



WESTERN  
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# Gazette

5511



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JOHN A. STRIJK,  
Government Printer.

**AGRICULTURE**

AG301

**PLANT DISEASES ACT 1914**

**PLANT DISEASES AMENDMENT REGULATIONS (No. 3) 1997**

Made by the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Plant Diseases Amendment Regulations (No. 3) 1997*.

**Principal regulations**

2. In these regulations the *Plant Diseases Regulations 1989\** are referred to as the principal regulations.

[\* Reprinted as at 7 July 1997.  
For amendments to 3 September 1997 see Gazette  
19 August 1997.]

**Regulation 14 amended**

3. Regulation 14 (1) of the principal regulations is amended by deleting "Form 2" and substituting the following —

" Form 1 ".

**Schedule 3 amended**

4. Schedule 3 to the principal regulations is amended by deleting Forms 1 and 2 and substituting the following Form —

"

**FORM 1**

[regulations 10 and 14]

*PLANT DISEASES ACT 1914*

**QUARANTINE NOTICE**

To .....  
.....  
(name and address)

The \*owner/person in charge of .....  
.....  
(description of consignment, conveyance, vessel or premises)

You are hereby directed to cause the above items —

\* (a) to be placed under quarantine at; or

\* (b) to be taken under quarantine to,

.....  
(location of premises)

in order for them to be inspected, and if necessary treated, under section 23 of the *Plant Diseases Act 1914*.

The quarantined items will be held at that place until released by an inspector.

Details ---

.....  
 .....  
 .....  
 .....  
 .....  
 .....

**WARNING:** Failing to comply with this notice is an offence the penalties for which are set out in section 34 of the Act.

.....  
 Inspector Date  
 \* Delete that which is not applicable.

**Schedule 8 amended**

5. Item 13 in Schedule 8 to the principal regulations is amended by deleting "Movement and".

By Command of the Governor,

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

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**HEALTH**

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**HE401**

**HEALTH ACT 1911**

Health Department of WA,  
 Perth, 30 September 1997.

The appointment of the following persons as Environmental Health Officers is approved—

<b>Officer</b>	<b>Date Effective</b>	<b>Local Authority</b>
George Stark	8 September 1997 to 30 September 1997	Shire of Coolgardie
Maxwell Eric Browne	18 August 1997	North Eastern Wheatbelt Health Scheme
Nigel Patrick N. Hume	12 September 1997 to 13 October 1997	City of Armadale
David Coultas	25 August 1997 to 17 October 1997	Narrogin Regional Health Scheme
Laurie Green	15 September 1997 to 31 October 1997	Shire of Broome
Miriam Deborah Vandenburg	23 June 1997	Shire of Augusta-Margaret River
Nigel Patrick N. Hume	14 October 1997 to 31 October 1997	Shire of Serpentine-Jarrahdale
Tanya Nicole Doncon	15 September 1997	Shire of Mundaring

The cancellation of the following persons as Environmental Health Officers is hereby notified—

<b>Officer</b>	<b>Date Effective</b>	<b>Local Authority</b>
Keith William Cleverly	1 September 1997	North Eastern Wheatbelt Health Scheme
Wayne Thomas Neate	7 July 1997	Narrogin Regional Health Scheme
Meredith Chidlow	12 September 1997	Shire of Broome
Alan Charles Mihala	23 July 1997	Shire of Mundaring

The appointment of the following persons as Environmental Health Officers (Meat) is approved—

<b>Officer</b>	<b>Date Effective</b>	<b>Local Authority</b>
Charles David Amies	23 June 1997	Shire of Augusta-Margaret River

OWEN ASHBY, delegate of Executive Director, Public Health.

**HE402\***

**HOSPITALS AND HEALTH SERVICES ACT 1927**  
**HOSPITAL AND HEALTH SERVICES (APPOINTMENT OF**  
**MEMBERS) (No. 26) NOTICE 1997**

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

**1. Citation**

This notice may be cited as the *Hospital and Health Services (Appointment of Members) (No. 26) Notice 1997*.

**2. Appointment of Members**

The board of a public hospital or health service the name of which is specified in the 'Hospital/Health Service' Column of the Schedule is to include the persons whose names are specified in the 'Nominees' Column opposite and corresponding to the name of the hospital in the Schedule each of whom is appointed to hold office as member for the period ending at the close of business on the date specified opposite and corresponding to his or her name in the 'Expiry Date' Column of the Schedule.

**1997 COUNTRY HOSPITAL BOARDS SUBMISSION No. 2**

HOSPITAL/HEALTH SERVICE	NOMINEES	OCCUPATION	DoB	Expiry Date
Boyup Brook Health Service Board	BARDOE Leslie Thomas	Retired Retail Business owner	25/06/36	30/9/00
	DOUST Frederick Charles	Retired Military/Army	13/12/32	30/9/00
	INGLIS Anthony Charles	Farmer	26/07/44	30/9/00
	NIELD Richard John	Farmer	02/08/46	30/9/99
	THOMPSON Paul Francis	Fire Officer	10/06/46	30/9/99
	DOWNING Roger Frank	Pharmacist	10/04/40	30/9/99
	STANFORTH-SMITH Anne	Retired Nurse	17/07/37	30/9/98
	WALLACE Susan Randolph	Farmer	04/07/42	30/9/98
	WHITE Suzanne Runcieman	Office work	28/04/39	30/9/98
	Bunbury Health Service Board	AOUN Samar (Dr)	PhD Research Fellow	08/01/52
CLIFT Phillip (Professor)		University Professor	21/07/46	30/9/00
TUIA Luigi		Farmer	30/07/39	30/9/00
BEDFORD Ross		Retired Businessman	24/10/38	30/9/99
BENNELL Karen		Aboriginal culture affairs teacher	06/12/55	30/9/99
NICHOLS Heather		Lawyer	26/05/49	30/9/99
COTTEE Thomas (Dr)		Medical Doctor	08/01/52	30/9/99
EASTMAN Michael		Chartered Accountant	08/08/44	30/9/98
HOWE Keith (Dr)		Medical Doctor	14/10/51	30/9/98
MANEA Beulah		Retired Nurse	06/02/29	30/9/98
Dongara Health Service Board	PAYNE Denis	Managing Director	07/10/36	30/9/98
	BLAKE Sybil	Retired Secretarial	13/08/19	30/9/00
	HARPER Doreen	Retired Secretarial	06/02/29	30/9/00
	TAN Ignatius (Iggy)	General Manager Westlime	14/03/63	30/9/00
	CLARKE Ann	Real Estate Business	10/01/46	30/9/98
Dundas Health Service Board	FORRESTER Ian	Retired Farmer	28/03/30	30/9/98
	REID Evelyn	Business person	18/08/48	30/9/00
	SMITH John	Retired Gold worker	13/09/25	30/9/00
	WEBB Lynn	Self-employed	26/06/55	30/9/00
	STACE Janise	HACC employee	12/01/52	30/9/99
	COLEMAN Mick	Ambulance Paramedic	26/07/65	30/9/99
	DIMER Edward	Retired Parole Officer	08/12/33	30/9/99
Kalgoorlie-Boulder Health Service Board	BOLVIG Christine	University Librarian	04/10/50	30/9/00
	MCCALLUM Keith Arnold (Dr)	Medical Doctor	23/05/46	30/9/00
	PUSEY Kevin Richard	Self employed/ Mine worker	14/05/55	30/9/00
	SMITH Leslie Patricia	Nurse/Educator	03/09/45	30/9/99
	FINLAYSON Kathleen	Nurse/Justice Peace	02/07/48	30/9/99
WOODRUFF Graeme Paul	Mine Manager	26/11/55	30/9/99	

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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—

Bernice Maree Boland of 25 Miranda Drive, Leinster  
 Maria Virginia Hand of Lot 20 Old Northern Highway, Fitzroy Crossing  
 Geoffrey Andrew Davis of Lot 20 Old Northern Highway, Fitzroy Crossing  
 Allan MacDonell Mackenzie of Lot 98 Darlot Street, Meekatharra  
 Gary Kevin Seward of 2 Cecil Street, Gnowangerup

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

RICHIARD FOSTER, Executive Director, Court Services.

**JM402****CHILDREN'S COURT OF WESTERN AUSTRALIA ACT 1988**

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

Geoffrey Andrew Davis of Lot 20 Old Northern Highway, Fitzroy Crossing  
Maria Virginia Hand of Lot 20 Old Northern Highway, Fitzroy Crossing  
Allan MacDonell Mackenzie of Lot 98 Darlot Street, Meekatharra  
Gary Kevin Seward of 2 Cecil Street, Gnowangerup

RICHARD FOSTER, Executive Director, Court Services.

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**JM403****DECLARATIONS AND ATTESTATIONS ACT 1913**

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

Mr Jeremy Thomas Braysich of 32 Market Street, Kensington  
Miss Anne Campbell of 28 Nekaya Way, Duncraig  
Ms Elsie Danson of 203/7 Anstey Street, South Perth  
Mr Geoffrey Dunne of 69 Mary Crescent, Eden Hill  
Mr Bruce William Fitzpatrick of 2/378 Canning Highway, Como  
Mr Jocelyn Martin Forrest of 2 Myra Place, Shelley  
Miss Glenda Edith Hamilton of 26B Oakover Way, Gosnells  
Mr Ronald Gary Johnstone of 4 Miller Crescent, Australind  
Mr Ian Stewart McEwan of 22 Rummer Way, Bateman  
Mrs Judith Caroline Parsons of 21 Brix Street, Wembley Downs  
Mr Kenneth Hugh Price of 16 Mofflin Avenue, Claremont  
Mr Leonard Herbert Rathmann of 23 Hatfield Way, Booragoon  
Mrs Marion Ruth Robb of 33 Coniston Way, Ferndale  
Mr Ryan Sinnott of 6C/123 Colin Street, West Perth  
Mrs Pamela June Toyne of 7 Dene Court, Gosnells  
Mrs Linda Agnes Trpchev of 26 Tifway Place, Carabooda

RICHARD FOSTER, Executive Director, Court Services.

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**JM404****JUSTICES ACT 1902**

It is hereby notified for public information that His Excellency the Governor in Executive Council has accepted the resignation of Mr William Williams of 68 Bernedale Way, Duncraig, from the Office of Justice of the Peace for the State of Western Australia.

RICHARD FOSTER, Executive Director, Courts Division.

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**JM405****JUSTICES ACT 1902**

It is hereby notified for public information that His Excellency the Governor in Executive Council has accepted the resignation of Mr Alfred Charles Thomas of 65 Findlay Road, Leeming, from the Office of Justice of the Peace for the State of Western Australia.

RICHARD FOSTER, Executive Director, Courts Division.

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**JM406****JUSTICES ACT 1902**

It is hereby notified for public information that His Excellency the Governor in Executive Council has accepted the resignation of Mr Keith Alexander Killen of 18/80 Shepherds Bush Drive, Kingsley, from the Office of Justice of the Peace for the State of Western Australia.

RICHARD FOSTER, Executive Director, Courts Division.

**JM407***EX OFFICIO JUSTICE OF THE PEACE*

It is hereby notified for public information that Leslie Michael Bates of Berkshire Valley Road, Moora has been appointed under section 9 of the Justices Act 1902 to be a Justice of the Peace for the Magisterial District of Geraldton during his term of office as Shire President.

RICHARD FOSTER, Executive Director, Courts Division.

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**JM408***EX OFFICIO JUSTICE OF THE PEACE*

It is hereby notified for public information that Giovanni Mario Castrilli of 1 Tingle Street, Bunbury has been appointed under section 9 of the Justices Act 1902 to be a Justice of the Peace for the Magisterial District of Bunbury during his term of office as Mayor.

RICHARD FOSTER, Executive Director, Courts Division.

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**LAND ADMINISTRATION**

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**LA101\****CORRECTION*

File No. MRWA 42-251-D

DOLA File No. 2507/1991

In the land resumption notice appearing on pages 3117 and 3118 of the *Government Gazette* dated 27 June 1997 and under the headings "Owner....." and "Occupier....." in the schedule, please delete reference to firstly, "Robert Leslie Bairstow" and "R L Bairstow" and secondly, "Kalgan Downs Pty Ltd" (Plan MR No's 96-94, 96-96, 96-97 and 96-101) and substitute "Woomera Pty Ltd" in the respective columns.

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

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**LA102\****CORRECTION*

DOLA File: 2807/1996

In the land resumption notice appearing on page 3626 of the *Government Gazette* dated 11 July 1997 and under the headings "Owner..." and "Occupier..." in the schedule (Plan MR No. 96-103), please delete the existing persons mentioned and substitute "Nathan Brian Beresford and Sarah Therese Beresford" and "N B and S T Beresford" respectively.

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

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**LA103\****CORRECTION*

DOLA FILE: 2099/1992

In the land resumption notice appearing on page 2185 of the *Government Gazette* dated 2 May 1997 and under the heading "Area (approx.)" in item 2 of the schedule, please delete "2 354 m<sup>2</sup>" and substitute "2 367 m<sup>2</sup>".

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

**LA401****TRANSFER OF LAND ACT 1893****APPLICATION G459469**

Take notice that Albert Henry Lenane of 28 Swan Drive, Bluff Point and Cababindi Nominees Pty Ltd of care of Donald F. Munro & Associates, 789 Wellington Street, Perth, as tenants in common in equal shares have made application to be registered under the Act as proprietor of an estate in fee simple in possession in the land situated at Bookara being Portion of Victoria Location 738 and being the land described in memorial Book 25 number 1613.

All persons other than the applicant claiming any estate right title or interest in the above land and desiring to object to the application are required to lodge in this office on or before 24th October, 1997 a caveat forbidding the land being brought under the operation of the Act.

J. GLADSTONE, Registrar of Titles.

**LA402****TRANSFER OF LAND ACT 1893****APPLICATION G538566**

Take notice that Overton Holdings Pty Ltd of "Overton" Albany Highway, Kojonup has made application to be registered under that Act as proprietor of an estate in fee simple in possession in the land situated at Kojonup being Kojonup Location 41 and being the land described in Memorial Book XXV Number 1492 and portion of Kojonup Location 4 and being the land described in Memorial Book XXV Number 1492 and portion of Kojonup Location 5 and being the land described in Memorial Book XXV Number 1492.

All persons other than the applicant claiming any estate right title or interest in the above land and desiring to object to the application are required to lodge in this office on or before 24th October, 1997 a caveat forbidding the land being brought under the operation of the Act.

J. GLADSTONE, Registrar of Titles.

**LB701\***

SCHEDULE No.: A48/1997

ExCo. No.: 1050

DOLA File: 70/1997

**LAND ACQUISITION AND PUBLIC WORKS ACT 1902****NOTICE OF RESUMPTION OF LAND**

For the purposes of the public work described in the Schedule, the land described in the Schedule ("the resumed land") has been set apart, taken or resumed. A plan and a more particular description of the resumed land may be inspected between 8.00 a.m. and 5.00 p.m. on working days at: Department of Land Administration, Midland Square, Midland.

The resumed land shall, by force of the Land Acquisition and Public Works Act 1902, be vested in Her Majesty for an estate in fee simple (except those lands being under the Land Act or dedicated or reserved for a public purpose, which will be vested in Her Majesty absolutely) for the public work, freed and discharged of all trusts, mortgages, charges, obligations, estates, interest, right-of-way, or other encumbrances whatsoever.

**SCHEDULE**

1. Public Work: Widening of Marine Terrace (Road No. 18485).

Local Authority: City of Geraldton.

Plan/Diagram No. showing Land resumed: Diagram 93217.

Council Resolution Date: 28 August, 1996. DOLA Ref: 2260/1996.

Owner or Reputed Owner	Occupier or Reputed Occupier	Description of Land	Area (approx.)
Caveo Pty Ltd	Caveo Pty Ltd	Part of Lot 1 on Diagram 3278 being part of the land contained in Certificate of Title Volume 1267 Folio 983.	18 m <sup>2</sup>

2. Public Work: Widening of Broomehill-Kojonup Road (Road No. 351).

Local Authority: Shire of Kojonup.

Plan/Diagram No. showing Land resumed: Diagram 93199

Council Resolution Date: 31 July, 1995. DOLA Ref: 2131/1996.



Owner or Reputed Owner	Occupier or Reputed Occupier	Description of Land	Area (approx.)
Patrick Michael Walsh	P M Walsh	Portion of Kojonup Location 3 being part of the land contained in Certificate of Title Volume 1977 Folio 656.	4 050 m <sup>2</sup>
Crown	Westrail	Portion of unnumbered railway reserve.	106 m <sup>2</sup>

3. Public Work: Extension of Byass Street (Road No. 18834).  
Local Authority: Town of Port Hedland.  
Plan/Diagram No. showing Land resumed: Diagram 92836  
Council Resolution Date: 12 February, 1997. DOLA Ref: 1940/1996.

Owner or Reputed Owner	Occupier or Reputed Occupier	Description of Land	Area (approx.)
Crown	Town of Port Hedland as vestee	Part of Port Hedland Lot 5266 set aside as part of Reserve 37447 for the purpose of "Drain".	702 m <sup>2</sup>

4. Public Work: Widening of Great Southern Highway.  
Local Authority: Shire of York.  
Plan/Diagram No. showing Land resumed: LTO Plan 21496  
Council Resolution Date: 19 March, 1996. DOLA Ref: 1499/1997.

Owner or Reputed Owner	Occupier or Reputed Occupier	Description of Land	Area (approx.)
Crown	Crown	Portion of Avon Location 28118 set aside as Reserve 26906 for the purpose of "Water and Camping".	148 m <sup>2</sup>

DOUG SHAVE, Minister for Lands.

Dated 17 September 1997.

MICHAEL JEFFERY, Governor in Executive Council.

Dated 23 September 1997.

#### ROAD DEDICATION

It is hereby notified that the Minister for Lands has approved, pursuant to Section 288 of the Local Government (Miscellaneous Provisions) Act, the dedication as public street the roads in the various Municipalities as described in the abovementioned resumption notices.

By Order of the Minister for Lands,

Dated this 3rd day of October 1997.

A. A. SKINNER, Chief Executive.

#### LB901\*

### LAND ACQUISITION AND PUBLIC WORKS ACT 1902

#### NATIVE TITLE ACT 1993 (COMMONWEALTH)

#### NOTICE OF INTENTION

#### To Take Land For A Public Work

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

#### SCHEDULE

Locality/Local Government/Region	Description of land affected	Interest holder/Registered native title claimant	Public Work	Plan	Job Number/Reference
Roebourne (Shire)	Unnumbered vacant	1. Crown 2. D Daniel, J Solomon, T Kerr, D Moses for the Ngaluma people, B Monadee, K Monadee, W King, Y Warrie & K Jerrold for the Injibandi people (WC94/5). 3. V Holborow, K Cosmos & P Cooper (WC96/89).	Widening of Mof Road (Road Number 18758).	Misc Diagram 697	972997 1680/997

The plan(s) listed may be inspected at the office of the Department of Land Administration, Midland Square, Midland 6936, telephone (08) 9273 7089.

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

**COMMENCEMENT OF ACT:** The taking of the land is subject to the procedural requirements of section 17(2)

of the *Land Acquisition and Public Works Act* and section 23(6) of the *Native Title Act*.

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

Persons having or claiming an interest in any of the land may under section 17(2) of the *Land Acquisition and Public Works Act* lodge an objection in writing to the proposed taking with the Department of Land Administration, PO Box 2222, Midland, no later than 10 December 1997. Objections must be in the Form of Objection, copies of which are available from the Department of Land Administration telephone (08) 9273 7089 or (08) 9273 7279.

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

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

Enquiries relating to the proposed taking of the land may be directed to the Native Title Unit, Department of Land Administration, PO Box 2222, Midland 6936 (telephone (08) 9273 7089 or (08) 9279 7279).

Dated this 26th day of September 1997.

DOUG SHAVE, Minister for Lands.

## LB902\*

### PUBLIC NOTICE NOTICE OF INTENTION

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

#### LAND ACQUISITION AND PUBLIC WORKS ACT 1902

#### NATIVE TITLE ACT 1993 (COMMONWEALTH)

#### SECTION 29

The Minister for Works gives notice in accordance with section 17(2) of the *Land Acquisition and Public Works Act* 1902 and section 29 of the *Native Title Act 1993 (Cth)* that it is intended to compulsorily take under section 17(1) of the *Land Acquisition and Public Works Act* 1902 the land described in the Schedule ("land") to grant special leases ("the special leases") to Woodside Petroleum Development Pty Ltd, Woodside Oil Ltd, Mid-Eastern Oil Ltd, Shell Development (Australia) Proprietary Limited, BHP Petroleum (North West Shelf) Pty Ltd, BP Developments Australia Ltd, Chevron Asiatic Limited and Japan Australia LNG (Mimi) Pty Ltd ("the Joint Venturers"), care of 1 Adelaide Terrace, Perth, as set out in the *North West Gas Development (Woodside) Agreement Act 1979* for the purposes of gas plant expansion, quarry, haulage road extension and pipe weight coating/construction laydown and infrastructure and any other activities related to the North West Shelf Gas development and to compulsorily take rights and interests in land described in the schedule necessary to grant easement rights to the Joint Venturers for access (haulage road).

The grant of the special leases and easements will be under the *Land Act 1933* and the *North West Gas Development (Woodside) Agreement Act 1979*.

The intended action is authorised by an order of the Governor under section 33C of the *Land Acquisition and Public Works Act*.

The plan described in the schedule may be inspected at the Department of Resources Development, 170 St Georges Terrace, Perth WA 6000 (telephone (08) 9327 5555) or the Department of Land Administration, Midland Square, Midland 6056, (telephone (08) 9273 7089).

#### SCHEDULE

Locality/Local Government Region	Job Number/Reference	Plan
Roebourne (Shire)	972997 1680/1997	Misc Plan 1957

#### Description of Land Affected and Registered Interest Holder

1. Vacant Crown land (about 56.21 ha).
2. De Witt Location 206 being set aside as Reserve 39161 for the purpose of "Quarry" vested in the Minister for Works (35.7229 ha).
- 3a. De Witt Location 193 the subject of Special Lease 3116/9130 (Crown Lease 270/1985) (47.7881 ha).

- 3b. Portion of De Witt Location 195 the subject of Special Lease 3116/9128 (Crown Lease 268/1985) (about 1.95 ha).
- 3c. De Witt Location 205 the subject of Special Lease 3116/9125 (Crown Lease 1822/1989 (6611 square metres).
- 3d. Portion of De Witt Location 197 the subject of Special Lease 3116/9126 (Crown Lease 266/1985) (429 square metres) all in the name of Woodside Petroleum Development Pty Ltd, Woodside Oil Ltd, Mid-Eastern Oil Ltd, Shell Development (Australia) Proprietary Limited, BHP Petroleum (North West Shelf) Pty Ltd, BP Developments Australia Ltd, Chevron Asiatic Limited and Japan Australia LNG (Mimi) Pty Ltd.
4. Portion of De Witt Location 294 being vacant Crown land (about 6700 square metres).
5. Portion of Mof Road (Road Number 18785) (about 3.26 ha).
6. Portion of King Bay Road (about 2800 square metres).
7. Portion of De Witt location 192 being vacant Crown land (about 73.8 ha).

## REGISTERED NATIVE TITLE PARTIES

1. D Daniel, J Solomon, T Kerr & D Moses for the D Ngaluma people, B Monadee, W King, Y Warriie & K Jerrold for the Injibandi people (WC94/5) & (WC95/3).
2. Valerie Holborow, Kevin Cosmos and Patricia Cooper (WC96/89).

## USE/PURPOSE

It is intended to grant—

1. Special leases for the purpose of gas plant expansion, quarry, haulage road extension and pipe weight coating/construction laydown and infrastructure and any other activities related to the North West Shelf Gas development, as listed and shown on Miscellaneous Plan 1957.
2. Easement rights for access for use as a haulage road within the area shaded pink and dotted on Miscellaneous Plan 1957 following construction of a realigned Mof Road.

**NATURE OF ACT:** The compulsory taking of the land to grant special leases and easements under the *Land Act 1933* and the *North West Gas Development (Woodside) Agreement Act 1979* for the purposes specified in USE/PURPOSE. The taking of the land will be subject to the requirements stipulated under "COMMENCEMENT OF ACT".

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

- (a) the taking of the land may validly proceed under the *Native Title Act*; and
- (b) the Minister for Works decides to proceed with the taking upon completion of the procedures provided by section 17(2) of the *Land Acquisition and Public Works Act*.

**Native title parties—**Any person who is a native title party in relation to the taking of the land or who becomes a native title party within two months of when notice of intention to take the land is given, is entitled to the negotiation and procedural rights provided in Part 2, Division 3, Subdivision B of the *Native Title Act 1993*.

The two months within which persons must become a native title party will close on 10 December 1997.

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

**Other interest holders—**Persons having or claiming other interests in any of the land may under section 17(2) of the *Land Acquisition and Public Works Act 1902*, lodge an objection in writing to the proposed taking with the Department of Land Administration, PO Box 2222, Midland, no later than 10 December 1997. Objections must be in the Form of Objection, copies of which are available from the Department of Land Administration, telephone (08) 9273 7089.

**TIME DURING WHICH THE ACT WILL CONTINUE TO BE DONE:** Following the taking of the land, special leases will be granted—

1. For a period expiring 31 December 2025 or subsequent extension in accordance with clause 46 of the *North West Gas Development (Woodside) Agreement Act 1979* for the gas plant expansion.
2. For a term up to 5 years for the quarry.
3. For a term up to 5 years for the haulage road extension.
4. For a term up to 5 years for the pipe weight coating/construction laydown site.
5. Easement rights will be granted for a period consistent with the term of the special lease for the haulage road extension.

Each of the leases in items 2, 3 and 4 may be renewed for successive terms, but in each case the total period of the lease will not exceed 10 years.

**KIND OF DISTURBANCE TO LAND:** Disturbance to the land may thereafter be caused by the use of and/or construction on the land consistent with the uses and purposes as stated under USE/PURPOSE.

Enquiries relating to the proposed taking of the land may be directed to the Department of Resources Development, 170 St Georges Terrace, Perth, WA 6000 (telephone (08) 9327 5555) or the Department of Land Administration, Midland Square, (PO Box 2222), Midland 6056 (telephone (08) 9273 7089 or (08) 9273 7217).

Dated this 26th day of September 1997.

DOUG SHAVE, Minister for Lands.

LB903\*

## LAND ACQUISITION AND PUBLIC WORKS ACT 1902

## NATIVE TITLE ACT 1993 (COMMONWEALTH)

## NOTICE OF INTENTION

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

The Minister for Works gives notice in accordance with section 17(2) of the *Land Acquisition and Public Works Act 1902* that it is intended compulsorily to take under section 17 (1) of that Act the land described in the Schedule ("land") to grant estates, interests and rights under written law. The intended action is authorised by an order of the Governor under section 33C of the *Land Acquisition and Public Works Act 1902*.

## SCHEDULE

Locality/Local Government/Region	Description of land affected	Interest holder/Registered native title claimant	Use/Purpose	Plan	Job Number/Reference
Dandaragan (Shire)	Regans Ford Lot 2 being vacant Crown land (1.6200 hectares).	1. Crown. 2. FRANKS, Arnold (WC96/63). 3. GARLETT, Gregory (WC96/103). 4. BROPHO, Robert Charles (WC96/94). 5. KICKETT, Allan Russell (WC96/91). 6. PHILLIPS, Neil Albert (WC96/83).	Grant of a special lease for commercial and residential purposes.	Diagram 82440	963043 1292/1972
Dandaragan (Shire)	Portion Cervantes Townsite being vacant Crown land (about 9.1172 hectares).	1. Crown. 2. PHILLIPS Neil Albert (WC96/83). 3. KICKETT Allan Russell (WC96/91). 4. BORINELLI Martha Rose (WC97/17). 5. RYDER Joseph Patrick (WC97/38).	1. Subdivisional development including the provision of services (such as power, roads, water) and land for light industrial purposes. 2. Sale of lots.	Misc. Diagram 675	961802 2546/1981
Exmouth (Shire)	Portion of Lyndon Location 166 subject to pastoral lease (Crown lease 359/1996 Bullara Station (13.2515 hectares).	1. Crown—Bullara Estates Pty Ltd as lessee. 2. CROWE, R and others (WC97/28).	Grant of special lease for the purpose of "Road House".	Misc. Diagram 644	953159 1748/1995
Goomalling (Shire)	1. Portion Goomalling Lot 198 Reserve 13382 "Recreation" (2.9934 hectares). 2. Vacant Crown land (1.1004 hectares).	1. Crown. 2. Crown—Minister for Community Welfare as vestee. 3. KICKETT Allan Russell (WC96/90). 4. GARLETT Gregory L (WC96/103). 5. PHILLIPS Neil Albert (WC97/5). 6. McHENRY Winnie & Others (WC97/56).	Sale to Shire of Goomalling for transfer to the Wheatbelt Aboriginal Corporation in trust for the Goomalling Aboriginal people.	Misc. Diagram 658	972392 7480/1910
Halls Creek (Shire)	Reserve 1621—"Public Purposes" excluding all rights created by the grant of existing mining tenements under the Mining Act (258.9988 hectares).	1. Crown	Grant of a Lease in perpetuity to the Fletcher Family Aboriginal Corporation.	Reserve Diagram 1445	930159 2219/1991
Halls Creek (Shire)	Portion Luman Location 16 being Reserve 1610 set aside for the purpose of "Government Requirements" (1494 square metres).	1. Crown	Grant of a special lease to the Balangarri Aboriginal Corporation for the purpose of "Resource Centre".	Diagram 91722	913948 1758/1991
Halls Creek (Shire)	Vacant (2656 hectares)	Crown	Inclusion into Pastoral Lease 3114/923 (Crown Lease 253/1968) Koongie Park Station.	Misc. Diagram 672	962778 1992/1970
Laverton (Shire)	Portion Laverton Lot 466 being vacant Crown land (1.1472 hectares).	1. Crown. 2. TUCKER Quinton Paul (WC95/32). 3. SULLIVAN Dimple A (WC95/57). 4. CANNING Sadie Miriam (WC96/4). 5. MEREDITH Fred, SCOTT Bobby (WC96/11). 6. THOMAS Lois M, THOMAS Bertha H (WC96/54). 7. THOMAS Leo Winston (WC94/8). 8. SAMBO Fay Joyce, LYNCH Beverley Ruth (WC96/88). 9. LYNCH Aubrey (WC97/4).	1. Grant of easement for "Truck Access". 2. Grant of a special lease for "Storage".	Misc. Diagram 659	955016 2506/1995

SCHEDULE—*continued*

Locality/Local Government/Region	Description of land affected	Interest holder/Registered native title claimant	Use/Purpose	Plan	Job Number/Reference
		10. BONNEY Barron (WC97/10).			
		11. LYNCH Jennifer Rose & THOMAS Preston Neil Jnr (WC97/16).			
		12. CANNING Sadie Miriam & Others (WC97/35).			
Plantagenet (Shire)	Plantagenet Location 7668 set aside as part of Reserve 12550 for the purpose of "Water" (about 25 hectares).	1. Crown 2. HOLMES Teresa Boxer (WC95/84). 3. WILLIAMS Gerald Dean Jnr (WC96/85). 4. MORRICH Patricia, COYNE Dallas, DEAN Averil, WYNSLEY Joyce, MORICH Noel, WOODS Treasy, WILLIAMS Jack, WOODS Lisa, WILLIAMS Lancel (WC96/105). 5. COLBUNG Ken (WC96/106). 6. DEMPSTER Rita & Others (WC96/109).	Grant of a special lease for the purpose of "Grazing".	Diagram 49458 & 56/56	954581 2808/1959
Port Hedland (Town)	Portion Port Hedland Townsite being vacant Crown land (1509 square metres).	1. Crown. 2. ROBERTS Teddy & Others (WC97/39).	Sale for inclusion into Port Hedland Town Lots 2503 and 5518.	Misc. Diagram 674	956077 2863/1995
Roeboore (Shire)	Karratha Lot 1949—Vacant Crown land (500 square metres).	1. Crown 2. HOLBOROW Valerie, COSMOS Kevin and COOPER Patricia (WC96/89)	Sale for inclusion into Karratha Lot 2661.	OP 14104	950638 4044/1977
Wyndham—East Kimberley (Shire)	Portion of Wyndham Townsite—vacant Crown land (1.3525 hectares)	Crown	Inclusion into Reserve 27020 being set aside for the purpose of "Use and benefit of Aboriginal inhabitants"	LAWA 1224	954847 1576/1935
Wyndham—East Kimberley (Shire)	Portion King Location 703—Pastoral Lease 3114/953 (Crown Lease 14/1975) Doon Doon Station (454.2436 hectares).	Crown—Aboriginal Land Trust as leasee.	Grant of Lease in Perpetuity to the Woolah Aboriginal Corporation for "Use and Benefit of Aboriginal Inhabitants"	Plan 19580	963919 1980/1996

The plan(s) listed may be inspected at the Department of Land Administration, Midland Square, Midland 6936, telephone (08) 9273 7244.

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

**COMMENCEMENT OF ACT:** The taking of the land is subject to the procedural requirements of Part 2, Division 3, Subdivision B of the *Native Title Act 1993* (Commonwealth) and section 17(2) of the *Land Acquisition and Public Works Act 1902*. The taking of the land will proceed if—

- (1) there is no "native title party" (as defined by the *Native Title Act 1993*) in relation to the taking of the land or, if there is a native title party, the taking may validly proceed under the *Native Title Act 1993*; and
- (2) the Minister for Works decides to proceed with the taking upon completion of the procedures provided by section 17 (2) of the *Land Acquisition and Public Works Act 1902*.

**Native title parties—**Any person who is a native title party in relation to the taking of the land or who becomes a native title party within two months of when notice of intention to take the land is given, is entitled to the negotiation and procedural rights provided in Part 2, Division 3, Subdivision B of the *Native Title Act 1993*.

The two months within which persons must become a native title party will close on 10 December 1997.

The expression "native title party" is defined in sections 29, 30 and 253 of the *Native Title Act 1993*. Enquiries regarding becoming a native title party should be directed to the National Native Title Tribunal, 1 Victoria Avenue, Perth, or GPO Box 9973, Perth WA 6001, telephone (08) 9268 7272.

**Other interest holders—**Persons having or claiming other interests in any of the land may under section 17(2) of the *Land Acquisition and Public Works Act 1902*, lodge an objection in writing to the proposed taking with the Department of Land Administration, PO Box 2222, Midland 6936, no later than 10 December 1997. Objections must be in the Form of Objection, copies of which are available from the Department of Land Administration telephone (08) 9273 7089 or (08) 9273 7244.

**TIME DURING WHICH THE ACT WILL CONTINUE TO BE DONE—**Following the taking of the land estates or interests to accommodate the use/purpose (as more particularly described in the schedule) will be granted in relation to the land either by public auction, invitation of applications or tenders, private treaty or some other process.

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

Enquiries relating to the proposed taking of the land may be directed to the Native Title Unit, Department of Land Administration, PO Box 2222, Midland 6936 (telephone (08) 9273 7089 or (08) 9273 7244). Dated this 26th day of September 1997.

DOUG SHAVE, Minister for Lands.

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## LOCAL GOVERNMENT

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### LG401

#### CITY OF GERALDTON

##### Honorary Parking Inspector

The City of Geraldton advise for public information of the appointment of Carolyn Rix and Ron Rowe as honorary parking inspectors for Ray White Geraldton.

This appointment gives authority for Carolyn Rix and Ron Rowe to police parking and to issue infringement notices in their capacity of managing agents of private car parks in the Central Business District of Geraldton.

This appointment is effective of this date.

G. K. SIMPSON, Chief Executive Officer.

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### LG402

#### SHIRE OF KATANNING

##### Authorised Officers

It is hereby notified for public information that the following officers have been authorised by Council to act under the provision relating to Saleyards (Gazetted 11 March 1997), Shire of Katanning General Local Law provisions (Gazetted 22 August 1997), Katanning Public Cemetery Local Laws (Gazetted 22 August 1997) and the Dog Act 1976—

Michael Stephen Lee Archer  
Malcolm John Osborne  
Henry Lindsay Eaton  
Norman Charles Reed  
Troy Wesley Jones

Leigh Daniel Guthridge  
Murray John Martin  
Kevin John Bolt  
Donald Elliott Richardson  
Barry Ross Moore

MICHAEL S. L. ARCHER, Chief Executive Officer.

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### LG501

#### BUSH FIRES ACT 1954

(Section 33)

##### *Shire of Sandstone*

Notice to all owners and occupiers of land within the Shire of Sandstone

#### 1. FIREBREAKS

Pursuant to the powers contained in section 33 of the Bush Fires Act 1954, you are hereby required on or before the 1st November 1997 or within fourteen days of you becoming owner or occupier of land should this be after the 1st day of November 1997 to clear firebreaks and remove inflammable material from the land owned or occupied by you as specified hereunder and to have the specified land and firebreaks clear of all inflammable material from the 1st day of November 1997 up to and including the 31st day of March 1998.

#### 2. LAND OUTSIDE OF TOWNSITES

Firebreaks at least three metres in width completely surrounding and not more than twenty metres from the perimeter of any building or group of buildings. All inflammable material must be removed from an area two metres in width immediately surrounding the buildings.

### 3. TOWNSITES

All land in the townsite shall have firebreaks at least three metres in width cleared of all inflammable material immediately inside and along all external boundaries of the land and where there are buildings on the land additional firebreaks three metres in width shall be cleared immediately surrounding each building.

### 4. FUEL DUMPS (FUEL DEPOTS)

On all land where fuel drum ramps are located and where fuel dumps, whether containing fuel or not are stored, clear and maintain a firebreak at least four metres wide around any drum, ramp or stack of drums.

### 5. GENERAL PROVISIONS

If for any reason it is considered by the owner or occupier of land, that it is impractical to comply with the requirements of this notice a request may be made to the Council not later than 17th October 1997.

Where approval of a proposed variation is not granted by Council you shall comply with the requirements of this notice.

The penalty for non-compliance with this notice is a maximum of \$1 000 and notwithstanding prosecution, Council may direct its Bush Fire Control Officer to enter on the land and carry out the requisite works at the owner/occupiers expense. Council will assist owners/occupiers of townsites by carrying out a bulk rubbish collection where rubbish is placed on the verge on or before the 1st November 1997. Where townsite owners/occupiers are themselves unable to provide firebreaks along the external boundaries of the land, at the request of the owner/occupier, Council workers will carry out the work at a cost of \$15 per boundary, excluding the verge.

By Order of the Council,

M. N. DAVIES, Chief Executive Officer.

If the requirements of this notice are carried out by burning, such burning shall comply with the relevant provisions of the Bush Fires Act. "Inflammable material" does not include green growing trees, or growing bushes and plants in gardens or lawns.

**LG502**

## **BUSH FIRES ACT 1954**

*Shire of Toodyay*

### **FIREBREAK ORDER**

Notice to all owners and occupiers of land within the district of the Shire of Toodyay

Pursuant to the powers contained in section 33 of the abovementioned Act, you are hereby required on or before the date specified hereunder in each year, or within 14 days of the date of you becoming the owner or occupier of land within the Shire of Toodyay should that be after the specified date in that year, to clear a firebreak clear of inflammable material on the land in the manner specified hereunder and thereafter to maintain that firebreak clear of inflammable material up to and including 30 April in the following year.

#### 1. Rural Land

- 1.1 Rural land is all land other than land within the Toodyay townsite. Specified date: 28 October.
- 1.2 Where the land does not exceed 20 hectares, a firebreak 2 metres wide shall be cleared and maintained inside and within 10 metres of the external boundaries of the land.
- 1.3 Where land exceeds 20 hectares but does not exceed 200 hectares, a firebreak 2 metres wide shall be cleared and maintained inside and within 100 metres of the external boundaries of the land.
- 1.4 Where land exceeds 200 hectares, a firebreak 2 metres wide shall be cleared and maintained in such a manner as to divide the land into areas not exceeding 200 hectares, each area being completely surrounded by a firebreak.
- 1.5 A firebreak 3 metres wide shall be cleared and maintained immediately around all buildings, haystacks and fuel ramps situated on the land.
- 1.6 A firebreak 2 metres wide shall be cleared and maintained immediately around an unattended stationary motor (including electric motors) when the motor is operating.
- 1.7 A firebreak 20 metres wide shall be cleared and maintained immediately inside the external boundaries of all land which has been bulldozed, chained or prepared in any similar manner for clearing burning (whether it is intended to burn the bush or not) provided that where the bulldozing, chaining or other method of preparation for clearing is completed after 28 October in any year, the firebreak is required to be completed within 28 days of such completion.

1.8 On all land situated within the subdivisions known as "Majestic Heights" and "Majestic Waters" as designated in the Shire of Toodyay Town Planning Scheme No. 3 a firebreak 15 metres wide shall be cleared and maintained immediately around all buildings on the land.

Please Note:

It shall not be necessary to remove live standing trees when providing the firebreaks required by this section.

Note—Firebreak Variations

If for any reason it is considered to be impracticable to clear firebreaks or remove inflammable material from land as required by this Order, you may apply in writing to the Council or its duly authorised officer on or before 14 October in any year, for permission to provide firebreaks in an alternative position. If such permission is granted, it shall be in writing and shall remain valid until such time as it is revoked by the Council or its duly authorised officer.

If such permission in writing is not granted by the Council or its duly authorised officer, you shall comply with the requirements of this Notice.

Note—Strategic Firebreaks

Land owners within the subdivisions known as "Majestic Heights", "Majestic Waters", "Toodyay Highlands", "Woodland Heights", "Vernon Hills", "Lozanda Heights" and "Park View" as designated by the Shire of Toodyay Town Planning Scheme No. 3, and that portion of West Toodyay being Lots R1 to R36, R43 to R64, R69 to R74, Lots S102, 122, 123 and 124, who have paid to the Shire the necessary payment specified hereunder on or before 28 October within those subdivisions should that be after 28 October in that year and before 30 April in the following year, towards the maintenance of the Strategic Firebreak system constructed in their area will have fulfilled the requirements of Section 1.1 and 1.2 of this Order however they must still comply with the requirements of Sections 1.5, 1.6, 1.7 and 1.8 of this Order.

Payments

West Toodyay \$8.00 per lot per year and all other areas \$15.00 per lot per year.

2. Townsite Land

2.1 Townsite land is all land within the Toodyay townsite. Specified date: 15 November.

2.2 A firebreak is to be cleared and maintained in such a manner as to ensure the firebreak covers the whole of the land. If land is used permanently for grazing animals or has had other methods of fire hazard reduction applied to it, you may apply in writing to Council or its duly authorised officer on or before 1 November in any year for permission to have firebreaks cleared of all inflammable material at least 2 metres wide immediately inside the external boundaries of the land in lieu of removing all inflammable material from the whole of the land. If permission is not granted by the Council or its duly authorised officer, you shall comply with the requirements of this Notice.

Any owner or occupier of land who fails or neglects to comply with the requirements of this Order is guilty of an offence under Section 33(3) of the Act and is liable to a penalty not exceeding \$1 000.00 and in addition to that penalty the Shire may enter upon the land and carry out the requisite works and recover the cost of doing so from the owner or occupier in a Court of competent jurisdiction.

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.

**LG503**

**BUSH FIRES ACT 1954**

*Town of Northam*

To all Owners and/or Occupiers of Land in the Town of Northam

Firebreak Notice 1997/98

Pursuant to the powers contained in section 33 of the Bush Fires Act and Council's Local Laws, you are hereby required to remove from the land owned or occupied by you all flammable materials or to clear firebreaks in accordance with the following, and thereafter to maintain the land or the firebreak clear of flammable material for the period as stated below.

Townsite Land

During the period 1 November 1997 until and including 15 April 1998 or within fourteen (14) days of the date of you becoming owner or occupier, should this be after 1 November 1997, you are required to undertake the following—

- (a) Where the area of land is 2 024 square metres or less, all flammable material on the land shall be removed from the whole of the land.
- (b) Where the land exceeds 2 024 square metres in area, firebreaks at least three (3) metres wide shall be cleared of all flammable material immediately inside all external boundaries of the land and also immediately surrounding all buildings situated on the land.
- (c) Firebreaks to a width of at least fifteen (15) metres around any fuel dump or liquid fuel container.



**Rural Land**

During the period 1 November 1997 until and including 15 April 1998 or within fourteen (14) days of the date of you becoming owner or occupier, should this be after 1 November 1997, you are required to undertake the following—

- (a) Firebreaks at least three (3) metres in width immediately inside and along all external boundaries of the land.
- (b) Firebreaks at least three (3) metres in width within one hundred (100) metres of the perimeter of all buildings and or haystacks or groups of buildings and or haystacks in such manner as to completely encircle the buildings and or haystacks.
- (c) Firebreaks of at least three (3) metres wide immediately inside all boundaries contiguous with any Railway Reserve on which Railway traffic operates.

If it is considered to be impracticable or undesirable to provide firebreaks as required by Council's Local Laws Relating to Firebreaks, the approval of the Council or its duly authorised officer must be obtained in writing for any variations. Approval will only be granted up to and before 30 October in any year. If permission is not granted by the Council or its duly authorised officer, then the owner/or occupier shall comply with the requirements of Council's Local Laws Relating to Firebreaks.

Flammable material for the purpose of this notice is to include dead grass and timber, boxes, cartons, paper and combustible material or rubbish but does not include green standing trees, growing bushes and plants in gardens or lawns.

The penalty for failing to comply with this notice is a maximum fine of up to \$1 000 or a prescribed penalty of \$80 on service 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 by this notice if it is not carried out by the owner or occupier by the dates 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.

The prohibited burning period will be from 1 November 1997 to 14 February 1998.

D. S. BURNETT, Chief Executive Officer.

**LG504****BUSH FIRES ACT 1954**

*Shire of Wagin*

**FIREBREAK NOTICE**

Notice to All Owners and Occupiers of Land in the Shire of Wagin

Pursuant to the powers contained in Section 33 of the above Act, you are hereby required on or before the 1st day of November and thereafter up to and including the 31st day of March the following year, to have a firebreak clear of all inflammable material in accordance with the following.

**(1) RURAL LAND**

- (a) Firebreaks at least 2.5 metres wide shall be cleared of all inflammable material at a distance of 20 metres from the perimeter of all buildings and haystacks, or groups of buildings and haystacks and shall completely encircle such buildings and haystacks; and
- (b) The area between the buildings and haystacks and the firebreak mentioned in (a) above shall be cleared of all inflammable material by the 15th December.

**FUEL STORAGE SITES**

- (c) The land within a perimeter of 6 metres outside the external boundary of the land normally occupied by any drums or tanks used for the storage of fuel, or the foundations or supports of any structure supporting such drums or tanks, whether containing fuel or not, shall be cleared of all inflammable material.

**FIRE FIGHTING EQUIPMENT**

A readily mobile operational fire fighting unit containing a minimum of 400 litres of water on standby and available for inspection is required during the period 1st November to 31st March of each year.

**HARVESTING**

A person shall not operate or suffer the operation of a grain harvesting machine or any machine used for swathing, baling or slashing of stubble or hay in any crop during the prohibited burning times unless;

1. One hand held water filled fire extinguisher (minimum capacity 7.5 litres) is filled in a readily accessible position on the machine.
2. A readily mobile fire fighting unit of a minimum of 400 litre capacity powered by an engine driven pump is in attendance in or adjacent to the entrance of the paddock being harvested.

**HARVEST BANS AND OTHER BANS**

Guidelines for vehicle and machinery movement bans including bans on the operation of internal combustion engines.

**DEFINITIONS**

The following definitions shall apply to the guidelines on the ban of vehicle and machinery movement and the operation of internal combustion engines under Regulations 38A and 38B of the Bush Fires Act.

**Laneway/Roadway (non gazetted)**

A laneway/roadway is defined as having a trafficable surface, free of all inflammable material, a minimum of four metres wide. Overhanging vegetation has to be pruned back so as not to come into contact with parts of a vehicle.

**Yard**

A yard is defined as an area, more than four metres wide, with a constructed, trafficable surface, free of all inflammable material save life standing trees.

**Mobile Fire Fighting Unit**

A mobile fire fighting unit is defined as having a minimum water carrying capacity of four hundred (400) litres, fitted with a hose and pump capable of delivering water through an adjustable nozzle in the spray and jet configurations.

**Harvest Ban**

A ban on the operation of all grain harvesting machines including swathing, baling or slashing machines within the Shire or part of the Shire and during a time, as specified in a notice or broadcast (Reg 38A).

**A ban on the Movement of all vehicles and Machines and the Operation of Internal Combustion Engines**

A ban on the movement of all vehicles and machinery and the operation of internal combustion engines within a Shire or a part of a Shire and during a time as specified in a notice or broadcast (eg 38A and B) with the exception of the movement of vehicles and machinery on made gazetted roads, laneways and yards. The following activities are permitted provided these comply with specified conditions.

**Permitted Activities**

1. Loading and offloading of grain, fertiliser and feed is only permitted on sites which are clear of all inflammable material save live standing trees to a radius of at least 50 metres with a laneway access. A mobile fire fighting unit shall be in attendance at all times.
2. Water carting for stock and domestic purposes provided it is accompanied by a mobile fire fighting unit, or alternatively, the water carting vehicle acts as the mobile fire fighting unit and meets minimum specifications.
3. All necessary travel to and from and within piggeries, sheep or cattle feed lots, provided this is undertaken with a mobile fire fighting unit in attendance.
4. All necessary carting of livestock, provided that such a vehicle is accompanied by a mobile fire fighting unit.
5. Activities which received specific exemptions from Council or a Chief Bush Fire Control Officer.

**CHRISTMAS DAY**

A Harvest Ban and a ban on the movement of all vehicles and machines and the operation of Internal Combustion engines is imposed on Christmas Day each year.

All other activities or operations may only be undertaken during Total Vehicle and Machinery Movement Bans and Bans on the Operation of Internal Combustion Engines after approval has been granted by Council. Approval has to be sought on an individual basis. Approval may be subject to specified conditions. It should be noted that approval may not be granted.

**(2) TOWN LAND**

- (a) Where the area of land is 0.202 hectares (half an acre) or less all inflammable material on the land shall be removed from the whole of the land; and
- (b) Where the land exceeds 0.202 hectares (half an acre) in area, firebreaks at least 2 metres wide shall be cleared of all inflammable material immediately inside all external boundaries of the land and also immediately surrounding all buildings situated on the land.

**GENERAL**

If it is considered to be impracticable for any reason to clear firebreaks or to remove inflammable material from land or any other provisions required by this notice you may apply to the Council or its duly authorised officer not later than 30th October, for permission to provide firebreaks in alternative positions or to take alternative action to abate fire hazards on the land. If permission is not granted by the Council or its duly authorised officer you shall comply with the requirements of this notice.

"Inflammable Material" is defined for the purpose of this Order to include bush (as defined in the Bush Fires Act), timber, boxes, cartons, paper and like inflammable materials, rubbish and also any combustible matter, but does not include green standing trees, or growing bushes and plants in gardens, or lawns.

The penalty for failing to comply with this notice is a fine of not more than \$1000, 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 by the date required by this notice.

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

By Order of the Council,

M. A. PARKER, Chief Executive Officer.

LG505

**BUSH FIRES ACT 1954***City of Stirling*Notice to All Owners and/or Occupiers of Land in the Local Authority of  
the City of Stirling

1. All land other than that within the Stirling/Balcatta areas bounded by Jones/Albert/Hamilton and Beryl Streets, the Mitchell Freeway and Telford Crescent. Pursuant to the powers contained in section 33 of the above Act, you are hereby required on or before the 30th day of November 1997 or within fourteen days of the date of you becoming owner or occupier should this be after the 30th day of November 1997 and thereafter up to and including the 31st day of March 1998 to have a fire-break clear of all flammable materials, at least 3 metres wide immediately inside all external boundaries of the land and also immediately surrounding all buildings situated on the land.
2. Land owners and/or occupiers of land in the Balcatta and Stirling areas bounded by Jones/Albert/Hamilton and Beryl Streets, the Mitchell Freeway and Telford Crescent. Pursuant to the powers contained in section 33 of the above Act, you are hereby required on or before 30th day of November 1997 or within fourteen days of the date of you becoming owner or occupier should this be after the 30th day of November 1997 and thereafter up to and including the 30th day of April 1998 to have a firebreak clear of all flammable materials, at least 5.0 metres in width immediately inside external boundaries. Such firebreaks shall be installed at a minimum of 60.0 metre intervals on external property boundaries. You are also required to install interim firebreaks, 5.0 metres in width, at a minimum of 100 metre intervals within the property. In addition install firebreaks at least 3.0 metres in width immediately surrounding all buildings situated on the land.

If it is considered to be impractical for any reason to clear fire breaks as required by this notice you may apply to the Council or Ranger Services Administrator, or his authorised deputy no later than the 15th November 1997 for permission to provide fire breaks in alternative positions on the land. If permission is not granted by the Council or its duly authorised officer, you shall comply with the requirements of this notice.

The penalty for failing to comply with this notice is a fine of not more than \$1000 and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed in this notice if it is not carried out by the owner or occupier by the date required by this notice.

By Order of the City of Stirling Council.

M. J. (Mike) WADSWORTH, Chief Executive Officer.

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**MAIN ROADS**


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MA401

MRWA 42-142-F

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

## NOTICE OF INTENTION TO TAKE OR RESUME LAND

The Minister for Works hereby gives notice, in accordance with the provisions of section 17 (2) of the Land Acquisition and Public Works Act 1902, that it is intended to take or resume under section 17 (1) of that Act the pieces or parcels of land described in the Schedule hereto and being all in the Mullewa District, for the purpose of the following public works namely, widening of the Geraldton-Mount Magnet Road (SLK Section 92.10-94.90) and that the said pieces or parcels of land are marked off on MRWA Drawing 9604-538-1 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

## Schedule

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (Approx.)
1.	Robert Bruce McDiarmid	R. B. McDiarmid	Portion of Mullewa Agricultural Area Lots 18, 19 and 57 and being part of the land comprised in Certificate of Title Volume 1069 Folio 576.	6 455 m <sup>2</sup>

Dated this 30th day of September 1997.

D. R. WARNER, Executive Director, Corporate Services.

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**MINERALS AND ENERGY**

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MN301

## MINING ACT 1978

## MINING AMENDMENT REGULATIONS (No. 4) 1997

Made by the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Mining Amendment Regulations (No. 4) 1997*.

**Principal regulations**

2. In these regulations the *Mining Regulations 1981*\* are referred to as the principal regulations.

[\* Reprinted as at 18 March 1996.  
For amendments to 1 September 1997, see 1996 Index to  
Legislation of Western Australia, Table 4, p. 193, and Gazette  
4 April 1997.]

**Regulation 85 amended**

3. (1) Regulation 85 of the principal regulations is amended by inserting after paragraph (a) the following paragraph —

“  
(aa) “quarter” means any one of the 3 monthly periods of any year  
ending on 31 March, 30 June, 30 September or  
31 December;  
”.

(2) Regulation 85 (b) of the principal regulations is amended by inserting before “means —” the following —

“ other than gold ”.

**Regulation 85A amended**

4. (1) Regulation 85A (1) of the principal regulations is amended by inserting after “any mineral” the following —

“ other than gold ”.

(2) Regulation 85A of the principal regulations is amended by inserting after subregulation (1) the following subregulation —

“  
(1a) The holder of a mining tenement, and the applicant for a  
mining tenement in respect of any land, shall within 30 days of the  
expiry of each month during which gold metal is to be regarded because  
of regulation 86AA as having been produced from gold bearing material  
produced or obtained from the mining tenement or land furnish the  
Director General of Mines with a monthly production report regarding  
that month in the form No. 27A in the First Schedule.  
”.

(3) Regulation 85A (2) of the principal regulations is amended by inserting after “subregulation (1)” the following —

“ or (1a) ”.

**Regulation 85B amended**

5. Regulation 85B (1) (e) of the principal regulations is amended by inserting before “the rate of royalty” the following —

“ in the case of a mineral other than gold, ”.

**Table to regulation 86 amended**

6. The Table to regulation 86 of the principal regulations is amended by inserting after "Other minerals" at the end of that Table the following —

" , except gold " .

**Regulation 86AA inserted**

7. After regulation 86 of the principal regulations, the following regulation is inserted —

"

**Rates of royalty in respect of gold**

**86AA.** (1) When gold metal is produced from gold bearing material that was produced or obtained from a mining tenement, royalties shall be paid by the holder of, or applicant, for the mining tenement.

(2) No royalty is payable in respect of gold metal produced before the commencement of the period referred to in subregulation (3).

(3) The rate of royalty payable for gold metal produced during the period commencing on 1 July 1998 and ending on 30 June 2000 is 1.25% of the realized value of the gold metal produced.

(4) Subject to subregulation (5), the rate of royalty payable for gold metal produced after 30 June 2000 is 2.5% of the realized value of the gold metal produced.

(5) If, during the period commencing on 1 July 2000 and ending on 30 June 2005, the average gold spot price for a quarter is less than \$450 per ounce in Australian currency, the rate of royalty payable for gold metal produced during that quarter is 1.25% of the realized value of the gold metal produced.

(6) Despite anything in this regulation, no royalty is payable in respect of the first 2 500 ounces of gold metal produced during a financial year from gold bearing material produced or obtained from the same gold royalty project.

(7) The realized value of gold metal produced shall be calculated for each month in the relevant quarter by multiplying the total gold metal produced during that month by the average of the gold spot prices for that month.

(8) If gold bearing material is delivered to a refinery within 3 months after it, or gold bearing material from which it was produced, was taken from the ground —

- (a) gold metal is to be regarded as being produced from the gold bearing material at the time of delivery to the refinery; and
- (b) the amount of gold metal that is to be regarded as being produced from gold bearing material delivered within a particular period is to be —
  - (i) the amount actually produced as ascertained by the Director General of Mines from the deliverer after that amount has been verified by the refiner; or
  - (ii) the amount determined by the Director General of Mines, after consultation with the deliverer, to be a reasonable estimate of the gold metal content.

(9) If gold bearing material is produced or obtained in a form that is acceptable for delivery to a refinery but subregulation (8) does not apply —

- (a) gold metal is to be regarded as being produced from the gold bearing material at the time that a determination is made under paragraph (b) as to the amount of gold metal that the gold bearing material contained; and

- (b) the amount of gold metal that is to be regarded as being produced from the gold bearing material is to be the amount determined by the Director General of Mines, after consultation with the person liable to pay the royalty, to be a reasonable estimate of the gold metal content.
- (10) If —
- (a) after an amount has been determined under subregulation (8) (b) (ii) to be a reasonable estimate of the gold metal content of gold bearing material delivered to a refinery, the Director General of Mines is satisfied by information given by the deliverer that the amount of gold metal actually produced from that gold bearing material differs from the estimated amount; or
- (b) after an amount has been determined under subregulation (9) (b) to be a reasonable estimate of the gold metal content of gold bearing material, the Director General of Mines is satisfied by information given by the deliverer that the gold bearing material was delivered to a refinery and the amount of gold metal actually produced from that gold bearing material differs from the estimated amount,

any necessary adjustment is to be made and may be taken into account in the next royalty payment made after that information is given to the Director General of Mines.

- (11) In this regulation —

“**deliverer**” means the person who produces the gold bearing material that is delivered to a refinery;

“**gold bearing material**” is material of any kind containing gold;

“**gold metal**” means gold that is at least 99.5% pure;

“**gold royalty project**” means —

- (a) subject to subregulation (12), the mining tenement or, if there is more than one, all mining tenements from which anyone produces or obtains gold bearing material that is treated or processed at a common —

(i) treatment facility; or

(ii) combination of treatment facilities;

or

- (b) such other arrangement for producing, obtaining or treating of gold bearing material as is designated by the Minister under subregulation (13) (a);

“**gold spot price**” means —

- (a) the price fixed on the London Bullion Market for gold metal and known as the “London PM Fix”, as converted to Australian currency by using the daily representative rate used by the Reserve Bank of Australia; or

- (b) such other price as is determined by the Minister under subregulation (13) (b);

“**mining tenement**” includes land the subject of an application for a mining tenement;

“**refiner**” means the operator of a refinery;

“**refinery**” means a place where gold metal is produced;

“**treatment facility**” means any plant at which gold bearing material is treated or processed, but does not include a refinery.

(12) The Director General of Mines may approve in writing of mining tenements being treated as separate gold royalty projects, as specified in the approval, if satisfied that they are not all held by the same person or by persons between whom the Director General of Mines considers there to be a connection such that the mining tenements can fairly be treated as forming part of the same gold royalty project.

(13) The Minister may, by notice published in the *Gazette* —

- (a) designate an arrangement for producing, obtaining or treating gold bearing material for the purposes of paragraph (b) of the definition of "gold royalty project" in subregulation (11), or amend or revoke any such designation; or
- (b) determine a price for the purposes of paragraph (b) of the definition of "gold spot price" in subregulation (11), or amend or revoke any such determination.

#### **Regulation 86A repealed and a regulation substituted**

8. Regulation 86A of the principal regulations is repealed and the following regulation is substituted —

"

#### **Time for payment of royalties to Department**

**86A.** Royalties shall be paid to the Department at Perth in respect of a mineral within 30 days after the end of —

- (a) the quarter during which the relevant amount of the mineral was produced or obtained; or
- (b) the quarter during which —
  - (i) in the case of gold, the gold metal is to be regarded because of regulation 86AA as having been produced;
  - (ii) in the case of any other mineral the royalty for which is based on realized value, the value of the mineral (or any of that value) was realized.

"

#### **Regulation 86C repealed**

9. Regulation 86C of the principal regulations is repealed.

#### **Regulation 87 amended**

10. Regulation 87 of the principal regulations is amended by inserting after "regulation 86" in both places where it occurs the following —

" or 86AA "

#### **First Schedule amended**

11. (1) The First Schedule to the principal regulations is amended under the heading "Schedule of Forms" by deleting "27. Monthly Production Report." and substituting the following —

"

- 27. Monthly Mineral (Excluding Gold) Production Report.
- 27A. Monthly Gold Production Report.

"

(2) Form No. 27 in the First Schedule to the principal regulations is deleted and the following forms are substituted —

Form 27

WESTERN AUSTRALIA  
 Mining Act 1978  
 [Reg. 85A (1)]

**MONTHLY MINERAL (EXCLUDING GOLD) PRODUCTION REPORT**

(Please Note! A separate report is required for each operating mining tenement.  
 Complete and furnish to Director General of Mines within 30 days of expiry of month.)

Report for month of ..... Year .....

Mining Tenement No .....

Holder .....

Mineral Field .....

District ..... Project .....

Material Mined			Mineral Produced/Sold		
Mineral Mined Primary Description (e.g. Clay)	Mineral Type Description (e.g. Kaolin)	Quantity (tonnes)	Quantity (tonnes)	Sales Value (A\$)	End Use or Uses of Mineral (where known)

I certify that the information supplied in this report is a true statement of all production for the period stated.

Dated .....

Signed .....  
 (Holder/Applicant)



Form 27A

WESTERN AUSTRALIA  
 Mining Act 1978  
 [Reg. 85A (1a)]

**MONTHLY GOLD PRODUCTION REPORT**

(Please Note! Separate report required for each gold royalty project. Complete and furnish to Director General of Mines within 30 days of expiry of month.)

Report for month of ..... Year ....

Mining Tenement(s) No(s) .....

Holder .....

Mineral Field .....

District ..... Project .....

MATERIAL TREATED	Tonnes
Ore	
Sands	
Slimes	
Tailings	
Concentrates	
Other	

METAL PRODUCED*	Ounces
Gold Metal	
Silver Metal (By-product)	

(\* Include metal that is to be regarded because of regulation 86AA as having been produced.)

I certify that the information supplied in this report is a true statement of all production for the period stated.

Dated .....

Signed .....  
 (Holder/Applicant)

”.

By Command of the Governor,

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

**MN401****MINING ACT 1978**

Notice of Application for an Order for Forfeiture

Department of Minerals and Energy,  
Southern Cross.

In accordance with Regulation 49 (2) (c) of the Mining Regulations 1981, notice is hereby given that the following licences are liable to forfeiture under the provisions of Section 96 (1) (a) of the Mining Act 1978 for breach of covenant, viz. non-payment of rent.

F. CULLEN, Warden.

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To be heard in the Warden's Court, Southern Cross on 19 November 1997.

**YILGARN MINERAL FIELD**

Prospecting Licence

77/3193—Day, John Gilbert  
Chaytor, Maxwell Stanley  
Walker, Robert Denis  
Wanless, Robert James  
Locsei, Janos  
Dowling, John Francis

Miscellaneous Licence

77/144 — Eclipse Ridge Pty Ltd  
Southern Goldfields Ltd  
Scanfire Exploration Pty Ltd

**MN402****MINING ACT 1978**

Notice of Application for an Order for Forfeiture

Department of Minerals and Energy,  
Mt Magnet, 23 September 1997.

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

J. PACKINGTON, Warden.

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To be heard in the Warden's Court, Mt Magnet on 25 November 1997.

**MURCHISON MINERAL FIELD***Cue District*

P20/1588—Hugill, David  
P20/1683—Ruane, Michael  
P20/1684—Ruane, Michael

*Yalgoo Mineral Field*

P59/1406—Ruane, Michael

**MN403****MINING ACT 1978**Department of Minerals and Energy,  
Perth WA 6000.

I hereby declare in accordance with the provisions of Sections 96A(1) and 97(1) of the Mining Act 1978 that the undermentioned mining tenements are forfeited for breach of covenant viz. failure to comply with the prescribed expenditure conditions/non-payment of rent.

NORMAN MOORE, Minister for Mines.

NUMBER	HOLDER	MINERAL FIELD
	Exploration Licence	
70/1406	Bullion Gold Ltd	South West
	Gold Mining Leases	
15/6804	Modic, Ludvik Walker, Robert Dennis	Coolgardie
15/7038A	Cheah, Yew Choy	Coolgardie

**MN404****MINING ACT 1978**

Department of Minerals and Energy,  
Perth WA 6000.

I hereby declare in accordance with the provisions of Sections 96A(1) of the Mining Act 1978 that the undermentioned mining tenement is forfeited for breach of covenant viz. failure to comply with the prescribed expenditure conditions.

NORMAN MOORE, Minister for Mines.

NUMBER	HOLDER	MINERAL FIELD
	Mining Lease	
58/149	Cottingham, Robert	Murchison

**MN405\*****PETROLEUM ACT 1967**

Notice of Grant of Exploration Permit

Exploration Permit No. EP409 has been granted to Austin Oil NL of 96 Hay Street, Subiaco WA 6008 and Omega Oil NL of 77 Thomas Road, Subiaco WA 6008 to have effect for a period of six years from 22 September 1997.

IAN FRASER, Director Petroleum Operations Division.

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**PARLIAMENT**


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**PA401\*****PARLIAMENT OF WESTERN AUSTRALIA**

Bills Assented To

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

Short Title of Bill	Date of Assent	Act No
Turf Club Legislation Amendment Bill 1997	24 September 1997	24 of 1997
Human Tissue and Transplant Amendment Bill 1997	24 September 1997	25 of 1997
Appropriation (Consolidated Fund) Bill (No. 4) 1997	24 September 1997	26 of 1997
Cement Works (Cockburn Cement Limited) Agreement Bill 1997	24 September 1997	27 of 1997

L. B. MARQUET, Clerk of the Parliaments.

September 30, 1997.

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**PLANNING**

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PD401

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF DENMARK*

## TOWN PLANNING SCHEME NO 3—AMENDMENT NO 28

Ref: 853/5/7/3, Pt 28.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the Shire of Denmark Town Planning Scheme Amendment on September 22, 1997 for the purpose of:

1. Rezoning a portion of Lot 337 South Coast Highway, Denmark from "Rural" to "Special Residential".
2. Rezoning a portion of Lot 337 South Coast Highway, Denmark, from "Rural" to "Tourist" and incorporating this zone within Appendix 13—Schedule of Tourist Zones to place appropriate Conditions of Use.
3. Rezoning a portion of Lot 337 South Coast Highway, Denmark, from "Rural" to "Parks and Recreation" Reserve.
4. Amending the face of the Scheme Map accordingly.
5. Amending Appendix 14 of the Scheme Text—Special Residential Zone Provisions Relating to Specified Areas—by including the following provisions under columns (a), (b) and (c):

"No 3—Reeves Special Residential Zone

(a) Lot 337 South Coast Highway, Denmark

(b) Residential

Permitted Use (P): Single House

Permitted at Council's Discretion (AA): Home Occupation

- (c)
  - i) The minimum lot size should be not less than 4000 sqm. Subdivision shall generally be in accordance with the Subdivision and Development Guide Plan (Plan No 1861/7) Special Residential Zone No. 3 as signed by the Shire Clerk.
  - ii) An assessment of the geology of the site, particularly in areas where effluent disposal is proposed, including hydraulic conductivity and soil profiles to a depth of two metres, plus the depth to perched and permanent water tables (indicative of conditions at the end of winter), shall be prepared to the satisfaction of the Health Department of WA to assist in determining appropriate effluent disposal methods.
  - iii)
    - a) All buildings and effluent disposal systems shall be located within a defined Building Envelope of no larger than 1000 sqm, which has been selected and delineated on-site by the landowner, and approved by Council in accordance with Provision (v) below.
    - b) The positioning of the building envelope shall be such that:  
it does not necessitate the removal of significant vegetation for house construction or the removal of overhanging trees in the interests of the longer term safety of residences  
the location of the building will not detract from the environmental quality of the area or from the amenity of adjoining residences.
  - iv)
    - a) No building envelope may be closer to the boundary of a lot than:
      - i) 15 metres from the front and rear of a lot.
      - ii) 10 metres from the side boundary of a lot.
    - b) Notwithstanding (a) above, Council may approve a lesser distance if it can be shown to the satisfaction of Council that the topography or shape of the lot or indigenous vegetation upon it makes it desirable to vary this provision.
  - v)
    - a) Council may request the Commission to impose a condition at the time of subdivision for the strategic firebreaks shown on the Subdivision and Development Guide Plan to be constructed to a standard approved by Council and the Bush Fires Board. The breaks shall be designed and constructed so as to avoid erosion problems.
    - b) Council shall require that individual landowners are responsible for the maintenance of a strategic firebreak where it crosses the landowner's lot.
    - c) The clearing of firebreaks other than for strategic firebreak purposes will not be permitted unless for safety reasons to comply with Council and Bush Fires Board requirements.
    - d) Each lot owner shall maintain an area of low fuel as specified by the Bush Fires Board surrounding the dwelling.
    - e) The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual.

- f) All buildings shall be constructed in accordance with Australian Standard 3959-1991 'Construction of Buildings in Bushfire Prone Areas'.
  - vi) a) Where land is devoid of vegetation or it is determined that erosion has occurred as a result of the development of private property, Council may require the landowner to implement erosion control measures in accordance with the requirements and specifications of Council in the interests of preventing further land degradation.
  - b) In the event that provision (a) above is not complied with, Council may carry out appropriate action to eliminate adverse affect. Any expenses incurred by Council in carrying out such action shall be borne by the landowner.
  - vii) To assist in the retention of existing vegetation cover and preserve and enhance the visual character of the zone, the erection of boundary fencing shall not be permitted without Council approval.
  - viii) a) All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their location, scale, height, building materials and colour.
  - b) Buildings shall be constructed of roof and external wall materials comprising natural earth or vegetation green colours. Zincalume or other similar cladding will not be permitted. Other roof and external wall materials which would, in the opinion of Council, prejudice the landscape amenity of the area, will not be permitted.
  - c) All residential buildings shall be single storey except where it can be proven to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality.
  - d) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.
  - e) Proposals to vary the height restrictions pursuant to (c) above shall be accompanied by such plans, elevations and sketches as is determined by the Council to assess the affect on the visual amenity and the natural screening effect of vegetation and topography or any proposed landscaping to be provided.
  - f) Driveways shall be sited and constructed so as to avoid erosion problems to the specification and satisfaction of Council.
  - ix) On-site effluent disposal shall be the responsibility of the individual landowner and shall involve the use of conventional or alternative on-site disposal systems approved by Council and the Public Health Department.
  - x) Council may request the Commission to impose a condition at the subdivision stage for the provision of underground power.
  - xi) Roads within the zone shall be located in a manner which is sympathetic to the topography and minimises visual impact.
  - xii) Council may request the Commission to impose a condition at the subdivision stage for the provision of reticulated water.
  - xiii) Fire hydrants and a standpipe facility shall be provided by the subdivider in accordance with the requirements of the Bush Fires Board.
  - xiv) Council may request the Commission to impose a condition at the subdivision stage for treeplanting to be carried out in accordance with the Landscape Plan and Subdivision and Development Guide Plan.
  - xv) a) No development other than for strategic firebreak purposes and low fuel zones will be permitted within the Landscape Protection Area, nominated on the Subdivision and Development Guide Plan.
  - b) Council will require the planting and maintenance of the Landscape Protection Area, as defined on the Subdivision and Development Guide Plan, using local indigenous trees of species and in locations approved by Council, as shown on the Landscape Plan.
  - xvi) The intersection between the proposed cul-de-sac and the South Coast Highway shall be designed and constructed to the satisfaction of Main Roads WA.
6. Amending Appendix 13 of the Scheme Text—Schedule of Tourist Zones—by inserting the following under columns (a), (b) and (c).
- (a) Lot 337 South Coast Highway, Denmark (shown as Lot 21 on the Subdivision and Development Guide Plan).
  - (b) Chalet and Lodge development.
  - (c) (i) Development levels on the land shall be limited to a single dwelling unless the Health Department of WA and the Council are satisfied that the results of a geotechnical report as outlined in sub clause c (iii) below demonstrates that the level of tourist development outlined in the Subdivision and Development Guide Plan or any variation to that Plan as approved by the Council is acceptable in terms of waste water disposal.
  - (ii) All buildings constructed within the zone shall be sympathetic to the existing landscape in terms of location, scale, height, building materials and colour.

- (iii) An assessment of the geology of the site, particularly in areas where effluent disposal is proposed, including hydraulic conductivity and soil profiles to a depth of two metres, plus the depth to perched and permanent water tables (indicative of conditions at the end of winter), shall be prepared to the satisfaction of the Health Department of WA to assist in determining appropriate effluent disposal methods.
- (iv) Development shall be connected to the reticulated water supply and effluent disposal systems installed to the satisfaction of the Health Department, the Wilson Inlet Management Authority and Council.
- (v) No pets will be permitted
- (vi) Site landscaping shall be in accordance with an overall landscaping plan approved by Council referring to species location, density and tyre. The landscaping plan shall have due regard to Council's requirements with respect to fire control.
- (vii) The following requirements will apply:
  - a) Restriction of length of stay to 3 months in any one year.
  - b) An agreement between the applicant and Council to ensure a management system is in place to ensure accommodation is made available for rent by the general public when not in use by the owners and development within common property is completed to the satisfaction of Council including manager's residence and reception access, joint use effluent and drainage systems, and recreation facilities etc) prior to the sale of individual units/chalets.
  - c) Fencing of individual units/chalets is not permitted.
  - d) The external form of the development to be of uniform and complementary architectural theme, character, colours materials.

H. J. VERSLUIS, President.  
P. DURTANOVICH, Chief Executive Officer.

## PD402

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

Ref: 853/4/18/1, Pt 1.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the Shire of Merredin Town Planning Scheme Amendment on September 22, 1997 for the purpose of:

1. Amend clause 2.3 by:
  - (a) Deleting sub-clauses 2.3.1 and 2.3.2 and inserting in their place:
    - 2.3.1 For the purpose of this Scheme 'Residential Planning Codes' means the Residential Planning Codes set out in appendix 2 to the Statement of Planning Policy No 2, together with any amendments thereto.
    - 2.3.2 A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspections at the offices of the Council."
  - (b) Delete existing sub-clause 2.3.3 and redesignate existing sub-clause 2.3.4 as sub-clause 2.3.3.
  - (c) Amend sub-clause 2.3.5 by altering sub-section 2.3.5(a) by replacing the word "zones" with the word "codes".
  - (d) Redesignate sub-clause 2.3.5 and all sub-sections to it as sub-clause 2.3.4.
2. Delete existing clause 2.4 and insert in its place the following:
  - 2.4 Special Application of Residential Planning Codes.
    - 2.4.1 Where a requirement of the Codes differs from a standard as specified in the Zoning and Development Table, other than as described in clause 2.4.2, the standard as specified in the Zoning and Development Table shall apply.
    - 2.4.2 Where there is a difference between the front setback specified in the Zoning and Development Table and the street setback in any code applying to a locality as shown on the Scheme Map, the Council may apply the setback described in the Code where it is satisfied to do so will not detrimentally affect the amenity of the surrounding locality.
3. Amend the Zoning and Development Table by:
  - (a) In the Residential 1-Single Residential policy statement delete the words "and attached".
  - (b) In the Residential 1-Single Residential zone under permitted use number 1 delete from the minimum lot area requirement for a single house use, "R 12.5" and insert in its place "N/A".

- (c) In the Residential 1-Single Residential zone under permitted use number 2 delete the words "Attached House" and insert in their place the words Ancillary Accommodation".
- (d) In the Residential 1-Single Residential zone for the Ancillary Accommodation classification delete all existing entries in the Development Standards columns, with the exception of the minimum car parking standard and front setback, and insert in the place of those deleted "R 12.5", with the exception of the minimum lot area column in which should be inserted "N/A".
- (e) In the Residential 1-Single Residential zone, for the Grouped dwelling classification in the minimum lot area column delete "R 20" and insert in its place "N/A".
- (f) In the Residential 1-Single Residential zone, for the Aged or Dependant Persons Dwellings classification in the minimum lot area column delete "R 20" and insert in its place "N/A".
- (g) In the Residential 1-Single Residential zone insert after the Aged or Dependant Persons Dwellings classification a new classification "5. Single Bedroom Dwellings" and designate it as a "PS" use and insert in all the development standards columns "R 20" with the exception of the minimum lot area column in which should be inserted "N/A".
- (h) In the Residential 1-Single Residential zone redesignate use numbers 5-12 to use numbers 6-13.
- (i) In the Residential 2-Medium Density Residential zone in the permitted use classification 1. delete "or attached housing" and retain only "grouped dwellings" as permitted use classification number 1.
- (j) In the Residential 2-Medium Density Residential zone insert as permitted use classification number 7 "Single Bedroom Dwellings" and designate it as a "PS" use and insert in all the development standards column, with the exception of the minimum lot area column in which should be inserted N/A, the notation "R 30".
- (k) "In the Residential 2—Medium Density Residential Zone, for the Grouped Dwellings, Multiple Dwellings, Aged or Dependent Persons Dwellings and Single House classifications in the minimum lot area column, delete the R Code and insert in its place "N/A"."
- (l) In the Special Zone delete any reference to Lot 2 South Avenue and all reference in the table to information or standards applicable to it.
- (m) In the Special Zone insert after Lot 25 Todd Street the following:
- |                     |  |                                  |  |
|---------------------|--|----------------------------------|--|
| "Lot 1 Fifth Street | Residential 2—<br>Multiple Residential | Funeral<br>Parlour/<br>Residence | Compliance with<br>the development<br>standards applicable to<br>the Multiple Zone". |
|---------------------|--|----------------------------------|--|
- (n) In the Special Zone insert after Lot 1 Fifth Street the following:
- |                             |                       |            |   |
|-----------------------------|-----------------------|------------|---|
| "Lot 1430<br>Barrack Street | Recreation<br>Reserve | Restaurant | Compliance with<br>the development<br>standards applicable to<br>a restaurant". |
|-----------------------------|-----------------------|------------|---|
4. Amending the Reserve Development Table by:
- (a) Under the Important Regional Roads development standard No 2, delete 'the Main Roads Department' and replace it with 'Main Roads WA'.
- (b) Under the Important Regional Roads development standard No. 4(c) delete 'the Main Roads Department' and replace it with 'Main Roads WA'
5. Delete clause 4.2 and based on the Model Scheme Provisions as drafted by the Heritage Council of Western Australia, insert in its place the following:
- "4.2 Places of Heritage Value
- 4.2.1 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.
- 4.2.2 For the purpose of this part, the Heritage List means the Schedule of places of heritage value forming Appendix 6 to the Scheme and 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.
- 4.2.3 The Council shall keep copies of the Heritage List with the Scheme documents for public inspection during normal office hours.
- 4.2.4 In dealing with any matters which may affect an entry on the Heritage List, including any application for development approval, Council shall have regard to any heritage policy of the Council.
- 4.2.5 The Council may, in considering any application that may affect 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.
- 4.2.6 Notwithstanding any existing assessment on record, Council may require a heritage assessment to be carried out prior to the approval for any development proposed for an entry listed on the Heritage List.

- 4.2.7 Notwithstanding any other provision of the Scheme, no person shall commence or carry out any development affecting any building, object, structure or place listed in the Inventory or contained within a heritage precinct without first having applied for and obtained the planning approval of the Council pursuant to the provisions of clause 4.2.9 of the Scheme.
- 4.2.8 For the purposes of clause 5.4.3 the term 'development' shall have the meaning as set out in the Town Planning and Development Act (as amended) but shall also include,
- in relation to any building, object, structure or place entered in the heritage List or contained within a Heritage Precinct, any act or thing that:
- (i) is likely to change the character of the place or the external appearance of any building; or
  - (ii) would constitute an irreversible alteration to the fabric of any building.
- 4.2.9 In addition to the application formalities prescribed in paragraph 5.4 and any formalities or requirements associated with development applications contained in any other provision of the Scheme, the Council may require an applicant for development approval, 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) side and rear elevations of the proposed development, drawn to a scale of not smaller than 1:100;
  - c) in addition to a site plan a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height; and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;
  - d) an assessment of the cultural significance of any existing buildings and the development site according to policy guidelines adopted by the Council;
  - e) 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, also the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
  - f) any other information which the Council indicates that it considers relevant.
- 4.2.10 Without affecting the generality of any other provision of the Scheme specifying the manner in which the Council is obliged or permitted to deal with an application for development approval, the Council in dealing with any application for development approval may for reasons related to the conservation of a place of cultural heritage significance or a heritage precinct:
- a) refuse approval
  - b) grant approval without conditions, or
  - c) grant approval with conditions including conditions aimed at the conservation of the place or precinct.
- 4.2.11 The Council may approve any development which involves the conservation of the whole or part of any place of cultural heritage significance or its replacement if accidentally destroyed, notwithstanding the proposed works do not comply with the Residential Planning Codes or any provision, standard or requirement of the Scheme.
- 4.2.12 In dealing with any application concerning or affecting a place of cultural heritage significance or a Heritage Precinct, the Council may for the purpose of conserving or enhancing the place or precinct give a special approval, benefit, allowance or incentive, including but not limited to, the granting of density bonuses.
- 4.2.13 Where in the Council's opinion the granting of a conservation incentive is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the incentive, the Council shall consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to Clause 6.2 and shall have regard to any expressed views prior to making its decision.
- 4.2.14 In granting a conservation incentive under Clause 4.2.12 the Council may enter into a heritage agreement under Part 4 of the Heritage of Western Australia Act 1990 with an owner who would benefit from the incentive. The agreement may specify the owner's obligations and contain covenants noted on relevant Certificates of Title".
6. Amend clause 6.1.3(d) by deleting the words "Town Planning Board" and inserting in their place the words "Western Australian Planning Commission".



## 7. Amend Appendix 6—Schedule of Places of Heritage Value as follows.

Add to Appendix 6 as No 6 Cummins Theatre by inserting the following (due to its documentation by the Heritage Council for entry in the HCWA Register of Heritage Places).

<p>“6 Cummins Theatre</p>	<p>Lot 10 Volume 1880, Folio 815 Bates Street, Merredin</p>	<p>The theatre, particularly the interior, is a substantially intact relocated theatre building of the late nineteenth century with 1920s decoration and is <u>rare</u> as the result of the alteration or loss of other theatres of its kind: The theatre demonstrates the practice of relocation of buildings from the Goldfields, to other areas of the State and the innovative reuse of parts of buildings, in the early part of the twentieth century, and The theatre has been a focal point for a variety of cultural and recreational activities by the Merredin community since 1928, and so contributes to the community’s sense of place”.</p>
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## 8. Amend Appendix 7—Interpretations by inserting in appropriate alphabetical order the following:

- After Caretakers house and before Consulting Rooms

“Conservation means, in relation to any place or Heritage Precinct, the management of that place or precinct in a manner that will

- a) enable the cultural heritage significance of that place or precinct to be retained, and
  - b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct,
- and may include the preservation, 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”.

- After Convalescent Home and before Day Care Centre

“Cultural Heritage Significance means, in relation to a place, the relative value of which that place has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations”.

- Add to the definition of development:

“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,

- (i) is likely to change the character of the place or the external appearance or any building, or
- (ii) would constitute an irreversible alteration to the fabric of any building”.

## 9. Amend the Scheme Maps by the following:

- (a) Add to the Scheme Maps the appropriate R Codes designation for all residentially zoned land.
- (b) Rezone Lot 1 Growden Street from “Residential 1—Single Residential” to “Hotel”
- (c) Rezone Lot 1 Fifth Street from “Residential 2—Medium Density Residential” to “Special Zone”
- (d) Rezone Lot 130 Fifth Street from “Residential 2—Medium Density Residential” to “Civic and Cultural”
- (e) Rezone Lot 1430 Barrack Street from “Recreation Reservation” to “Special Zone”
- (f) Rezone Lot 10 Bates Street from “Office” to “Civic and Cultural” and add a place of Heritage Value Notation.⑥
- (g) Rezone Lot 101 Bates Street from “Public Purpose” to “Shop”
- (h) Rezone Lot 401 French Avenue from “Residential 1—Single Residential” to “Public Purpose” and add the designation “CH”
- (i) Rezone Lot 405 French Avenue from “Residential 1—Single Residential” to “Public Purpose” and add the designation “SC”
- (j) Rezone Reserve 20913 from “Civic and Cultural” to “Public Purpose” and add the designation “SC”
- (k) Rezone lot 818 Cunningham Street from “Civic and Cultural” to “Residential 1-Single Residential”
- (l) Rezone Lot 2 South Street from “Special Zone” to “General Farming”

G. R. BANKS, President.  
R. LITTLE, Chief Executive Officer.

**PD403\*****TOWN PLANNING AND DEVELOPMENT ACT 1928****TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION***CITY OF CANNING***TOWN PLANNING SCHEME NO 40—AMENDMENT NO 72**

Ref: 853/2/16/44, Pt 72.

Notice is hereby given that the local government of the City of Canning has prepared the abovementioned scheme amendment for the purpose of rezoning 100 Hamilton Street (Lot Pt 7), Cannington, from "Light Industry" and "Residential R17.5/R40" to "Residential R17.5/R30".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 1317 Albany Highway, Cannington and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including November 14, 1997.

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

I. F. KINNER, Chief Executive Officer.

**PD404\*****TOWN PLANNING AND DEVELOPMENT ACT 1928****TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION***SHIRE OF MANJIMUP***TOWN PLANNING SCHEME NO 2—AMENDMENT NO 79**

Ref: 853/6/14/20, Pt 79.

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

1. Amending the Scheme Map by removing Nelson Location 9886 Boorara Road Northcliffe from the Rural Zone and including the land within the Special Rural Zone.
2. Amending the Scheme Text at Appendix 1 by including the following:

**AREA NO. 20****SPECIAL PROVISIONS**

Nelson Location 9886  
Boorara Road, Northcliffe

**a. Uses permitted within the zone are:**

Dwelling House	P
Rural Use	P
Home Occupation	P
Public Recreation	AA
Private Recreation	AA
Public Utility	P
Cottage Industry	AA

All other uses not listed above are not permitted.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 36 Rose Street, Manjimup 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 November 14, 1997.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before November 14, 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. FITZGERALD, Chief Executive Officer.

**PD405\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION**  
*SHIRE OF ROEBOURNE*  
**TOWN PLANNING SCHEME NO 6—AMENDMENT NO 48**

Ref: 853/8/5/4, Pt 48.

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

Scheme Amendment Map 1

1. Rezoning Karratha Lot 4198 Rosemary Road from "Residential Development" Zone to "Residential (R20)" Zone and, where shown on Scheme Amendment Map 1, to "Residential (R30)" Zone, "Public Utilities" Reserve and "Parks and Recreation (Playing Fields and Parklands)" Reserve.
2. Rezoning Karratha Lot 4156 Campbell Crescent from "Residential Development" Zone to "Residential (R20)" Zone

Scheme Amendment Map 2

1. Rezoning Karratha Lots 3267, Pt 3260 and Pt 3272 from "Parks and Recreation (Playing Fields and Parklands)" Reserve to "Residential (R20)" Zone.
2. Rezoning Pt Karratha Lot 3260 from "Parks and Recreation (Playing Fields and Parklands)" Reserve to "Public Utilities" Reserve.
3. Rezoning Karratha Lot 3259 from "Public Purposes (Primary School)" Reserve to "Residential (R20)" Zone and, where shown on Scheme Amendment Map 2, to "Public Utilities" Reserve.
4. Rezoning Karratha Lot 3268 from "Special Uses (Squash Courts)" Zone to "Residential (R20)" Zone.
5. Rezoning Karratha Lot 3266 from "Special Uses (Community Hall)" Zone to "Communications (Local Road)" Reserve and, where shown on Scheme Amendment Map 2, to "Parks and Recreation (Playing Fields and Parklands)" Reserve.

Scheme Amendment Map 3

1. Rezoning Karratha Lots 1710 and 3843 from "Commercial (Retail)" Zone to "Residential (R30)" Zone.
2. Rezoning Karratha Lot 3844 from "Special Uses (Not yet determined)" Zone to "Residential (R30)" Zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Welcome Road, Karratha and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including November 14, 1997.

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

T. RULAND, Chief Executive Officer.

**PD701**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME**  
*SHIRE OF NARROGIN*  
**TOWN PLANNING SCHEME NO 2**

Ref: 853/4/22/2.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the Shire of Narrogin Town Planning Scheme No. 2 on September 15, 1997—the Scheme Text of which is published as a Schedule annexed hereto.

D. L. WIESE, President.  
G. R. McKEOWN, Chief Executive Officer.

SCHEDULE  
**TOWN PLANNING AND DEVELOPMENT ACT 1928**

*Shire of Narrogin*

Town Planning Scheme No. 2

The Narrogin 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 Revocation
- 1.5 Contents of Scheme
- 1.6 Arrangement of Scheme Text
- 1.7 Scheme Objectives
- 1.8 Interpretations

**Part 2—Reserves**

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

**Part 3—Zones**

- 3.1 Zones
- 3.2 Zoning Table

**Part 4—General Development Requirements**

- 4.1 Residential Development—Residential Planning Codes
- 4.2 Discretion to Modify Development Standards
- 4.3 One Dwelling per Lot
- 4.4 Relocated Second-hand Buildings
- 4.5 Site Requirements
- 4.6 Car Parking Requirements
- 4.7 Development of Lots Abutting Unconstructed Roads
- 4.8 Development Limited by Liquid Waste Disposal
- 4.9 Home Occupation
- 4.10 Rural Townsite Zone
- 4.11 Special Rural Zone
- 4.12 Farming Zone

**Part 5—Heritage Precincts and Places of Cultural Significance**

- 5.1 Purpose and Intent
- 5.2 Heritage List
- 5.3 Designation of Heritage Precincts
- 5.4 Applications for Planning Approval
- 5.5 Formalities of Application
- 5.6 Variations to Scheme Provisions

**Part 6—Use and Development of Land**

- 6.1 Requirement for Planning Approval
- 6.2 Application for Planning Approval
- 6.3 Advertising of Applications
- 6.4 Consultation with Other Authorities
- 6.5 Matters to be Considered by the Council
- 6.6 Determination of Applications
- 6.7 Deemed Refusal
- 6.8 Approval Subject to Later Approval of Details
- 6.9 Approval of Existing Developments

**Part 7—Non-conforming Uses**

- 7.1 Non-conforming Use Rights
- 7.2 Extension of Non-conforming Use
- 7.3 Change of Non-conforming Use
- 7.4 Discontinuance of Non-conforming Use
- 7.5 Destruction of Buildings

**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 Election to Purchase and Valuation
- 8.6 Rights of Appeal
- 8.7 Planning Policies
- 8.8 Delegation
- 8.9 Amendments to the Scheme

**SCHEDULES**

- 1 Interpretations
- 2 Special Rural Zone

**PART 1—PRELIMINARY**

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

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

1.4 Revocation: The Shire of Narrogin Town Planning Scheme No. 1 published in the *Government Gazette* of 24 June 1983 and all amendments thereto is hereby revoked.

1.5 Contents of Scheme: The Scheme comprises:

- a) this Scheme Text
- b) the Scheme Map (sheets numbers 1 to 4 inclusive)

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

Part 1—Preliminary

Part 2—Reserves

Part 3—Zones

Part 4—General Development Requirements

Part 5—Heritage Precincts And Places Of Cultural Significance

Part 6—Use And Development Of Land

Part 7—Non-Conforming Uses

Part 8—Administration

1.7 Scheme Objectives: The objectives of the Scheme are:

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

1.8 Interpretations

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

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

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

**PART 2—RESERVES**

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

PUBLIC PURPOSE  
RECREATION AND OPEN SPACE  
STATE FOREST  
RAILWAY  
ROAD

2.2 Matters to be Considered by the Council: Where an application for planning approval 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 approval.

### PART 3—ZONES

#### 3.1 Zones

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

RURAL TOWNSITE  
INDUSTRIAL  
SPECIAL RURAL  
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 by the Scheme.

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

“SA” means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with sub-clause 6.3.

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 sub-clause 7.2 in considering an application for planning approval.

TABLE 1  
ZONING TABLE

USES	Rural Townsite	Industrial	Special Rural	Farming
1 abattoir				SA
2 aged or dependent persons dwelling	AA			
3 ancillary accommodation	AA		AA	AA
4 caretaker's dwelling	AA	AA		AA
5 civic building	AA			
6 consulting rooms	AA			
7 dog kennels				SA
8 education establishment	AA			SA
9 fuel depot	AA	P		AA
10 grouped dwelling	P			
11 home occupation	AA		AA	AA
12 hotel	AA			
13 industry—cottage	AA		AA	AA
14 industry—extractive				SA
15 industry—general		AA		
16 industry—light	AA	P		
17 industry—noxious				SA
18 intensive agriculture				AA
19 motel	AA			
20 motor vehicle repair station	SA	P		
21 office	AA	SA		
22 piggery				SA <sup>1</sup>
23 poultry farm				SA
24 public recreation	P	AA		AA
25 residential building	AA			
26 rural pursuit			AA	P
27 service station	AA	AA		
28 shop	AA			
29 single house	P		P	P
30 transport depot		P		SA

## NOTES:

<sup>1</sup>The Council shall not approve a piggery use on a lot which is located within 3 km of the municipal boundary with the Town of Narrogin.

**PART 4—GENERAL DEVELOPMENT REQUIREMENTS****4.1 Residential Development—Residential Planning Codes**

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

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

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

4.1.4 The R Code density applicable to land within the Rural Townsite Zone shall be determined by reference to the R Code density numbers superimposed on the areas within that zone 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.

**4.2 Discretion to Modify Development Standards:**

4.2.1 Sub-clause 4.2.2 shall not apply to:

- i) development in respect of which the Residential Planning Codes apply under this Scheme, or
- ii) development on land abutting an unconstructed road, or
- iii) development on a lot which does not have frontage to a constructed road.

4.2.2 Subject to sub-clause 4.2.1, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

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

4.3 One Dwelling Per Lot: In all zones unless otherwise permitted in the Zoning Table only one dwelling shall be permitted on each lot excepting that in the Farming zone, where the lot exceeds eight hectares in area, the Council may, at its discretion, approve the erection of an additional dwelling provided it is satisfied that the additional dwelling(s) are required to provide accommodation for agricultural or horticultural worker(s).

4.4 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.

4.5 Site Requirements: The site building requirements for land in various zones shall be:

- a) Rural Townsite zone: As per the R Codes.
- b) Industrial zone:
  - i) The front setback shall be not less than 11 metres, the rear setback shall be not less than 10 metres, and the side setbacks shall be not less than 5 metres on one side;
  - ii) Where a lot has frontage to two streets the Council may reduce the minimum setback to one only of those streets to not less than 50% of the distance specified in paragraph (i);
  - iii) 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.
- c) Special Rural zone: Unless otherwise provided in Schedule 2 the front setback shall be not less than 10 metres, the rear setback shall be not less than 7.5 metres, and the side setbacks shall be not less than 5 metres.
- d) Farming zone: Except where lot size or dimensions, site conditions, or special conditions apply all development including dwellings, farm buildings and outbuildings shall be set back not less than 20 metres from any lot boundary or projected road alignment or realignment. Minimum setbacks from roads under the control of Main Roads WA shall be 40 metres from existing 20 metre reserves and 30 metres from existing 40 metre reserves.

4.6 Car Parking Requirements: A person shall not develop or use any land or erect, use or adapt any building unless car parking spaces specified by the Council are provided and such spaces are constructed and maintained in accordance with the requirements of the Council.

4.7 Development of Lots Abutting Unconstructed Roads: Notwithstanding anything elsewhere appearing in the Scheme planning approval is required for development of land abutting an unconstructed road or a lot which does not have frontage to a constructed road. In considering such an application 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.

4.8 Development Limited by Liquid Waste Disposal: Notwithstanding anything elsewhere appearing in the Scheme, the Council may refuse to issue planning approval 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.

#### 4.9 Home Occupation

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

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

#### 4.10 Rural Townsite Zone

Objectives: This zone will apply within the Highbury townsite.

It is the intention of the Council that a range of uses such as may be found in a small country town may be permitted in the zone.

In considering an application for planning approval the Council will have regard for the impact of the proposed use on local amenities.

The Council will generally not favour commercial or industrial uses in areas where the predominant established use is for residential purposes unless residential areas are buffered from any impacts.

#### 4.11 Special Rural Zone

Objectives: It is the intention of the Council to consider only those proposals for Special Rural development for land within a 10 kilometre radius of the Narrogin townsite.

Each application for a Special Rural Zone is to be accompanied by a land capability and suitability assessment to the satisfaction of the Council and in accordance with the Commission's Policy and Guidelines.

4.11.1 General Provisions: The provisions for controlling subdivision and development in a Special Rural 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;
- b) in addition to a building licence, the Council's prior planning approval 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) in order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorised by the Council.
- e) in order to enhance the rural amenity of the land in areas the Council considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the Council.
- f) any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the Council. 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.

4.11.2 In considering an application for planning approval 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 lot;
- 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.



#### 4.12 Farming Zone

Objectives: The Council intends the predominant form of farming 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.

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:

- a) identification of soil types, availability and adequacy of water supply, and any areas of salt affected land;
- b) evidence of consultations by the proponent with Agriculture WA on the suitability of the proposed lot(s) and lot size for the intended land use;
- c) the proponent entering into an Agreement with the Council to proceed with the intended land use;
- d) details of stream protection where appropriate; and
- e) such other matters as may be requested by the Council.

The Council shall 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.

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.

4.12.1 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.

4.12.2 Development: The Council shall not grant planning approval for any development that will in the opinion of the Council adversely affect the rural landscape or be contrary to the agricultural use of the land.

### PART 5—HERITAGE PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE

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

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

#### 5.2 Heritage List

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

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

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

#### 5.3 Designation of Heritage Precincts

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

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

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

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

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

- a) the Council shall notify in writing each owner of land affected by the proposal;
- b) the Council shall advertise the proposal by way of a notice in a newspaper circulating in the district, by the erection of a sign in a prominent location in the area affected by the designation, and by such other methods as the Council consider necessary to ensure widespread notice of the proposal, describing the area subject of the proposed designation and where the policy statement which applies to the precinct may be inspected;
- c) the Council shall invite submissions on the proposal within 28 days of the date specified in the notice referred to in paragraphs (a) and (b);

- d) the Council shall carry out such other consultations as it thinks fit;
- e) the Council shall consider any submissions made and resolve to designate the heritage precinct with or without modification or reject the proposal after consideration of submissions;
- f) the Council shall forward notice of its decision to the Heritage Council of WA and the Commission.

5.3.5 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 sub-clause 5.3.4.

#### 5.4 Applications for Planning Approval

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

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

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

#### 5.5 Formalities of Application

5.5.1 In addition to the application formalities prescribed in sub-clause 5.4 and any formalities or requirements associated with applications for planning approval contained in any other provision of the Scheme, the Council may require an applicant for planning approval, where the proposed development may affect a place of cultural heritage significance or a Heritage Precinct, to provide one or more of the following to assist the Council in its determination of the application:

- a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- b) in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;
- c) a detailed schedule of all finishes, including materials and colours of the proposed development, and unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
- d) any other information which the Council indicates that it considers relevant.

#### 5.6 Variations to Scheme Provisions

5.6.1 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 sub-clause 6.3.3; and
- b) have regard to any expressed views prior to making its decision to grant the variation.

5.6.2 In granting variations under sub-clause 5.6.1 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 6—USE AND DEVELOPMENT OF LAND

#### 6.1 Requirement for Planning Approval

6.1.1 In order to give full effect to the provisions and objectives of this Scheme, all development, including a change in the use of land, except as otherwise provided, requires the prior approval of the Council in each case. Accordingly, no person shall commence or carry out any development, including a change in the use of any land, without first having applied for and obtained the planning approval of the Council pursuant to the provisions of this Part.

6.1.2 The planning approval of the Council is not required for the following development of land:

- a) the use of land in a reserve, where such land is held by the Council or vested in a public authority;
  - i) for the purpose for which the land is reserved under the scheme; or
  - ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;
- b) the use of land which is a permitted ("P") use in the zone in which the land is situated provided it does not involve the carrying out of any building or other works.
- c) the erection of a single house on a lot, including ancillary outbuildings, in a zone where such use is designated with the symbol "P" in the Zoning Table, unless specific provisions of the Scheme require the express approval of the Council.

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

6.1.3 Notwithstanding that a single house does not require the prior approval of the Council pursuant to the Scheme, any person who wishes the Council to vary any particular provision of the R Codes relating to the erection of a single house shall, at the time of lodging an application for a building licence or earlier, apply in writing to the Council, seeking the Council's approval for the variation. The Council may approve the variation with or without conditions or may refuse to approve the variation. The Council shall, before granting its approval, satisfy itself that:

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

6.2 Application for Planning Approval: Every application for planning approval shall be made in the form prescribed by the Council and in accordance with the directions thereon.

### 6.3 Advertising of Applications

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

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

6.3.3 Where the Council is required or decides to give notice of an application for planning approval 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 approval 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 sub-clause.

6.3.4 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.

### 6.4 Consultations with Other Authorities

6.4.1 In determining any application for planning approval the Council may consult with any other statutory, public, or planning authority and with any other party it considers appropriate.

6.4.2 In the case of land reserved under the Scheme for the purposes of a public authority, the Council shall consult that authority before making its determination.

### 6.5 Matters to be Considered by the Council

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

- a) the provisions of this Scheme and any other relevant town planning scheme operating within the district;
- b) any relevant proposed new town planning scheme of the Council or amendment insofar as they can be regarded as seriously entertained planning proposals;
- c) any approved Statement of Planning Policy of the Commission;
- d) any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;
- e) any planning policy, strategy or plan adopted by the Council under the provisions of sub-clause 8.7 of this Scheme;
- f) the preservation of any object or place of heritage significance;
- g) the requirements of orderly and proper planning;
- h) the preservation of the amenities of the locality;
- i) any other planning considerations which the Council considers relevant;
- j) any relevant submissions or objectives received on the application.

### 6.6 Determination of Applications

6.6.1 In determining an application for planning approval the Council may:

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

6.6.2 Where the Council grants planning approval, that approval:

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

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

6.7 Deemed Refusal

6.7.1 Subject to sub-clause 6.7.2, an application for planning approval shall be deemed to have been refused where a decision in respect of that application is not conveyed to the applicant by the Council within 60 days of the receipt of it by the Council, or within such further time as agreed in writing between the applicant and the Council.

6.7.2 An application for planning approval which is subject of a notice under sub-clause 6.3.3 shall be deemed refused where a decision in respect of that application is not conveyed to the applicant by the Council within 90 days of the receipt of it by the Council, or within such further time as agreed between the applicant and the Council.

6.7.3 Notwithstanding that an application for planning approval may be deemed to have been refused under sub-clauses 6.7.1 and 6.7.2, the Council may issue a decision in respect of the application at any time after the expiry of the 60 days or 90 day period specified in those clauses, and that decision shall be regarded as being valid.

6.8 Approval Subject to Later Approval of Details

6.8.1 Where an application is for a development that includes the carrying out of any building or works, the Council may grant approval subject to matters requiring the subsequent approval of the Council. These matters may include the siting, design, external appearance of the buildings, means of access, or landscaping.

6.8.2 The Council may decline to deal with an application requiring later approval of details or call for further details if it thinks fit.

6.8.3 Where the Council has granted approval subject to matters requiring the later approval of the Council, application for approval of those matters must be made not later than the expiration of two years beginning with the date of the first approval.

6.9 Approval of Existing Developments

6.9.1 The Council may grant approval to a development already commenced or carried out regardless of when it commenced or was carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme, with or without the exercise of discretion provided in the Scheme, as to all matters other than the provisions requiring Council's approval prior to the commencement of development.

6.9.2 The application to the Council for approval under sub-clause 6.9.1 shall be made in accordance with the provisions of sub-clause 6.2.

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

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

## PART 7—NON-CONFORMING USES

7.1 Non-conforming Use Rights: Except as otherwise provided in this Part, no provision of the Scheme shall prevent:

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

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

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

7.4 Discontinuance of Non-conforming Use

7.4.1 When a non-conforming use of any land or building has been discontinued for a period of six (6) months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

7.4.2 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.

7.5 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 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.

#### 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 approvals required by the Scheme have been granted and issued;
- c) unless all conditions imposed upon the grant and issue of any approval required by the Scheme have been and continue to be complied with; 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 for the removal of certain buildings.

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

#### 8.4 Compensation

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

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

#### 8.5 Election to Purchase and Valuation

8.5.1 Where compensation for injurious affection is claimed pursuant to either sub-clauses 8.4.1 or 8.4.2, the Council may, at its option elect to acquire the land so affected instead of paying compensation.

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

8.5.3 Where the Council elects to acquire land as provided in sub-clause 8.5.1, if the Council and the owner of the land are unable to agree as to the price to be paid for the land by the Council, the price at which the land may be acquired by the Council shall be the value of the land as determined in accordance with sub-clause 8.5.4.

8.5.4 The value of the land referred to in sub-clause 8.5.3 shall be the value thereof on the date that the Council elects to acquire the land and that value shall be determined:

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

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

8.5.5 The Council may deal with or dispose of land acquired for a Reserve or pursuant to sub-clause 8.5.4 upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.

8.6 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.

#### 8.7 Planning Policies

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

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

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

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

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

8.7.3 The Council shall keep a copy of any Policy with the Scheme documents for public inspection during normal office hours.

8.7.4 An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in sub-clause 8.7.2.

8.7.5 A Policy may be rescinded by:

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

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

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

#### 8.8 Delegation

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

- a) a member of the Council being the Chairman of the committee required at the direction of Council to consider and report upon all applications for planning approval within its municipal district, and being qualified by experience with the work of any such committee; and/or
- b) that officer of the Council with overall responsibility for the planning functions of the Council or appointed by the Council to supervise the development control functions of the Council,

or those persons who from time to time occupy the positions referred to in (a) and (b) above.

8.8.2 Any delegation made under sub-clause 8.8.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.

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

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

8.8.5 The performance of the function by a delegate under sub-clause 8.8.1 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.

8.8.6 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.

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

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

### 8.9 Amendments to the Scheme

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

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

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

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

## SCHEDULE 1 INTERPRETATIONS

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

absolute majority: has the same meaning as given to it in the *Local Government Act 1960* (as amended).

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

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

amusement facility: means land and buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.

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

amusement parlour: means any land or building, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.

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

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

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

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

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

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

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

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

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

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

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

- a) enable the cultural heritage significance of that place or precinct to be retained; and
- b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, 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.

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

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

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

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

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

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

dog kennels: means land and buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.

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

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

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

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

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

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

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

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

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

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

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include:

- (i) the carrying out of agriculture,
- (ii) on-site work on buildings or land,
- (iii) in the case of edible goods the preparation of food for retail sale from the premises.

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

- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood;



- b) where operated in a Residential Zone, does not entail the employment of any person other than a member of the occupier's household;
- c) is conducted in an outbuilding which is compatible within the principal uses to which land in the zone in which it is located may be put;
- d) does not occupy an area greater than 50m<sup>2</sup>;
- e) does not display a sign exceeding 0.2m<sup>2</sup> in area.

industry—extractive: means an industry which involves:

- a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the storage, treatment, or manufacture of products from those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products;
- b) the production of salt by the evaporation of salt water.

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

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

industry—light: means an industry:

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

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

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

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

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

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

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

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

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

lot: shall have the same meaning given to it in and for the purposes of the Act and "allotment" has the same meaning.

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

medical centre: means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretation of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.

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

motor vehicle and marine sales: means land and buildings used for the display and sale or hire of new or second-hand motorcycles, cars, trucks, caravans, and boats or any one or more of them and may include the servicing of motor vehicles sold from the site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

but does not include intensive agriculture.

schedule: means a schedule to the Scheme.

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

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

showroom: means a building wherein goods are displayed and may be offered for sale by wholesale and/or by retail, excluding the sale by retail of: foodstuffs, liquor or beverages; items of clothing or apparel, magazines, books or paper products; medical or pharmaceutical products; china, glassware or domestic hardware; and items of personal adornment.

tavern: means land and buildings the subject of a Tavern 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 such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

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

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

## SCHEDULE 2

### SPECIAL RURAL ZONE

#### Particulars of Land

Portion of Williams Locations 153 and 1437 Narrogin (north) and Lot 4 of Williams Location 153, Great Southern Highway, Narrogin.

Williams Locations 3473, 5476, 5481, 1688 and 3947 Narrogin Valley Road, Narrogin

Lot 3 Portion Dumberning Agricultural Area Lots 151 and 152, Katta Road, Narrogin.

Portion of Williams Locations 2949, 1311, 2731 Narrogin Valley Road, McDougalls Road, and Condon Road, Narrogin.

#### Requirements of the Zone

1 Subdivision is to be generally in accordance with the Plan of Subdivision certified by the Chief Executive Officer and approved by the Commission.

2 Notwithstanding anything elsewhere appearing in the Scheme the minimum building setback to the Great Southern Highway and the possible Highway deviation shown on the Plan of Subdivision shall be 30 metres.

3 All lots within the subdivision shall be connected to a reticulated public water supply system as a condition of subdivisional approval.

1 Subdivision is to be generally in accordance with the Plan of Subdivision certified by the Chief Executive Officer and approved by the Commission.

2 Notwithstanding anything elsewhere appearing in the Scheme the minimum building setback on any lot shall be 30 metres.

3 No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litres domestic water storage tank or other approved potable water supply and storage facility is established with the dwelling.

1 Subdivision is to be generally in accordance with the Plan of Subdivision certified by the Chief Executive Officer and approved by the Commission.

2 No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litres domestic water storage tank or other approved potable water supply and storage facility is established with the dwelling.

1 Subdivision is to be generally in accordance with the Plan of Subdivision certified by the Chief Executive Officer and approved by the Commission.

2 All lots within the subdivision shall be connected to a reticulated public water supply system as a condition of subdivisional approval.

Dumberning Agricultural Area  
Lot 205, Mokine Road, Narrogin

3 Unless otherwise approved by the Council all building development and effluent disposal is to be confined to building envelopes indicated on the Plan of Subdivision.

1 Subdivision is to be generally in accordance with the Plan of Subdivision certified by the Chief Executive Officer and approved by the Commission.

2 All lots within the subdivision shall be connected to a reticulated public water supply system as a condition of subdivisional approval.

3 Unless otherwise approved by the Council all building development and effluent disposal is to be confined to building envelopes indicated on the Plan of Subdivision.

4 Fences shall be erected to protect trees from grazing livestock where required by the Council.

Dumberning Agricultural Area  
Lot 81 Mokine Road, Narrogin.

1 Subdivision is to be generally in accordance with the Plan of Subdivision certified by the Chief Executive Officer and approved by the Commission.

2 All lots within the subdivision shall be connected to a reticulated public water supply system as a condition of subdivisional approval.

3 The minimum building setback from Mokine Road is to be 100 metres and 10 metres from any other boundary, unless otherwise approved by the Council.

4 Unless otherwise approved by the Council all building development and effluent disposal is to be confined to building envelopes indicated on the Plan of Subdivision.

5 Fences shall be erected to protect trees from grazing livestock where required by the Council.

#### ADOPTION

Adopted by Resolution of the Council of the Shire of Narrogin at the meeting of the Council held on the 23rd day of April 1996.

DARRELL L. WIESE, President.  
G. McKEOWN, Chief Executive Officer.

#### FINAL APPROVAL

1 Adopted by Resolution of the Council of the Shire of Narrogin at the meeting of the Council held on the 22nd day of August 1997 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

DARRELL L. WIESE, President.  
G. McKEOWN, Chief Executive Officer.

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

#### 2 RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

Date 15th September 1997.

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

#### 3 FINAL APPROVAL GRANTED

Date 15th September 1997.

G. KIERATH, Hon Minister for Planning.

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**POLICE**

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**PE401****ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of Cycle Racing by members/entrants of the Spokes Cycle Club Inc on 7th December, 1997 between the hours of 0900 and 1100 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway—Starting at Greenough Shire Offices, south Walkaway Rd (Edward Rd 6 kms), left (north) Moonyoonooka Rd, left (west) Mullewa Rd to Greenough Shire.

All participants to wear approved head protection at all times.

Dated at Perth this 29th day of September 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

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**PE402****ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of Cycle Racing by members/entrants of the Spokes Cycle Club Inc on 30th November, 1997 between the hours of 0900 and 1030 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Greenough Shire Office, south towards Walkaway on Edward Rd (6 kms), left (north) on Noonyoonooka Rd to Moonyoonooka, left turn (west) on Mullewa Rd and return.

All participants to wear approved head protection at all times.

Dated at Perth this 29th day of September 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

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**PE403****ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of Cycle Racing by members/entrants of the Spokes Cycle Club Inc on 23rd November, 1997 between the hours of 0900 and 1100 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Dongara Hotel, north Brand Hwy and finish Lions and Maitland Park.

All participants to wear approved head protection at all times.

Dated at Perth this 29th day of September 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

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**PE404****ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of Cycle Racing by members/entrants of the Spokes Cycle Club Inc on 21st November, 1997 between the hours of 0900 and 1100 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway—Geraldton Start/Finish—Hall Rd, Waggrakine School (4km time trial). Chapman Valley Rd to cutting and turn, east Narratarra Rd to Moonyoonooka Chapman Valley Rd, north to Chapman Valley Rd, south/west along Chapman Valley Rd and return.

All participants to wear approved head protection at all times.

Dated at Perth this 29th day of September 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

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#### **PE405**

##### **ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of Cycle Racing by members/entrants of the Spokes Cycle Club Inc on 16th November, 1997 between the hours of 0900 and 1100 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Start/finish—Greenough Waggrakine School, Chapman Valley Rd, east Chapman Valley Rd to cutting site into Old Narra Tarra Rd (old East Chapman) Moonyoonooka Chapman Valley Rd, Chapman Valley Rd up cutting site and return to Waggrakine School.

All participants to wear approved head protection at all times.

Dated at Perth this 29th day of September 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

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#### **PE406**

##### **ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of Cycle Racing by members/entrants of the Spokes Cycle Club Inc on 9th November, 1997 between the hours of 0900 and 1100 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Start/finish—Greenough Shire Offices, east Mulleway Rd (25 kms) to Spy Base turn off, return west along Mullewa Rd.

All participants to wear approved head protection at all times.

Dated at Perth this 29th day of September 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

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#### **PE407**

##### **ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of Cycle Racing by members/entrants of the Spokes Cycle Club Inc on 2nd November, 1997 between the hours of 0900 and 1100 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Forrester Rd, Forrester Park East Goodwin Rd, then left Longva Rd, Forrester Rd for about 12 laps to finish Forrester Rd, Geraldton.

All participants to wear approved head protection at all times.

Dated at Perth this 29th day of September 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

**PE408****ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle Race Criterium by members/entrants of the Peel District Cycling Club Inc on 9th and 30th November, 1997 between the hours of 0830 and 1230 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Rouse Rd, Cumberland St, Panton Rd, Greenfields, Canterbury Tce, Meadow Springs, Mandurah.

All participants to wear approved head protection at all times.

Dated at Perth this 29th day of September 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

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**PE409****ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycling Criterium by members/entrants of the WA Cycling Federation Inc on 9th November, 1997 between the hours of 1500 and 1930 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Start: Mill Point Rd, left Mends St, left South Perth Esplanade, Queens St, Mill Point Rd to finish at Freeway Hotel, South Perth.

All participants to wear approved head protection at all times.

Dated at Perth this 30th day of September 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

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**PE410****ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Roleystone School Fun Run by members/entrants of the Roleystone Combined Schools Fair Committee on 9th November, 1997 between the hours of 0800 and 0900 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to—(1.7km Juniors) Robin Rd, Jarrah, Tyres, Holden Rds and finish Primary School Oval. (5km Course) to Roleystone District High School via Robin, Jarrah, Tyres, George, Raeburn, around high school driveway and return.

Dated at Perth this 29th day of September 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

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**PE411****ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of Horses to race in the Great Train Race by members/entrants of the Toodyay Festival Committee on 11th October, 1997 between the hours of 1000 and 1400 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to—Railway Rd, Harper Rd, Toodyay.  
All participants to wear approved head protection at all times.  
Dated at Perth this 29th day of September 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

**PE412**

**ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of Road Cycle Races by members/entrants of the West Coast Veterans Bicycle Club on 14th, 21st, 28th December, 1997 between the hours of 0800 and 1300 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Start/finish: Valentine Rd, left Hazelhurst, left Bradford, left Chilver finish left Valentine Rd, Kewdale.

All participants to wear approved head protection at all times.  
Dated at Perth this 29th day of September 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

**PE413**

**ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of Road Cycle Races by members/entrants of the West Coast Veterans Bicycle Club on 23rd and 30th November, 1997 between the hours of 0800 and 1300 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Start/finish: Valentine Rd, left Hazelhurst, left Bradford, left Chilver to finish left Valentine Rd, Kewdale.

All participants to wear approved head protection at all times.  
Dated at Perth this 29th day of September 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

**PE414**

**ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Running Race by members/entrants of the Great Train Race on 11th October, 1997 between the hours of 1000 and 1400 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to—Victoria St, William St, Morrison Rd, Lloyd St, Toodyay Rd, Bailup, Werribee, Hawke Ave, Great Eastern Hwy, Clackline Rd, Toodyay Rd, Stirling Tce, Toodyay.

Dated at Perth this 29th day of September 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).



**PE415****ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Triathlon (Swim-Cycle-Run) by members/entrants of the Triathlon Western Australia on 30th November, 1997 between the hours of 0730 and 1000 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to—(Cycle) Exit transition area to CCR and turn left into Two Rocks Rd (north) left Lisford Ave, left Sovereign Dve, right Damepattie Dve (right), continue on Damepattie Dve, left (east) Breakwater Dve, right Two Rocks Rd, right into CCR and return. (Run) From transition area along entry/exit road into CCR to Two Rocks Rd, right (south) Brazier Rd, turn around at Compass Circle and return.

Dated at Perth this 29th day of September 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

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**PE416****ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Triathlon (Swim-Cycle-Run) by members/entrants of the Triathlon WA on 2nd November, 1997 between the hours of 0745 and 1000 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to—(Cycle) Start/finish: Lake Transition area. Right Rosedale Rd (from Lake access road), south Rosedale, left Northcote St, left Lilydale Rd (for about 9km to turning point near intersection of Breeze Rd, return Lilydale to Chidlow. (Run) Lap course around gravel paths of lake.

Dated at Perth this 29th day of September 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

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**PE417****ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Triathlon by members/entrants of the Broome Surf Club on 26th October, 1997 between the hours of 0730 and 1000 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to—Start/finish: Cable Beach car park, Cable Beach Rd, Gubinge Rd, Port Dve and Cable Beach Rd (east), Broome.

Dated at Perth this 30th day of September 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

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**PREMIER AND CABINET**

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**PR401****MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that the Governor in accordance with section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon R. K. Parker MLA in the period 17 October to 24 October 1997 inclusive—

Minister for Family and Children's Services; Seniors; Women's Interests—Hon E. J. Charlton MLC

M. C. WAUCHOPE, Acting Director General.

**PR402****MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that the Governor in accordance with section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon R. F. Court MLA in the period 2 to 8 October 1997 inclusive—

Premier; Treasurer; Minister for Public Sector Management; Federal Affairs—Hon H. J. Cowan  
MLA

M. C. WAUCHOPE, Acting Director General.

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**RACING, GAMING AND LIQUOR**


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**RA401****LIQUOR LICENSING ACT 1988****SUMMARY OF LIQUOR LICENSING APPLICATIONS**

The following is a summary of applications received under the Liquor Licensing Act 1988 and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Liquor Licensing Division, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth, Telephone: (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>			
1773/97	Sportman Holdings Pty Ltd	Application for the transfer of a Hotel Restricted licence in respect of premises situated in Rivervale and known as Red Castle Hotel, from Sin-Aus-Vale Pty Ltd.	15/10/97
1776/97	Goldridge Holdings Pty Ltd	Application for the transfer of a Restaurant licence in respect of premises situated in Claremont and known as Allegro Ristorante and Trattoria, from Rouleau Pty Ltd and Italian Catering Pty Ltd.	9/10/97
1780/97	Bename Pty Ltd	Application for the transfer of a Tavern licence in respect of premises situated in Halls Head and known as Halls Head Tavern, from Delcliff Pty Ltd.	9/10/97
1781/97	Elwick Holdings Pty Ltd	Application for the transfer of a Tavern licence in respect of premises situated in Subiaco and known as The Duck Inn, from Jaysan Nominees Pty Ltd.	9/10/97
1782/97	Cheriton Estate Pty Ltd (S87)	Application for the transfer of a Restaurant licence in respect of premises situated in Gingin and known as Cheriton Restaurant and Guesthouse, from Cheriton Estate Pty Ltd.	14/10/97
<b>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
1153/97	Kalbarri Holdings Pty Ltd	Application for the grant of a Liquor Store licence in respect of premises situated in Greenfields and known as Greenfields Liquor Store.	21/10/97
1154/97	Technotron Investments P/L	Application for the grant of a Tavern licence in respect of premises situated in Bunbury and known as Venice Beach Tavern.	22/10/97
1156/97	Davide Bianchi	Application for the grant of a Restaurant licence in respect of premises situated in Scarborough and known as Villa Bianchi.	29/10/97
1147/97	Radisson Hotels Pty Ltd	Application for the grant of a Special Facility licence in respect of premises situated in Dunsborough and known as Radisson Beach Resort.	28/10/97

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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**TENDERS**


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**ZT201**

MAIN ROADS  
WESTERN AUSTRALIA  
*Tenders*

Tenders are invited for the following projects.

Information on these Tenders are available from the Contracts Officer, Supply Branch, Don Aitken Centre, Waterloo Crescent, East Perth.

Tender No.	Description	Closing Date
		1997
195C97	Maintenance Grading Marble Bar Road South .....	13 October
203C97	Woody Plant Slashing on Road Shoulders and Associated Tabledrains, Main Roads Operations South area .....	7 November
286C97	Kerbing Works for Albany Hwy to Canning Hwy Ring Road, Canning Highway, 0.00 SLKm-0.85 SLKm .....	7 October
287C97	Brick Paving Works Albany Highway to Canning Highway Link Road, Canning Highway, 0.00 SLKm-0.85 SLKm .....	7 October
288C97	Manufacture and Supply of Pre-cast Box Culvert Units for the Hordern Street Underpass (No. 9175)—Canning Highway .....	8 October
297C97	Provision of Dozer for Material Stockpiling at Ripon Hills .....	3 October
311C97	Propagate, Supply and Deliver Native Seedlings and Collect, Supply and Deliver Native Seed, Main Roads Operations South area .....	22 October
97D22	Purchase and Removal of Plate Compactors, Lawn Mowers, Washing Machines, Water Coolers, Compressor, Pumps, Fridge, Freezer .....	16 October
97D23	Purchase and Removal of Skid Mtd Kitchen Mess, Dozer and Ripper Attachment, Single Axle Trailer, Trailer Mtd Concrete Mixer .....	15 October
97D24	Purchase and Removal of a JCB 525B-4HL Telescopic Handler.....	17 October

**ZT202**

*Acceptance of Tenders*

Contract No.	Description	Successful Tenderer	Amount
770C96	Road Reconstruction on Great Eastern Highway between Kellerberrin and Dodlakine	BGC Contracting (Pth)	\$6 885 126.00

Executive Director Corporate Services.

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**PUBLIC NOTICES**


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**ZZ101****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 3rd November 1997, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bangu, Nellie, late of Bidyanga Community, Broome, died 8/7/96. (DEC 300841 DD2).

Bassett, John William, late of St Vincent's Nursing Home, Swan Street, Guildford, died 10/9/97. (DEC 304406 DS4)

Carass, Michael John, late of Unit 3, 6 Camden Street, Dianella, died 6/8/97. (DEC 303685 DG4)

Davies, Phillis, late of 1 Mellows Place, Padbury, died 17/9/97. (DEC 304733 DS4)

Elder, Henry Reay, late of Homes of Peace, 23 Johnson Street, Redcliffe, died 2/8/97. (DEC 304052 DL4)

Fleming, Victor Campbell (Trading as Flemco Engineers), late of 9 Lawrence Street, Gosnells, died 1/9/97. (DEC 304516 DD1)

Flynn, John, late of Narrogin Nursing Home, Narrogin, died 14/5/97. (DEC 303706 DP1)

Futter, Marcel Gordon, late of Hillview Nursing Home, 21 Angelo Street, Armadale, died 20/7/07. (DEC 304172 DS3)

Gunner, Mavis Gwendoline Cove, late of 109 Planet Street, Carlisle, died 11/9/97. (DEC 304608 DG3)

Hawker, Hilda Ruth, late of Swan Cottage Homes, 68 Wootliff Way, Bentley, died 11/8/97. (DEC 304713 DL3)

Hennessy, Rose Olivia, late of St Michael's Nursing Home, 53-57 Wasley Street, North Perth, died 24/9/97. (DEC 304295 DP3)

Ingham, Murielle Mascotte Daphine, late of John Mercer Nursing Home, Laidlow Street, Hilton, died 3/8/97. (DEC 304171 DE3)

Labhart, Thelma Violet, late of 10 McWhae Road, Hillarys, died 20/9/97. (DEC 304677 DP4)

Levene, Jack, late of 3 Summons Way, Warnbro, Safety Bay, died 3/9/97. (DEC 304399 DS3)

Osborne, Charles Halbert, late of Hillview Nursing Home, 21 Angelo Street, Armadale, died 1/8/97. (DEC 304592 DC2)

Plasmeijer, Erna Hildegard, late of 14/87 Shakespeare Avenue, Yokine, died 13/9/97. (DEC 304609 DP3)

Porter, Carl Howard, late of 3/268 Grand Promenade, Dianella, died 10/9/97. (DEC 304637 DG3)

Reynolds, Keith Charles, late of Oombulgurri Community, died 29/10/95. (DEC 300642 DD4)

Rustland, Sheelagh Ina, late of Lot 89 South West Highway, Serpentine, died 11/8/97. (DEC 303907 DG2)

Strickland, Alfred Ernest, late of Dean Lodge, Royal Australian Air Force Estate, Bull Creek, died 15/7/97. (DEC 303189 DA4)

Tonkin, Wilma Joy, late of 26 Watson Street, Gosnells, died 12/7/97. (DEC 303086 DG2)

Warner, Steven John, late of 95 Harpenden Street, Huntingdale, died 6/8/97. (DEC 303845 DG4)

Whittle, Edna Ann, late of Carinya Nursing Home, Bicton, died 29/7/97. (DEC 304462 DA1)

Young, Sydney Harvey, late of 48A Sorrento Street, North Beach, died 1/3/97. (DEC 300153 DC4)

Public Trustee, Public Trust Office  
565 Hay Street, Perth WA 6000  
Telephone 9222 6777.

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## ZZ102

### 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 26th day of September 1997.

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

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

Hanlon, Cecily Mary; Fremantle; 13 August 1997; 18 September 1997.

Maxfield, Victor Leslie; Perth; 2 August 1997; 22 September 1997.

Carrington-Twiss, Margaret Mercy May; Mount Lawley; 18 August 1997; 22 September 1997.

Green, Allan John; Fremantle; 30 June 1997; 22 September 1997.

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## ZZ201

### TRUSTEES ACT 1962

#### NATIONAL MUTUAL TRUSTEES LIMITED

##### 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 Sandra Lee Passlow late of 34 Fitzroy Road, Rivervale who died on 23 August 1997, are required by the executor National Mutual Trustees Limited of 6th Floor, 111 St George's Terrace, Perth, to send particulars of their claims to them on or before the expiration of one month from the date of publication of this notice, after which date the Company may convey or distribute the assets of the Estate having regard only to the claims of which it then has notice.

**ZZ202****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.

Dated this 1st day of October 1997.

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

Chapman, Evelyn Lucy, late of Gracehaven Nursing Home, Westralia Gardens, Rockingham WA 6168, Widow, died 3/8/97.

Harman, Stuart George, late of 23 Tate Street, Bentley WA 6102, Retired Welding Supervisor, died 3/9/97.

Harrisson, Leonard Frank, late of 24 Eric Street, Cottesloe WA 6011, Retired, died 26/8/97.

Sidoti, Christina Elizabeth, late of Kimberley Nursing Home, Kimberley Street, Leederville WA 6903, Retired School Teacher, died 16/8/97.

Wells, Sydney Leonard, late of 148 George Street, East Fremantle WA 6158, Retired Council Worker, died 7/8/97.

Wheeler, Julia Mae, late of Ocean Gardens, 223/60 Kalinda Drive, City Beach WA 6015, Widow, died 26/7/97.

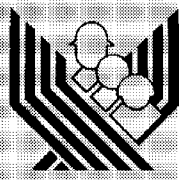
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**ZZ401****PARTNERSHIP DISSOLUTION**

Take notice that the partnership between Peter James Wood and Judith Helen Wood trading as "Kojack Building Co" was dissolved on 23 September 1997 and that Judith Helen Wood will not be responsible for debts of the said business incurred after that date.

BALL & CO., Solicitors as agents for  
Judith Helen Wood, 149 Victoria Street, Bunbury.

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