, died 22 July 1997.

Dated this 27th day of August 1997.

P. M. PRINDABLE, Senior Manager, Private Client Division.

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**ZZ204****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Creditors and other persons having claims to which section 63 of the Trustees Act 1962 relates in respect of the estate of Dorothy May Hay, late of 27 Sevington Street, Maddington in the State of Western Australia, Widow deceased who died on 4th August 1997 are required by the personal representative to send particulars of their claims addressed to the Executor of the Estate of Dorothy May Hay deceased care of Young & Young, 5 Spencer Street, Bunbury by the 29th day of September 1997 after which date the personal representative may convey or distribute the assets having regard only to the claims of which the personal representative then has notice.

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