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JOHN A. STRIJK,
Government Printer.

PROCLAMATIONS

AA101**JURISDICTION OF COURTS (CROSS-VESTING) AMENDMENT ACT 1994**

(No. 3 of 1994)

PROCLAMATION

WESTERNAUSTRALIA	}	By His Excellency Major General Philip Michael Jeffery, Companion of the Order of Australia, Officer of the Order of Australia (Military Division), Military Cross, Governor of the State of Western Australia.
P. M. Jeffery,		
Governor.		
[L.S.]		

I, the Governor, acting under section 2 of the *Jurisdiction of Courts (Cross-vesting) Amendment Act 1994*, and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which the provisions of that Act come into operation.

Given under my hand and the Public Seal of the State on 16 June 1998.

By Command of the Governor,

PETER FOSS, Attorney General.

GOD SAVE THE QUEEN !

AA102**FAMILY COURT ACT 1997**

(No. 40 of 1997)

PROCLAMATION

WESTERNAUSTRALIA	}	By His Excellency Major General Philip Michael Jeffery, Companion of the Order of Australia, Officer of the Order of Australia (Military Division), Military Cross, Governor of the State of Western Australia.
P. M. Jeffery,		
Governor.		
[L.S.]		

I, the Governor, acting under section 2 of the *Family Court Act 1997*, and with the advice and consent of the Executive Council, do hereby fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which the provisions of that Act come into operation.

Given under my hand and the Public Seal of the State on 22 September 1998.

By Command of the Governor,

PETER FOSS, Attorney General.

GOD SAVE THE QUEEN !

CONSERVATION AND LAND MANAGEMENT

CM301*

Wildlife Conservation Act 1950

**Wildlife Conservation (Open Season for Birds
Causing Damage) Notice 1998**

Made by the Minister under section 14 of the Act.

1. Citation

This notice may be cited as the *Wildlife Conservation (Open Season for Birds Causing Damage) Notice 1998*.

2. Interpretation

In this Notice —

“**district**” means a local government district under the *Local Government Act 1995*;

“**production**” includes growing, processing and storage;

“**South-west Division**”, “**Eucla Division**”, “**Eastern Division**” and “**North-west Division**” mean those areas of the State as described in Schedule 1 to the *Land Administration Act 1997*.

3. Declaration of open season

Subject to clauses 4 and 5, an open season is declared in respect of the birds listed in Schedule 1 in those areas of the State listed in respect of those birds.

4. Restrictions on taking birds

- (1) A person may only take birds listed in Part 1 of Schedule 1 —
 - (a) on land owned or occupied by the person;
 - (b) when the birds are causing, or are reasonably expected to cause, damage to plant production or domestic stock; and
 - (c) by means of a firearm for which the person holds a licence or permit under the *Firearms Act 1973*, or by a method authorized by a wildlife officer.
- (2) A person may only take birds listed in Part 2 of Schedule 1 —
 - (a) on land —
 - (i) owned or occupied by the person; and
 - (ii) on which there is a commercial orchard, vineyard or flower plantation;
 - (b) when the birds are causing, or are reasonably expected to cause, damage to commercial fruit or flower production; and
 - (c) by means of a firearm for which the person holds a licence or permit under the *Firearms Act 1973*, or by a method authorized by a wildlife officer.

5. Damage licence may be required on certain land

- (1) After inspecting any land a wildlife officer may prohibit the taking on that land of all or any of the birds listed in Schedule 1.
- (2) If a prohibition is in force under clause (1) a person must not take a bird to which the prohibition applies other than in accordance with a damage licence issued under the *Wildlife Conservation Regulations 1970*.

6. Repeal

The *Wildlife Conservation (Open Season for Birds Causing Damage) Notice 1993* is repealed.

Schedule 1 — Birds causing damage

[cls. 3, 4 and 5]

Part 1 — Birds damaging any plant production

	Bird	Areas in which open season applies
1	Little Corella (<i>Cacatua sanguinea sanguinea</i>)	Districts of — Derby-West Kimberley Wyndham-East Kimberley
2	Little Corella (<i>Cacatua sanguinea westralensis</i>)	Districts of — Carnarvon Greenough Irwin Mingenew Morawa Mullewa Perenjori Three Springs
3	Western Long-billed (or Butler's) Corella (<i>Cacatua pastinator butleri</i>)	Districts of — Dalwallinu Irwin Mingenew Morawa Mullewa Perenjori Three Springs
4	Galah (<i>Cacatua roseicapilla</i>)	Districts of — Westonia Yilgarn Eucla Division South-west Division other than the Perth Metropolitan Region and the districts of Bunbury and Mandurah
5	Twenty-eight Parrot (<i>Barnardius zonarius semitorquatus</i>)	South-west Division other than the Perth Metropolitan Region and the districts of Bunbury and Mandurah
6	Port Lincoln Parrot (<i>Barnardius zonarius zonarius</i>)	South-west Division other than the Perth Metropolitan Region and the districts of Bunbury and Mandurah
7	Australian Raven (<i>Corvus coronoides</i>)	Eucla Division South-west Division other than the Perth Metropolitan Region and the districts of Bunbury and Mandurah
8	Australian Crow (<i>Corvus orru</i>)	Eastern Division North-west Division other than the districts of East Pilbara and Halls Creek
9	Little Crow (<i>Corvus bennetti</i>)	Eucla Division Eastern Division North-west Division other than the districts of East Pilbara and Halls Creek South-west Division other than the Perth Metropolitan Region and the districts of Bunbury and Mandurah

Part 2 — Birds damaging commercial fruit or flower production

	Bird	Areas in which open season applies
1	Red-capped (or Western King) Parrot (<i>Purpureicephalus spurius</i>)	Districts of — Armadale Bridgetown-Greenbushes Capel Donnybrook-Balingup Harvey Kalamunda Manjimup Mundaring Murray Plantagenet Serpentine-Jarrahdale
2	Western Silveryeye (<i>Zosterops lateralis gouldi</i>)	South-west Division

CHERYL EDWARDES, Minister for the Environment

FISHERIES

FI301*

Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations (No. 3) 1998

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Fish Resources Management Amendment Regulations (No. 3) 1998*.

2. The regulations amended

The amendments in these regulations are to the *Fish Resources Management Regulations 1995**.

[* *Published in Gazette 29 September 1995, pp. 4503-635. For amendments to 15 September 1998 see 1997 Index to Legislation of Western Australia, Table 4, pp. 82-3, and Gazette 2 and 9 January, 19 June and 7 July 1998.*]

3. Regulation 33 amended

Regulation 33 is amended in Tables 1, 2 and 3 by deleting “water mark off” in the 3 places where it occurs and inserting in each place instead —

“ water mark of ”.

4. Regulation 68 amended

Regulation 68(2) is repealed and the following subregulation is inserted instead —

“

(2) The following are prescribed for the purposes of section 91(d) of the Act in relation to a dam or lake on private land —

- (a) in the area described in Schedule 6: yabbie (common and white), koonac and gilgie; and
- (b) in any area of the State: black bream.

”.

5. Schedule 1 amended

(1) Part 2 of Schedule 1 is amended by deleting item 11 and inserting instead the following item —

“

11. Aquaculture licence under section 92 of the Act	
In respect of freehold land	110.00
In respect of non-freehold land	500.00
For renewal	55.00
For transfer (freehold land)	110.00
For transfer (non-freehold land)	365.00
For variation (freehold land)	110.00
For variation (non-freehold land)	365.00

”.

(2) Part 3 of Schedule 1 is amended in item 3, in each subitem mentioned in column 1 of the Table to this subregulation, by deleting the amount corresponding to that subitem mentioned in column 2 and inserting instead the amount or amounts corresponding to that subitem mentioned in column 3.

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Subitem of item 3</i>	<i>Amount deleted</i>	<i>Amount inserted</i>
(1)(a)	49 000.00	48 704.00
(1)(b)	43 500.00	38 040.00
(1)(c)	10 000.00	15 640.00 (12 months) 7 820.00 (6 months)
(2)	1 909.00	136.00
(3)	595.00	2 082.00
(4)	396.00	449.00
(5)	32.00	38.00
(6)	1 810.00	2 975.00
(7)	27.00	46.00
(8)	19 000.00	21 262.00
(9)	813.00	2 065.00
(10)(a)	301.00	379.00
(10)(b)	301.00	379.00
(11)(a)	550.00	615.00

<i>Column 1</i> <i>Subitem of item 3</i>	<i>Column 2</i> <i>Amount deleted</i>	<i>Column 3</i> <i>Amount inserted</i>
(11)(b)	1 100.00	1 229.00
(12)	2 025.00	3 750.00
(13)(a)	4 752.00	5 602.00
(13)(b)	1 346.00	2 389.00
(13)(d)	346.00	73.00
(14)	1 722.00	4 252.00
(15)	1 086.00	1 221.00
(16)	19 000.00	25 188.00
(17)(a)	18 830.00	15 038.00
(17)(b)	5 260.00	4 199.00
(18)(a)	1 479.00	2 567.00
(18)(b)	960.00	1 293.00
(18)(c)	242.00	420.00
(19)	550.00	615.00
(20)(a)	11.00	14.00
(20)(b)	10.00	14.00
(20)(c)	7.00	14.00
(20)(d)	7.00	14.00
(21)	704.00	1 112.00
(22)	347.00	616.00
(23)(a)	637.00	1 002.00
(23)(b)	818.00	1 002.00
(23)(c)	818.00	1 002.00
(23)(d)	818.00	1 002.00
(23)(e)	818.00	1 002.00
(24)	31.00	40.00
(25)	390.00	436.00
(26)	161	167.00
(27)(a)	645.00	5 451.00
(27)(b)	30.00	28.00
(28)	75.00	83.00

By Command of the Governor,

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

FI401*

FISH RESOURCES MANAGEMENT ACT 1994

ABALONE MANAGEMENT PLAN AMENDMENT (No. 2) 1998

FD 1202/98 [240]

Made by the Minister under section 54(2).

Citation

1. This amendment may be cited as the *Abalone Management Plan Amendment (No. 2) 1998*.

Principal Plan

2. In this amendment the *Abalone Management Plan 1992** is referred to as the principal Plan.

Clause 14 amended

3. Clause 14 of the principal Plan is amended by—

(a) deleting subclauses (9) and (10) and substituting the following—

“(9) Where a licence referred to in Schedule 4 expires on 30 September 1998 and is renewed, the authority to fish for abalone conferred by the licence when it is renewed shall be limited to specified maximum quantities of abalone that may be taken from specified waters of the fishery during the period from 1 October 1998 to 31 March 1999.

(10) For the purposes of subclause (9), the maximum quantities of abalone and the waters of the fishery shall be—

(a) 2,000 kilograms Roe's abalone (whole weight) from the waters referred to in Item 19 of Schedule 1;

(b) 2,000 kilograms Roe's abalone (whole weight) from the waters referred to in Item 7 of Schedule 1;

(c) 1,000 kilograms Roe's abalone (whole weight) from the waters referred to in Item 18 of Schedule 1;

(d) 600 kilograms Roe's abalone (whole weight) from the waters referred to in Item 4 of Schedule 1;

(e) 600 kilograms Roe's abalone (whole weight) from the waters referred to in Item 5 of Schedule 1; and

(f) 300 kilograms Roe's abalone (whole weight) from the waters referred to in Item 10 of Schedule 1.”; and

(b) deleting subclause (12).

Clause 20 amended

4. Clause 20 of the principal Plan is amended in paragraph (c) by deleting “250 kilograms” in the 2 places where it occurs and inserting in each place instead the following—

“100 kilograms”.

Clause 23 amended

5. Clause 23 of the principal Plan is amended in subclause (3) by deleting “the surcharge shall be 3.13% of the total fee.” and substituting the following—

“the surcharge shall be—

(a) where the total fee is specified to be in respect of a period of 6 months, 1.25% of the total fee; and

(b) in any case not provided for in paragraph (a), 3.13% of the total fee.”.

Schedule 1 amended

6. Schedule 1 of the principal Plan is amended by inserting after item 17 the following —

“18. All waters on the west coast of the State lying between Cape Leeuwin and Cape Bouvard.

19. All waters on the west and north coasts of the State lying between the mouth of Moore River and the Western Australian/Northern Territory border.”.

Schedule 3 amended

7. Schedule 3 of the principal Plan is amended by deleting item 3 and substituting the following—

“3. For a licence authorising a person to fish for abalone in Zone 3 of the Fishery—

(a) the first instalment is 50% of the total fee and is due for payment on the day after the day on which the licence expires; and

(b) the second instalment is the total fee less the instalment provided for in paragraph (a) and is due for payment on 1 January next following the day referred to in paragraph (a).”.

Schedule 5 deleted

8. Schedule 5 of the principal Plan is deleted.

[* Published in the Gazette of 14 August 1992. For amendments to 12 March 1998, see Notice No. 605 published in the Gazette of 17 September 1993, Notice No. 630 published in the Gazette of 19 November 1993, Notice No. 632 published in the Gazette of 17 December 1993, Notice No. 651 published in the Gazette of 20 May 1994, Notice No. 666 published in the Gazette of 22 July 1994, Notice No. 674 published in the Gazette of 16 September 1994, Notice No. 679 published in the Gazette of 7 October 1994, Notice No. 690 published in the Gazette of 20 December 1994, Notice No. 712 published in the Gazette of 6 June 1995, Correction No. 712 published in the Gazette of 28 July 1995, Notice No. 729 published in the Gazette of 22 September 1995, Abalone Management Plan Amendment Plan 1995 published in the Gazette of 28 November 1995, Abalone Management Plan Amendment 1996 published in the Gazette of 21 June 1996, Abalone Management Plan Amendment (No. 2) 1996 published in the Gazette of 6 September 1996, Abalone Management Plan Amendment (No. 3) 1996 published in the Gazette of 8 October 1996, Abalone Management Plan Amendment (No. 4) 1996 published in the Gazette of 22 October 1996, Abalone Management Plan Amendment 1997 published in the Gazette of 14 March 1997, Abalone Management Plan Amendment (No. 3) 1997 published in the Gazette of 4 July 1997, Abalone Management Plan Amendment (No. 2) 1997 published in the Gazette of 30 September 1997,

Abalone Management Plan Amendment (No. 4) 1997 published in the Gazette of 30 September 1997, Abalone Management Plan Amendment (No. 5) 1997 published in the Gazette of 14 November 1997 and Abalone Management Plan Amendment 1998 published in the Gazette of 20 March 1998.

See Regulation 183 of the Fish Resources Management Regulations 1995 concerning the citation of notices in force under the Fisheries Act 1905 immediately before the commencement of those Regulations].

Dated this 21st day of September 1998.

MONTY HOUSE, Minister for Fisheries.

HEALTH

HE401*

Mental Health Act 1996

Mental Health (Authorization of Hospitals) Order 1998

Made by the Governor in Executive Council under section 21.

1. Citation

This order may be cited as the *Mental Health (Authorization of Hospitals) Order 1998*.

2. Authorization of hospitals

- (1) The part of a public hospital listed in Schedule 1 marked on the plan specified in that Schedule is authorized for —
- (a) the reception of persons; and
 - (b) the admission of persons as involuntary patients,
- under the Act.
- (2) In this clause —
- “plan”** means a plan the original of which is held in the offices of the Chief Psychiatrist at the Health Department of Western Australia in Perth.

Schedule 1 — Authorized hospitals

[cl. 2]

Public hospital	Part of hospital that is authorized
Albany Regional Hospital	Area bordered in red on Plan No. Albany Regional Hospital AC 1

By Command of the Governor,

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

JUSTICE

JM301*

Family Court Act 1997

Family Court Regulations 1998

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Family Court Regulations 1998*.

2. Commencement

These regulations come into operation on the day on which the *Family Court Act 1997* comes into operation.

3. Interpretation

- (1) In these regulations, unless the contrary intention appears —
 - “**court**” has the meaning referred to in section 8;
 - “**Registrar**” means the Principal Registrar, a Registrar or a Deputy Registrar and includes, in relation to a court of summary jurisdiction, the clerk of petty sessions of that court;
 - “**section**” means section of the Act.
- (2) A reference in a Family Law Regulation adopted or applied under these regulations —
 - (a) to the Family Court is to be treated as a reference to the Family Court of Western Australia;
 - (b) to a Registrar is to be treated as a reference to a Registrar as defined in subregulation (1);
 - (c) to a Registry of the Family Court is to be treated as a reference to the registry of the Family Court of Western Australia;
 - (d) to a form in a Schedule of the Family Law Regulations is to be treated as a reference to the form with the appropriate modifications for the purposes of the Act; and
 - (e) to a provision of the Family Law Act is to be treated as a reference to the provision of the *Family Court Act 1997* with which the provision is comparable.
- (3) Subject to this regulation, a Family Law Regulation adopted or applied under these regulations is adopted or applied in the form in which it is in force from time to time.

4. Dispensing with compliance

A court may dispense with compliance with any requirement of these regulations, either before or after the occasion for compliance has arisen.

5. Court registry

The registry of the Family Court is to be in Perth.

6. Fees of Marshal

The fees payable to the Marshal are to be in accordance with Part III of the Fifth Schedule to the *Rules of the Supreme Court 1971*.

7. Recording of proceedings

- (1) All proceedings in a court are, where practicable, to be fully recorded.
- (2) A record of proceedings need be transcribed only where a court or a Registrar so orders or directs.

8. Persons authorized to offer family and child counselling

- (1) For the purposes of paragraph (c) of the definition of “family and child counsellor” in section 5, the Attorney General may authorize a person, in writing, to offer family and child counselling.
- (2) The Attorney General may authorize a person only if the Attorney General considers that the person is suitable by reason of the person’s training and experience.

9. Oath or affirmation of secrecy of family and child counsellors

For the purposes of section 56, the form of the oath or affirmation of secrecy to be made by a family and child counsellor is the form set out in Family Law Regulation 58.

10. Approval of persons as court mediators

The Chief Judge may approve a person as a family and child mediator only if the Chief Judge considers that the person is suitable by reason of the person’s training and experience.

11. Oath or affirmation of secrecy of court mediators and community mediators

For the purposes of section 62, the form of the oath or affirmation of secrecy to be made by a court mediator or a community mediator is the form set out in Family Law Regulation 66.

12. Community mediators and private mediators

Family Law regulations 60, 61, 62, 63, 64, 65 and 67 are adopted.

- 13. Advertising counselling services in the Court's registry**
Family Law Regulations 68(1)(a)(i), 68(1)(b), 68(2), 69 and 70 are adopted and apply for the purposes of section 65(1).
- 14. Advertising mediation services in the Court's registry**
Family Law Regulations 68(1)(a)(ii), 68(1)(b), 68(2), 71 and 72 are adopted and apply for the purposes of section 65(2).
- 15. Parentage testing procedures**
- (1) Family Law Regulation 21C is adopted and applies for the purposes of the definition of "parentage testing procedure" in section 5.
 - (2) Family Law Regulations 21B, 21D, 21E, 21F, 21G, 21H, 21I, 21J, 21K and 21L are adopted and apply to a parentage testing procedure that is required to be carried out on a person under a parentage testing order made by a court under section 195.
- 16. Parentage testing reports**
- (1) The Attorney General may appoint in writing a person or class of persons, being persons employed at a particular place, to prepare reports relating to the information obtained as the result of conducting parentage testing procedures.
 - (2) An instrument of appointment under subregulation (1) is to be published in the *Gazette*.
 - (3) Family Law Regulation 21M is adopted and applies for the purposes of section 200(b).
- 17. Registration in a court of orders etc. made by another court**
- (1) In subregulation (2) —
"first-mentioned court" means the court first mentioned in the definition of "order under this Act" in section 223;
"second-mentioned court" means a court referred to in paragraph (b)(i), (d)(i), (h)(i) or (j)(i) of the definition of "order under this Act" in section 223.
 - (2) For the purposes of —
 - (a) section 223(b)(ii), an order of a second-mentioned court;
 - (b) section 223(d)(ii), an injunction granted by a second-mentioned court;
 - (c) section 223(h)(ii), a parenting plan registered in a second-mentioned court; or
 - (d) section 223(j), a recognizance entered into in accordance with an order, or on the direction of, a second-mentioned court,may be registered in the first-mentioned court by filing a sealed copy of the order in the registry of the first-mentioned court.
 - (3) A decree within the meaning of section 211 may be registered in any court by filing a sealed copy of the order in the court's registry.

18. Court fees payable in respect of proceedings

- (1) Subject to subregulation (7), the following fees are payable in respect of proceedings under the Act —
 - (a) for a residence order, a contact order or a specific issues order —
 - (i) a filing fee of \$152 for each of the following applications —
 - (I) an application for final orders;
 - (II) a response to an application for final orders;
 - and
 - (ii) for an application for final orders that is defended — a hearing fee of \$303;
 - and
 - (b) for an appeal under section 211 from a decree of a court of summary jurisdiction — a hearing fee of \$303.
- (2) The person liable to pay a fee is —
 - (a) the person initiating the proceedings in respect of which the fee is payable; or
 - (b) if the court or a Registrar so orders —
 - (i) another party to the proceedings; or
 - (ii) each of 2 or more of the parties to the proceedings, including the person initiating the proceedings, in the proportions ordered,

but nothing in this subregulation prevents a person other than the person liable to pay the fee from paying the fee.
- (3) A filing fee is payable at the time when the application is filed.
- (4) A hearing fee is payable —
 - (a) if a court or a Registrar directs a time within which the fee must be paid — within that time; or
 - (b) in any other case — at the time when a date is fixed for the hearing of the proceedings.
- (5) Subject to subregulation (7), a Registrar must not accept an application for filing in any registry unless any filing fee under subregulation (1) has been paid.
- (6) Subject to subregulation (7), if, in relation to an application, a hearing fee payable under subregulation (1) is unpaid —
 - (a) a court may order that no proceedings, or no proceedings other than specified proceedings, are to take place, except by leave, in the matter to which the application relates;
 - (b) a person other than the person liable to pay the fee may pay the fee without affecting any power of the court to make an order for costs for the fee; and
 - (c) the court may vacate the date fixed for hearing.

- (7) A fee referred to in subregulation (1) is not payable if —
- (a) the person liable to pay the fee has been granted legal aid, under a legal aid scheme or service established under Commonwealth or State law or approved by the Attorney General of the Commonwealth, for the matter to which the proceedings relate;
 - (b) the applicant is, at the time the application is filed or a date is fixed for the hearing of the proceedings (as the case requires) —
 - (i) the holder of one of the following cards issued by the Commonwealth Department of Social Security —
 - (I) a health care card;
 - (II) a health benefit card;
 - (III) a pensioner concession card;
 - (IV) a Commonwealth seniors health card;
 - (ii) the holder of any other card issued by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans' Affairs that certifies entitlement to Commonwealth health concessions;
 - (iii) an inmate of a prison or otherwise lawfully detained in a public institution;
 - (iv) under the age of 18 years;
 - (v) in receipt of youth allowance, or austudy payment, within the meaning of the *Social Security Act 1991* of the Commonwealth; or
 - (vi) in receipt of benefits under the Commonwealth of Australia student assistance scheme known as the ABSTUDY Scheme;
- or
- (c) a Registrar, having regard to the income, day to day living expenses, liabilities and assets of the person liable to pay the fee, waives payment of the fee because, in the Registrar's opinion, payment of the fee would cause financial hardship to the person.
- (8) If —
- (a) a fee referred to in subregulation (1) has been paid; and
 - (b) the fee is not payable under subregulation (7),
- a Registrar must refund to the applicant, or other person who paid the fee, an amount equal to the amount of the fee.
- (9) Upon written notice to a Registrar, a person who has paid a hearing fee is entitled to a refund of the fee if —
- (a) notice that the hearing for which the fee was paid will not proceed is given to the Registrar —
 - (i) if the hearing date was fixed less than 20 working days before that date — at least 2 working days before that date; or

- (ii) in any other case — at least 20 working days before the hearing date;
- and
- (b) the hearing —
 - (i) does not proceed; or
 - (ii) is conducted only to formalize the making of final orders.

19. Biennial increases

A fee prescribed by regulation 18(1) is increased, in accordance with regulation 20, on each biennial anniversary of 1 July 1998.

20. Calculation of increase

- (1) In this regulation —
 - “**fee**” means a fee prescribed by regulation 18(1);
 - “**CPI number**” means the All Groups Consumer Price Index number (being the weighted average of the 8 Australian capital cities) published by the Australian Statistician;
 - “**relevant period**” means any of the following periods —
 - (a) the 2 year period commencing on 1 July 1998;
 - (b) after that period — each 2 year period commencing on a biennial anniversary of 1 July 1998.
- (2) If, in a relevant period, the latest CPI number is greater than the earlier CPI number, a fee is taken to increase, on 1 July immediately following the end of the period, in accordance with the formula:

$$\frac{\text{fee x latest CPI number}}{\text{earlier CPI number}}$$

where:

“**earlier CPI number**” is the CPI number for the last March quarter before the beginning of the relevant period;

“**fee**” is the fee in force at the end of the relevant period;

“**latest CPI number**” is the CPI number for the last March quarter before the end of the relevant period.

- (3) If, apart from this subregulation, the amount of a fee increased under subregulation (2) would be an amount of dollars and cents, the amount is to be rounded to the nearest whole dollar and, if the amount to be rounded is 50 cents, rounded down.
- (4) Subject to subregulation (5), if at any time, whether before or after the commencement of this regulation, the Australian Statistician publishes for a particular March quarter a CPI number in substitution for an index number previously published by the Australian Statistician for that quarter, the publication of the later index number is to be disregarded for the purposes of this regulation.
- (5) If, at any time, whether before or after the commencement of this regulation, the Australian Statistician changes the reference base for the Consumer Price Index, then, for the purposes of the

application of this regulation after the change is made, regard shall be had only to numbers published in terms of the new reference base.

21. Review of functions of Registrars

An order, direction or decision made by a Registrar under these regulations is reviewable as if it were made by a Registrar in the exercise of any of the Registrar's non-delegated functions under the *Family Court Rules 1998* and the provisions of those rules that are applicable to the review of non-delegated functions of Registrars apply to a review for the purposes of this regulation.

22. Repeal

The *Family Court of Western Australia Regulations 1988* are repealed.

By Command of the Governor,

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

JM401

SUPREME COURT ACT 1935

RULE OF COURT

(Sittings and Winter Vacation for 1999)

Pursuant to the powers conferred by the Supreme Court Act 1935, and all other powers hereunto enabling, the Judges of the Supreme Court hereby order as follows.

FULL COURT SITTINGS

1. (1) Sittings of the Full Court for the year 1999 shall be ten in number, and shall commence on the following days—

Monday 1 February
 Tuesday 2 March
 Thursday 1 April
 Monday 3 May
 Tuesday 1 June
 Tuesday 13 July
 Monday 2 August
 Wednesday 1 September
 Friday 1 October
 Monday 1 November

(2) The Full Court may sit on such other days as it shall think fit.

(3) Unless otherwise directed by the Chief Justice, criminal appeals and applications only shall be listed for hearing at the July sittings.

PERTH CIVIL SITTINGS

2. Civil sittings of the Supreme Court at Perth for the trial of causes and issues of fact during the year 1999 shall commence on Tuesday, 12 January and shall continue, except for the Easter and Winter vacations and for Public Service holidays, until Thursday 23 December.

PERTH CRIMINAL SITTINGS

3. Criminal sittings of the Supreme Court to be held at Perth during the year 1999 shall commence on the following days—

Tuesday 12 January
 Monday 1 February
 Tuesday 2 March
 Tuesday 6 April
 Monday 3 May
 Tuesday 1 June
 Monday 12 July
 Monday 2 August
 Wednesday 1 September
 Monday 4 October
 Monday 1 November
 Wednesday 1 December

WINTER VACATION

4. The Winter vacation for 1999 shall commence on Monday 28 June and shall terminate on Sunday 11 July.

Dated the 8th day of August 1998.

DAVID K. MALCOLM, C.J.
 G. A. KENNEDY, J.
 TERENCE A. WALSH, J.
 D. A. IPP, J.
 H. WALLWORK, J.
 M. J. MURRAY, J.
 R. J. ANDERSON, J.
 N. J. OWEN, J.
 K. WHITE, J.
 G. F. SCOTT, J.
 C. D. STEYTLER, J.
 K. H. PARKER, J.
 DESMOND HEENAN, J.
 A. J. TEMPLEMAN, J.
 C. WHEELER, J.
 GEOFFREY MILLER, J.

CIRCUIT SITTINGS FOR 1998

Pursuant to section 46 of the Supreme Court Act 1935, I hereby appoint the following sittings of the Supreme Court at circuit towns for the year 1999.

Circuit Town	Date of Commencement
Albany	15 March 12 July 6 September 15 November
Bunbury	15 February 3 May 2 August 1 November
Esperance	8 February 17 May 13 September 15 November
Kalgoorlie	22 February 31 May 9 August 8 November
Geraldton)	1 February
Carnarvon)	7 April
Karratha)	31 May
Port Hedland)	2 August
Broome)	4 October
Derby)	29 November
Kununurra)	

Dated the 8th day of August 1998.

DAVID K. MALCOLM, AC, Chief Justice of Western Australia.

JM402

NOTICE OF APPOINTMENT

The Governor has been pleased to appoint Paul Allen Nicholls—

- (a) to be a stipendiary magistrate under the *Stipendiary Magistrates Act 1957*;
- (b) to be a magistrate of the Children's Court of Western Australia under the *Children's Court of Western Australia Act 1988*;
- (c) to be a compensation magistrate the *Workers' Compensation and Rehabilitation Act 1981*;
- (d) to the panel of magistrates for appeals under the *Firearms Act 1973*;
- (e) to be a referee of Small Claims Tribunals under the *Small Claims Tribunal Act 1974*; and
- (f) to be a warden of mines under the *Mining Act 1978*,

as from and including 21 September 1998.

ALAN PIPER, Acting Director General, Ministry of Justice.

LOCAL GOVERNMENT

LG301*

DOG ACT 1976*CITY OF FREMANTLE*

LOCAL LAWS RELATING TO DOGS

In pursuance of the powers conferred on it by the abovementioned Act and of all other powers enabling it, the Council of the City of Fremantle makes the following Local Laws.

Part 1—Preliminary

1.1 These Local Laws may be cited as the City of Fremantle Local Laws relating to dogs.

1.2 All existing By-Laws of the City of Fremantle relating to dogs are hereby repealed.

1.3 In these Local Laws unless the context otherwise requires:

“Act” means the Dog Act 1976.

“Authorised Officer” means an officer of the Council authorised by the Council to perform duties in accordance with the Act and these Local Laws.

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

“Reserve” means land set apart for the use and enjoyment of the public and includes parks, squares, beaches and other land acquired by the Council for public purposes.

“Street” means a highway or a thoroughfare which the public are allowed to use and includes every part of the highway or thoroughfare and other things including bridges and culverts appurtenant to it;

Part 2—Control of dogs

2.1 A person liable for the control of a dog other than a bona fide guide dog accompanied by a visually impaired person or a person engaged in the training of guide dogs, shall prevent that dog entering or being in or upon:

- (a) a public building;
- (b) part of Reserve No. 12477 Lot 1586 between its southern boundary and the prolongation of the southern boundary of Douro Road, known as South Beach Reserve;
- (c) part of Reserve No. 7077, known as Harvest Road Beach, being that area of the reserve bounded on the south by the prolongation of the northern boundary of Harvest Road, bounded on the north by a parallel line 50 metres north of that southern boundary, and bounded on the east and west by the reserves eastern and western boundaries;
- (d) Reserve No. 2062 Lot 1376 and Reserve No. 4080 Lot 1380 corner Henderson Street and South Terrace, Fremantle, known as the Fremantle Markets;
- (e) Reserve No. 8794 Lot 1514, known as Fremantle Oval;
- (f) Reserve No. 7077 opposite Lot 101 to Lot 135, known as Rocky Bay Beach;
- (g) parts of Reserves 34123 and 25752, known as Port and Leighton Beaches, being that area bounded on the south by the prolongation of the northern boundary of the east / west portion of Rudderham Drive which commences at its intersection with Port Beach Road, bounded on the north by a line 209 metres south of, and parallel to the northern district boundary of the City of Fremantle where that boundary abuts the Indian Ocean, and bounded on the east and west by the reserves eastern and western boundaries.

2.2 For the purposes of sections 31 and 32 of the Act the Council dog exercise areas shall be those areas specified in the Seventh Schedule of these Local Laws provided no such area shall constitute a dog exercise area when a Council authorised activity or function is being conducted on it.

2.3 A person liable for the control of a dog who permits that dog to excrete on any reserve, street or public place, or on any land without the written consent of the occupier of that land, commits an offence unless the excreta is totally removed forthwith and disposed of either on private land with the written consent of the occupier or in such other manner as the Council may approve.

Part 3—Permitted number of dogs and fencing of premises

3.1 An occupier of premises situated within the district shall not, unless the premises have been granted exemption pursuant to section 26(3) of the Act or are licensed as an approved kennel establishment pursuant to section 27 of the Act, keep or permit to be kept on those premises more than two dogs over the age of 3 months and the young of those dogs under that age.

3.2 The owner or occupier of premises within the district on which a dog is kept shall cause the portion of those premises on which the dog is kept to be fenced in a manner capable of confining the dog to that portion, and in particular shall ensure that:

- (a) any fence or wall used to confine the dog shall be of a type, height and construction which, having regard to the species, age, size and physical condition of the dog prevents the dog from passing over, under or through it; and

- (b) any gate in the fence or wall is kept closed at all times except when the dog is not on the premises, however nothing in this sub-clause shall prevent a person from opening the gate, in order to immediately enter or leave the premises.

Part 4—Kennel establishments

4.1 An application for a licence to keep an approved kennel establishment shall be in writing in the form in the Fifth Schedule of these Local Laws and shall be supported by evidence that due notice of the proposed use of the land has been given to occupiers of premises in the locality.

4.2 An applicant for a licence shall give notice of the proposed use of the land by:

- (a) lodging at least one advertisement advising of the proposed use in a newspaper circulating in the district; and
- (b) giving written notice of the proposed use to the owners and occupiers of all adjoining properties

at least 30 days before the application is made to Council.

4.3 No person shall erect a kennel at an approved kennel establishment unless plans, specifications and a location plan showing the proposed site of such kennel and of the yard appurtenant thereto have been approved by the Council.

4.4 The Council shall not issue a licence for a kennel establishment until it has considered any written objections to the kennel establishment following advertising of the proposed use of the land in accordance with clause 4.2 of these Local Laws.

4.5 The owner and occupier of premises for which an approved kennel establishment licence has been granted shall ensure that:

- (a) each kennel has a yard appurtenant thereto;
- (b) each kennel and each yard and every part thereof is at least 4 metres from the boundaries of the land on which the kennel establishment is located;
- (c) each kennel and each yard and every part thereof is at least 18 metres from any road or street to which the premises has its main frontage, and in the case of a corner allotment, no part of any kennel or yard or any part thereof is within 9 metres of the boundary of the land to which the premises has its secondary frontage;
- (d) each kennel and each yard and every part thereof is at least 12 metres from any dwelling, church, school, hall, factory, dairy or premises wherein food is manufactured, prepared or stored for human consumption;
- (e) the walls of any kennel are constructed of concrete, brick, stone or timber framing sheeted internally and externally with fibro cement sheeting, galvanised iron or other material approved in writing by the Council;
- (f) the roof of any kennel is constructed of impervious material approved in writing by the Council;
- (g) the external surfaces of any kennel is painted and maintained to the satisfaction of Council;
- (h) the roof of any kennel is at least 2 metres from the floor;
- (i) each kennel yard is securely fenced with a fence not less than 2 metres in height constructed of galvanised iron, timber, galvanised steel link mesh or netting;
- (j) all gates to kennels and yards are provided with functional catches or means of fastening and are kept shut except when in use;
- (k) the upper surface of the floor of any kennel is raised at least 100 millimetres above the surface of the surrounding ground and is constructed of granolithic cement finished to a smooth surface with a fall of not less than 1 in 100 to a drain which is properly laid, ventilated and trapped with all floor washings passing through that drain and being disposed of in accordance with the health requirements of the Council;
- (l) any floor constructed in a yard is constructed in accordance with sub-clause (k) of this clause;
- (m) every kennel has not less than 2 square metres of floor space and every yard not less than 2.5 square metres of floor space for each dog kept therein;
- (n) all kennels, yards and feeding and drinking vessels are maintained in a clean, disinfected condition;
- (o) reticulated water is available at the kennel establishment with a properly supported stand pipe and hose cock for the hosing down of kennels and floored yards.

4.6 Before a licence to keep an approved kennel establishment is renewed, the premises may be inspected by an officer authorised by the Council and if the premises are not maintained to the standard required by these Local Laws the Council may refuse to renew the licence.

Part 5—Impounding

5.1 The Council pound shall be open for the release of impounded dogs at times and on days of the week determined by the Council. At any other reasonable time a dog may be released from the pound upon payment of the applicable fees for the opening of the pound specified in the First Schedule.

5.2 The Council may engage the services of a veterinary surgeon registered pursuant to the Veterinary Surgeons Act 1960 to destroy dogs pursuant to the Act.

Part 6—Offences

6.1 A person who fails to comply with or commits a breach of any provision of these Local Laws commits an offence and is liable upon conviction to a penalty not exceeding \$2,000.00.

6.2 The payment of any fees in respect to the seizure, care, detention or destruction of a dog does not relieve the owner of that dog of the liability to any penalty under the Act or these Local Laws.

- (i) The offences described in column 3 of the table set out in the Second Schedule are prescribed pursuant to section 45A(2) of the Act as offences in relation to which a modified penalty applies, and the amount appearing in column 4 of that table directly opposite an offence is the prescribed modified penalty payable in respect of that offence if dealt with pursuant to this clause.
- (ii) Where an authorised person has reason to believe that a person has committed an offence of the kind described in the Second Schedule, the authorised person may serve on that person a notice in the form prescribed in the Third Schedule (in this clause referred to as "an infringement notice", informing the person that if the person does not wish to have a complaint of the alleged offence heard and determined by a Court the person may pay to the Council, within the time therein specified, the amount prescribed as the modified penalty.
- (iii) An infringement notice may be served on an alleged offender personally or by posting to the address ascertained from the alleged offender at the time of or immediately following the occurrence giving rise to the allegation of the offence or to the address recorded by the Council on registration records as being the address of the owner of the dog involved in the alleged offence.
- (iv) Should a person who receives an Infringement Notice fail to pay the prescribed penalty within the time specified in the Notice, or within any further time allowed by the Council, the person is deemed to have declined to have the allegation dealt with by way of a modified penalty.
- (v) An alleged offender on whom an Infringement Notice has been served may, within the time specified in the Notice, or any further time allowed by the Council, send or deliver to the Council the amount of the prescribed penalty, with or without a reply as to the circumstances giving rise to the allegation, and the Council may there upon:
 - (a) appropriate the amount in satisfaction of the penalty and issue an acknowledgment; or
 - (b) withdraw the Infringement Notice and refund the amount so paid.
- (vi) An Infringement Notice may, whether or not the prescribed penalty has been paid, be withdrawn by the Council by sending a notice in the form prescribed in the Fourth Schedule to the alleged offender at the address specified in the notice or the last known place of residence or business of that person, and in that event any amount received by way of modified penalty shall be refunded and any acknowledgment of the receipt of that amount shall for the purposes of any proceedings in respect of the alleged offence be deemed not to have been issued.
- (vii) The production of an acknowledgment from the Council that the modified penalty has been paid to the Council in relation to an alleged offence shall be a defence to a charge brought in respect to the offence for which the modified penalty was paid.

FIRST SCHEDULE

Prescribed Fees

(i) for the release of a seized dog	\$40.00
(ii) for the release of an impounded dog	\$40.00
(iii) for the release of an impounded dog at a time when the pound is not open:	
(a) additional attendance and opening fee;	\$20.00
and	
(b) mileage, at the rate prescribed in the Municipal Officers Award from the place of residence of the pound keeper to the pound and return.	
(iv) for the destruction of a dog	\$10.00
(v) for the sustenance and maintenance of a dog in a pound—per day or part thereof	\$5.00
(vi) kennel establishment licence and renewal of licence	\$20.00

SECOND SCHEDULE

Modified Penalty

Item	Local-Law	Nature of Offence	Penalty
1	2.3	Failure to remove dog excreta	\$100.00
2	2.1	Permitting a dog to be in a prohibited area	\$100.00
3	3.2	Failure to properly fence premises	\$100.00

THIRD SCHEDULE

Dog Act 1976

Western Australia

INFRINGEMENT NOTICE

No:

Date:

CITY OF FREMANTLE

To (1)
 It is alleged that at (2) on
 the day of 19..... you committed
 an offence in that you

(3)

.....
 (To be signed by an authorised person)

You may dispose of this matter by:

- (a) payment of a penalty of (4) \$..... within 21 days of the date of this Notice to the Council at 8 William Street, Fremantle; or
- (b) having it dealt with by a Court.

If this modified penalty is not paid within the time specified, Court proceedings may be taken against you.

- (1) Insert name and address of alleged offender.
- (2) Insert place of alleged offence.
- (3) Insert short particulars of the offence alleged.
- (4) Insert amount of modified penalty prescribed.

FOURTH SCHEDULE

Dog Act 1976

Western Australia

WITHDRAWAL OF INFRINGEMENT NOTICE

No:

Date:

CITY OF FREMANTLE

To (1)
 Infringement Notice No: dated for
 the alleged offence of (2)

.....
 Penalty (3) \$..... is hereby withdrawn. No further action will be taken / it is
 proposed to institute Court proceedings for the alleged offence (4).

.....
 (To be signed by an authorised person)

- (1) Insert name and address of alleged offender.
- (2) Insert short particulars of the offence alleged.
- (3) Insert amount of modified penalty prescribed.
- (4) Delete whichever does not apply.

FIFTH SCHEDULE

City of Fremantle

APPLICATION FOR LICENCE RENEWAL OF LICENCE
 TO KEEP APPROVED KENNEL ESTABLISHMENT

Pursuant to the Dog Act 1976, and the By-Laws of the City of Fremantle made thereunder:

I / We (full name)
 of

hereby apply for a licence / renewal of licence (strike out whichever is not applicable) to
 keep an approved kennel establishment at:

Lot Street Locality

Attached hereto are:

- (a) a plan of the premises showing the location of the kennels and yards and all other building, structures and fences on the subject land;
- (b) plans and specifications of the kennels;
- (c) evidence that due notice of the proposed use of the premises has been given to persons in the locality;
- (d) a remittance for the fee of \$.....

The Kennel Establishment will be used for breeding / boarding domestic dogs (strike out whichever is not applicable).

The maximum number of dogs over the age of 3 months that will be kept there at any one time will be

Where to be used for breeding the breed of dog will be and the maximum number that will be kept on the premises at any one time will be

Dated this day of 19

.....
Signature of Applicant

Note: Items (a), (b) and (c) may be struck out of the Application For Renewal of a Licence if no change has been made since the previous application.

SIXTH SCHEDULE

City of Fremantle

LICENCE TO KEEP AN APPROVED KENNEL ESTABLISHMENT

I / We

is / are the holder(s) of a licence to keep an approved kennel establishment at

.....
.....

This Licence has effect for a period of 12 months from the date hereof.

Dated this day of 19

.....
Town Clerk

SEVENTH SCHEDULE

City of Fremantle

DOG EXERCISE AREAS

Reserve	Reserve No.	Lot No.
Fremantle Park	24833	1826
Horrie Long Reserve	21691	1089-1096
Davis Park	39094	2801
Grigg Place	23533	1696
Sir Frederick Samson Park	34233	578, 2465, 629
North Fremantle Foreshore	33051, 36420	388, 425
Wilson Park	39729	85
Knutsford Street Playground	21100	1718
Frank Gibson Park	3454, 21964	1379, 1523, 1944
Bruce Lee Reserve	26278	1973, 55
Hilton Park	671	551, 839
Griffiths Place Reserve	23531	1694
Beach Street Reserve	4720	1941
Rocky Bay Foreshore excluding that area specified in clause 2.1(f) of these Local Laws	7077	—
Parmelia Reserve	—	21
South Beach Reserve from the prolongation of the southern boundary of Douro Road to the prolongation of the southern boundary of Scott Street	12477	1586
Leighton Beach excluding that area specified in clause 2.1(g) of these Local Laws	25752	—

Passed at a meeting of the Council of the City of Fremantle held on 20 July 1998.

RICHARD UTTING, Mayor.
RAY GLICKMAN, Chief Executive Officer.

Dated this 14th day of September 1998.

LG302***LOCAL GOVERNMENT ACT 1995**

CITY OF FREMANTLE

1. In these local laws, the *Local Government Model Local Laws (Signs Hoardings and Bill Posting)* No.13, published in the *Government Gazette* on the 11th June 1963 are referred to as the principal local laws.
2. The principal Local Laws are amended in Clause 37 by deleting after exceeding “£50” and inserting “\$2000.00”.

Passed at a meeting of the City of Fremantle on 20th July 1998.

RICHARD UTTING, Mayor.
RAY GLICKMAN, Chief Executive Officer.

Dated this 14th day of September 1998.

LG303***LOCAL GOVERNMENT ACT 1995**

CITY OF FREMANTLE

1. In these local laws, the *Local Law Relating to Parks, Recreation Grounds and Public Reserves*, published in the *Government Gazette* on the 6th December 1985 are referred to as the principal local laws.
2. The principal Local Laws are amended in Clause 22 by deleting “twenty dollars (\$20)” and inserting “thirty dollars (\$30)”.

Passed at a meeting of the City of Fremantle on 20th July 1998.

RICHARD UTTING, Mayor.
RAY GLICKMAN, Chief Executive Officer.

Dated this 14th day of September 1998.

LG305***LOCAL GOVERNMENT ACT 1995**

TOWN OF VINCENT

LOCAL LAW RELATING TO PROPERTY NUMBERS

In pursuance of the powers conferred upon it by the above mentioned Act, and all other powers enabling it, the Local Government of the Town of Vincent hereby records having resolved on the fourteenth day of September 1998 to make the following Local Law—

Citation

1. This Local Law may be cited as the Town of Vincent Local Law Relating to Property Numbers.

Interpretation

2. In this Local Law, unless the context otherwise requires—
 - “Act” means the Local Government Act 1995;
 - “Chief Executive Officer” means the Chief Executive Officer of the Town of Vincent or other Officer who, for the time being, is acting in that capacity;
 - “Council” means the Council of the Town of Vincent;
 - “District” means the area of the Town of Vincent;
 - “Property” means the land in the District and includes houses, buildings, works and structures, in or upon the land and includes developed or undeveloped land;
 - “Number” means a Number of the Arabic Numerals system with or without an English alphabetical suffix;
 - “Occupier” has the same meaning as in the Local Government Act 1995;
 - “Owner” has the same meaning as in the Local Government Act 1995;
 - “Served” has the same meaning as defined in the Interpretation Act 1984;
 - “Town” means the Local Government of the Town of Vincent.
3. The Town may assign a number to a property in a street or way in the Town.

Requirements for Street Numbers

4. In the case of all developed property located within the District, the owner or occupier shall place a number in a prominent visible position on the property to which the number refers such that the number is facing the street which the property abuts.

5. The number shall be of a size, colour, material and type, which in the opinion of the Chief Executive Officer, allows the number to be clearly visible from the street which the property abuts, and in any event the following is applicable:

- (a) for residential properties, the number shall be of a size not less than 75 millimetres high; and
- (b) in the case of business properties the size of the number shall be not less than 150 millimetres high.

6. The owner or occupier of the property shall paint or affix and maintain the current number upon a conspicuous and visible place on the front of a building on the property or on the fence, wall, gate or mail box adjacent to the street fronting the property, within 14 days after either the property is first occupied or a written notice served by the Town on the owner or occupier to do so, whichever occurs first.

Location of Street Numbers

7. A number shall not be placed in a manner which, in the opinion of the Chief Executive Officer, is misleading.

Notice to Comply

8. The Town may give notice in writing signed by the Chief Executive Officer to the owner or occupier of any property upon which there exists a number that is not in accordance with the provisions of this Local Law requiring such owner or occupier to comply with such notice and within the time constraints specified in the notice.

Offences

9. Any person who has been served a notice in accordance with this Local Law and who fails to comply with the notice commits an offence and the Town may enter upon the land to fulfil the conditions of such notice and recover the expenses incurred in effecting such work from that person in a court of competent jurisdiction.

10. Work effected by the Town and action initiated to recover the expenses of such work pursuant to the provisions of this Local Law shall not restrict the right of the Town to initiate action under this Local Law for a breach of any of the provisions of this Local Law.

Penalty

11. Any person who contravenes any provisions of these Local Laws commits an offence and is liable upon conviction to a penalty not less than \$200 and not exceeding \$5,000 and if the offence is of a continuing nature, such person may be liable to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.

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

A. J. (JACK) MARKS, J.P. Mayor.
JOHN GIORGI, J.P. Chief Executive Officer.

LG304**LOCAL GOVERNMENT ACT 1995***Shire of Koorda*

Local Law Relating to Standing Orders

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the Shire of Koorda hereby records having resolved on 20th May 1998 to make the following Local Laws.

The Shire of Williams Local Laws Relating to Standing Orders published in the *Government Gazette* on 24th October 1997 is adopted as Local Laws of the Shire of Koorda, with such alterations as are here set out—

1. Delete "Shire of Williams" wherever it occurs and substitute "Shire of Koorda".
2. Clause 5.1
Delete the text of this clause.
3. Clause 5.2
Delete "5.2" and substitute "5.1".
4. Clause 5.3
Delete "5.3" and substitute "5.2"

5. Clause 8.1
Delete the text of this clause and replace with "Any member intending to move a motion or amendment or to take part in the discussion thereof shall raise their hand and wait until recognised by the President before speaking."
6. Clause 11.8
Delete the first "or" in line one and substitute "of".

Dated this 20th day of August, 1998.

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

V. F. ORCHARD, President.
G. J. McDONALD, Chief Executive Officer.

LG307*

LOCAL GOVERNMENT ACT 1995

City of Rockingham

PREVENTION AND ABATEMENT OF SAND DRIFT LOCAL LAW

Under the powers conferred by the Local Government Act 1995 and by all other powers, the Council of the City of Rockingham resolved to make the following local law on the 23rd day of June 1998.

PART 1—DEFINITION AND OPERATION

1. Operation

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

2. Interpretation

(a) In this local law unless the context otherwise requires:

"Act" means the Local Government Act 1995;

"district" means the district of the City of Rockingham and includes any area placed under the jurisdiction of the Local Government pursuant to any Act or Regulation;

"Local Government" means the City of Rockingham;

"occupier" includes any person who at the time the notice is served is in control of any place or part of any place or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to a place to perform any work in relation to any place and without limiting the generality of the foregoing and for the avoidance of doubt includes a builder or contractor;

"person" includes a public body, company or association or body of persons corporate or unincorporate;

"sand" means any granular material consisting of small eroded fragments of rocks finer than gravel whether or not forming part of a beach, desert or bed of any river and includes dust and organic matter;

(b) "Rural Land" means land in excess of one hectare used for Rural purposes.

(c) Where in this local law a duty, obligation or liability is imposed on an "owner or occupier", the duty shall be deemed to be imposed jointly and severally on each of the owner and occupier.

(d) Where under this local law an act is required to be done or forbidden to be done in relation to any land or premises, the owner or occupier of the land or premises has the duty of causing to be done the act so required to be done, or of preventing from being done the act forbidden to be done.

(e) Where this local law refers to the giving of a notice, other than the giving of an infringement notice, no particular form is prescribed and it will be sufficient that the notice be in writing giving sufficient details to enable the owner or occupier to know the offence committed and the measures required to be taken or conditions to be complied with, as the case may be.

PART 2—APPLICATION OF LOCAL LAW

3. This Local Law applies to all land in the district except Rural land.

PART 3—PROHIBITED ACTIVITIES

4. An owner or occupier of land or premises from which any sand is released or escapes, whether by means of wind, water or any other cause, commits an offence.

5. The Local Government may serve on an owner or occupier of any land or premises in the district from which any sand has been released or escaped a notice requiring the owner or occupier to clean up and make good any damage resulting from that release or escape, and where the notice specifies a time or date, the requirements set out in the notice must be completed by the time or date specified.

6. Where the Local Government is of the opinion that as a result of an activity being carried on, or likely to be carried on from any land or premises sand may be released or escape, the Local Government may cause to be given to the owner or occupier a notice providing that the activity can only be carried on subject to conditions and specifying the conditions.

7. Where an owner or occupier:

- (a) fails to comply with a notice issued pursuant to clause 5; or
- (b) fails to comply with any conditions specified pursuant to clause 6

the Local Government may undertake or cause to be undertaken that work.

8. Where the Local Government undertakes or causes to be undertaken any work or carries out or causes to be carried out any conditions, it may cause to be given to the owner or occupier of the land or premise written notice of the amount expended by the Local Government in carrying out that work.

9. The amount specified in the notice must be paid to the Local Government within 14 days of the service of the notice.

10. If the amount specified is not paid to the Local Government within 14 days from the service of the notice, the Local Government may recover it, as well as the costs of proceedings, and interest thereon, in a court of competent jurisdiction.

PART 4—MISCELLANEOUS

11. (a) Where a notice is served on the owner or occupier of any land or premises and the owner or occupier satisfies the Local Government within 14 days from the date of the giving of the notice that:

- (i) it was not responsible for the conduct in respect of which the notice was given pursuant to clause 4 or 5, or the activity in respect of which conditions were imposed pursuant to clause 6 as the case may be; and
- (ii) it took all reasonable precautions to prevent the conduct or all reasonable steps to comply with, or cause the conditions to be complied with, as the case may be; and
- (iii) where another person was responsible for the conduct, it identifies the person responsible for the conduct sufficiently to enable the notice to be issued to that person;

the Local Government may cancel the notice.

(b) Without derogating from the generality of sub-clause 11(a), an owner or occupier will be responsible for the conduct or compliance with conditions within the meaning of sub-clause 11(a) if:

- (i) in the case of conduct, the conduct took place with the owner or occupier's knowledge, consent or approval; or
- (ii) in the case of conditions, the owner or occupier was aware of the activity in respect of which the conditions were imposed.

(c) If the Local Government decides to cancel the notice it may within 28 days from the date of cancellation cause a notice ("the second notice") to be issued to the person identified by the person to whom the notice was originally given as being responsible for the conduct in respect of which the notice was issued.

(d) Where the second notice is issued pursuant to clause 11(d) the provisions of Part 4 shall apply to the second notice on and from the date of service of the notice.

12. (a) The Local Government may lawfully enter upon any land or premises for the purpose of giving effect to, or carrying out, any provision of this local law.

(b) A person must not prevent or impede a duly authorised officer or employee of the Local Government from carrying out his or her duties under this local law.

PART 5—OFFENCES

13. (a) A person who:

- (i) contravenes clause 4;
- (ii) fails to comply with a notice served under clause 5;
- (iii) carries on an activity without complying with a notice issued under clause 6; or
- (iv) contravenes clause 12 of this local law

commits an offence, in respect of which the Local Government may issue an infringement notice.

(b) A person who commits an offence under sub-clause 13(a) is liable to:

- (i) a penalty which is not more than \$2,000.00 and not less than:
 - (a) in the case of a first such offence, \$200.00;
 - (b) in the case of a second such offence, \$400.00; and
 - (c) in the case of a third or subsequent such offence, \$1,000.00, and
- (ii) if the offence is of a continuing nature, a daily penalty not exceeding a fine of \$200.00 in respect of each day or part of a day for which the offence continues.

14. (a) An offence against any provision of this Local Law is a prescribed offence for the purposes of Section 9.16(1) of the Act.

(b) The amount of the modified penalty for an offence against any provision of this Local Law is \$200.00.

PART 6—INFRINGEMENT NOTICES

15. An infringement notice in respect of an offence prescribed in this local law may be given under section 9.16 of the Act and shall be in or to the effect of Form 1 of the Schedule provided that no error or misdescription will invalidate the notice if its meaning is otherwise clear.

Schedule

Form 1

Local Government Act 1995

INFRINGEMENT NOTICE

Serial No.

Date/...../.....

City of Rockingham

To: (1)
(2)

It is alleged that on or about (3)
at (4)
you committed the following offence (5)—

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

contrary to local law clause (6) of the Prevention and Abatement
of Sand Drift Local Law.

The modified penalty for the offence is \$200.00

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty must be paid to (7)
an authorised person at (8) within a period
of 28 days after the giving of this notice.

Name and title of authorised person giving notice (9):

.....

Signature

- (1) Name of owner or occupier
- (2) Address of owner or occupier
- (3) Date when offence committed. If the offence relates to a failure to take remedial action within the time specified in a notice it will be sufficient if the final time for compliance is specified.
- (4) specify land or premises
- (5) give details of the offence. If insufficient space provide details by way of an annexure
- (6) insert relevant clause
- (7) specify the authorised person to whom the penalty must be paid
- (8) specify the address to whom the payment is to be sent or where payment is to be made
- (9) the authorised person for the purpose of (9) must be a different person from the person authorised for the purposes of (7).

Dated this 18th day of September 1998.

The common seal of the City of Rockingham was affixed in the presence of:

C. ELLIOTT, Mayor.
G. G. HOLLAND, Chief Executive Officer.

LG306*

LOCAL GOVERNMENT ACT 1995*City of Rockingham*

REMOVAL OF REFUSE, RUBBISH AND DISUSED MATERIALS LOCAL LAW

Under the powers conferred by the Local Government Act 1995 and by all other powers, the Council of the City of Rockingham resolved to make the following local law on the 23rd day of June 1998.

PART 1—DEFINITION AND OPERATION

1. Operation

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

2. Repeal

The City of Rockingham Local Law Relating to Clearing of Land, Removal of Refuse, Rubbish, Litter and Disused Materials Published in the *Government Gazette* on 22 June 1984 and as subsequently periodically amended is repealed.

3. Interpretation

(a) In this local law, unless the context otherwise requires:—

“Act” means the Local Government Act 1995;

“district” means the district of the City of Rockingham;

“Local Government” means the City of Rockingham;

“material” means the substance of which things are composed and includes organic and inorganic matter;

“refuse, rubbish or disused material” includes:—

- (i) any material or thing which is abandoned or unwanted by its owner or the person in possession of it;
- (ii) any material or thing which is not being used for its original intended purpose and which has been deposited or stored upon any land for no current purpose other than the deposit or storage;
- (iii) any motor vehicle, motor vehicle part, caravan, trailer, boat or other thing or machinery which has been parked, deposited or stored on any land for the purpose of dismantling, breaking up, repair, building or rebuilding;
- (iv) any wood, timber, lumber, or cuttings, logs or remnants of trees, or chopped, split or chipped wood, deposited, stored;

and any material may be refuse, rubbish or disused material notwithstanding that it may have a commercial value to its owner or the person in possession of it or to the owner or occupier of any land upon which it is deposited or stored;

“served” has the same meaning as defined in section 75 and 76 of the Interpretation Act 1984;

(b) Where in these local laws a duty of liability is imposed on an owner or occupier of land, the duty of liability is imposed jointly and severally on each of the owner or occupier.

PART 2—GENERAL

4. Clearing of Refuse, Rubbish or Disused Material

If there is on any land, vacant or otherwise within the district, any refuse, rubbish or disused material or any trees, scrub, undergrowth or other vegetation which, in the opinion of the Local Government:

- (a) is unsightly;
- (b) is likely to adversely affect the value of any other land;
- (c) is likely to adversely affect the health, safety, comfort, convenience or amenity of the inhabitants of that land or any other land or is likely to cause damage to that land, or any other land, or
- (d) results in that land having an appearance which does not conform with the general appearance of other land in the locality;

the Local Government may cause a Notice under the hand of the Chief Executive Officer or his or her delegate authorised in writing to issue such notice, either generally or in any particular case, to be served on the owner or occupier of that land requiring that owner or occupier as the case may be to clear and remove from the land trees, scrub, undergrowth or other vegetation, refuse, rubbish, or disused material or carry out other works specified in the notice within the time specified in the notice.

- (e) a reference in this section to something likely to happen includes the likelihood of the happening of that thing or event should there occur a windborne force, rain, storm, tempest, flood or other naturally occurring event.

PART 3—PENALTIES

5. Any owner or occupier who is served with a notice under section 4 of these local laws and who fails to comply with the terms of the notice commits an offence.

Penalty:—

- (a) \$5,000.00; and
- (b) a daily penalty of \$500.00.

6. Where an owner or occupier is served with a notice under section 4 of these Laws fails to comply with the terms of the notice, the Local Government is authorised:—

- (a) to clear or remove from the land the trees, scrub, undergrowth or other vegetation or refuse, rubbish or disused material specified in the notice, and dispose of the same, without payment of any compensation; and
- (b) to recover in a court of competent jurisdiction the amount of the Local Government's expenses in so doing from the owner or occupier who was served with the notice.

Dated this 18th day of September 1998.

The common seal of the City of Rockingham was affixed in the presence of:

C. ELLIOTT, Mayor.
G. G. HOLLAND, Chief Executive Officer.

LG401**BUSH FIRES ACT 1954***SHIRE OF LAKE GRACE*

It is hereby notified for public information that the following officers have been appointed for the 1998/99 season pursuant to the provisions of Section 38 (6)(d) of the Bush Fires Act 1954.

FIRE WEATHER OFFICER'S—

Lake Grace	A. CONNOLLY
Newdegate	W. LLOYD
Varley/King	G. MILES
Mt. Madden	G. TILBROOK

DEPUTY FIRE WEATHER OFFICER'S—

Lake Grace	D. DUNHAM
Newdegate	B. NESS
Varley/King	A. SUGG
Mt. Madden	B. ALLEN

Previous appointments are hereby revoked.

D. B. JOHNSTON, Acting Chief Executive Officer.

LG402**TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF RESOLUTION DECIDING TO PREPARE A

TOWN PLANNING SCHEME

SHIRE OF MUKINBUDIN

TOWN PLANNING SCHEME No. 4

Notice is hereby given that the Shire Council of the local government of Mukinbudin on 22 April 1998 passed on the following Resolution.

Resolved that the local government, in pursuance of Section 7 of the Town Planning and Development Act 1928, prepare the above Town Planning Scheme with reference to an area situate wholly within the Shire of Mukinbudin and enclosed within the inner edge of a broken black border on a plan now produced to the Council of the local government and marked and certified by the Chief Executive Officer under his hand dated the 17 April 1998 as "Scheme Area Map".

Dated this 22nd day of April 1998.

A. J. BORRETT, Chief Executive Officer.

LG403

CITY OF JOONDALUP/SHIRE OF WANNEROO

At a meeting of Joint Commissioners for the City of Joondalup and the Shire of Wanneroo held on 8 September 1998, the undermentioned persons were authorised to be Bush Fire Control Officers under the provisions of the Bush Fires Act 1954. The authorisation applies to the Municipality of the City of Joondalup and the Shire of Wanneroo.

Chief Bush Fire Control Officer	K. W. Smith
Deputy Chief Bush Fire Control Officer	M J Hayes
Deputy Chief Bush Fire Control Officer	I. H. Roy
Deputy Chief Bush Fire Control Officer	T. K. Olden
Deputy Chief Bush Fire Control Officer	G. H. Kent
Fire Weather Officer	K. W. Smith

Fire Control Officers

A. G. Morrison	J. L. Edwards	R. G. Imms
M. J. O'Regan	A. Hudson	M. P. Hrovatin
T. W. Heinze	I. S. Whyborn	D. W. Middleton
D. C. Hoath	M. N. Haddock	R. D. Mansfield
C. J. Arnold		
K. Edmonds (Permit issuing only)		
P. McDonald (Permit issuing only)		
J. McKenzie-Department of Conservation & Land Management		

LINDSAY DELAHAUNTY, Chief Executive Officer.

LG404

CITY OF NEDLANDS

Authorised Officer

It is hereby noted for public information that Kynan Hoffman is duly appointed and authorised as—

1. Authorised Officer pursuant to—
 - (a) Local Government (Miscellaneous Provisions) Act 1960, and any Local Laws
 - (b) Dog Act 1976, Regulations and Local Laws
 - (c) Litter Act 1979 and Regulations
 - (d) Control of Vehicles (Off Road Areas) Act 1978
2. Poundkeeper/Ranger pursuant to the provisions of section 449 of the Local Government (Miscellaneous Provisions) Act 1960.
3. Authorised Person pursuant to the provisions of section 9.10 of the Local Government Act 1995.
4. Fire Control Officer in accordance with section 38 of the Bush Fires Act 1954.

G. J. FAULKNER, Chief Executive Officer.

LG405**LOCAL GOVERNMENT ACT 1995***Shire of Mount Magnet*

Appointment of Registration Officers and Authorised Officers

It is hereby notified for public information that the following persons have been appointed, as of 7th October 1998 as authorised officers pursuant to the following Acts and have been authorised to enforce the following Acts, Regulations and Local Laws—

Local Government Act 1995
 Bush Fires Act 1954 and Regulations
 The Litter Act 1979 and Regulations
 All Councils By-laws, Local Laws and Regulations

Peter Robert Webster
 Kenneth William Arbuckle
 William Frederick Broomfield

All other appointments are hereby cancelled.

P. L. HAYES, Chief Executive Officer.

LG406**DOG ACT 1976***Shire of Mount Magnet*

Appointment of Registration Officers and Authorised Officers

It is hereby notified for public information that the following changes under the provisions of the Dog Act 1976 as at 7th October 1998—

Registration Officers—

Appointed—

Peter Robert Webster
Maree Katherine Balchin

Cancelled—

Peter Lindsay Hayes

Authorised Control Officers—

Appointed—

Peter Robert Webster

Cancelled—

Peter Lindsay Hayes

All other appointments to continue.

LG407**CEMETERIES ACT 1986**

COOKERNUP CEMETERY (RESERVE No. 3309) REVOCATION OF VESTING ORDER 1998
Made by His Excellency the Governor under the provisions of section 5(1) of the *Cemeteries Act 1986*.

Citation

1. This Order may be cited as the *Cookernup Cemetery (Reserve No. 3309) Revocation of Vesting Order 1998*.

Commencement

2. This Order shall take effect on and from the date of publication in the *Government Gazette*.

Revocation of Vesting Order

3. The vesting Order relating to the Cookernup Cemetery that was published in the *Government Gazette* of 19 March 1943 on page 262 is hereby revoked.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Council.

LG501**BUSH FIRES ACT 1954***Shire of Trayning*

To Owners and Occupiers of Land within the Shire of Trayning

1. FIREBREAKS

Pursuant to the powers contained in section 33 of the above Act, you are hereby required, on or before, the 1st day of November 1998, to plough, scarify, cultivate, or otherwise clear, and thereafter maintain free of all inflammable material, until the 30th day of April 1999 (inclusive), in the following positions and of the following dimensions on the land owned or occupied by you.

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

3. TOWN SITES

On, or before the 1st day of November, 1998, all town lots within the town sites of Trayning, Kununoppin, and Yelbeni are required as follows—

- (a) Where the area of land is 0.2 hectares or less, remove all flammable material from the whole of the land.
- (b) Where the area of land exceeds 0.2 hectares, clear all inflammable material, firebreaks at least three metres wide immediately surrounding all buildings and/or haystacks situated on the land, and maintain free of such material until the 30th day of April 1999.

4. FUEL DUMPS (FUEL DEPOTS)

On, or before the 1st day of November 1998, all grass and similar material is to be cleared from areas where drum ramps are located and where drums, full or empty, are stored, and such areas are to be maintained and cleared of grass and similar inflammable material until the 30th day of April 1999.

5. GENERAL PROVISIONS

If, for any reason it is considered impractical to provide firebreaks in the positions required in this notice, an owner or occupier may make application in writing to the Council by 1st October 1998 for permission to vary this order. If permission is not granted by the Council or its duly authorised officer, you shall comply with the requirements of this order.

Dated this 16th day of September 1998.

By Order of the Council,

G. M. PEDDIE, Chief Executive Officer.

MINERALS AND ENERGY

MN401**MINING ACT 1978**

INSTRUMENT OF EXEMPTION OF LAND—EXTENSION OF PERIOD

The Minister for Mines pursuant to the powers conferred on him by Section 19 of the Mining Act 1978, hereby extends the exemption granted on 17 October 1996 and published in *Government Gazette* dated 25 October 1996 of that area described hereunder (not being private land or land that is the subject of a mining tenement or an application therefor) from Divisions 1 to 5 of Part IV of the Mining Act 1978.

Description of Land

Those portions of land, not being private land, or land the subject of a mining tenement or application for a mining tenement, shaded green on the plans at pages 194 and 195 of Minerals & Energy File 9772/94 and designated "S19-72" and "S19-73" on the Departmental Public Plan.

Period of Extension—17 October 1998 to 16 October 2000.

Dated at Perth this 21st day of September 1998.

NORMAN MOORE, MLC, Minister for Mines.

MN402**MINING ACT 1978**

NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Minerals and Energy,
Coolgardie WA 6430.

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

P. M. HEANEY (SM), Warden.

To be heard in the Warden's Court, Coolgardie on 2nd November, 1998.

COOLGARDIE MINERAL FIELD

Prospecting Licences

15/3349—Reid, Leslie John

15/3351—Balmer, Mario; Pollock, George Leo

15/3353—Pollock, George Leo; Sherar, David Elwood

15/3361—Lakeside Pty Ltd

15/3362—Coleman, Susan Frances

15/3833—Downe, Yvonne Dorothy

15/3989—Scanlan, Kevin James; Casey, Collette Dawn

15/3990—Scanlan, Kevin James; Casey, Collette Dawn

16/1473—Radisich, Dennis; Court, Edward Robert; McManus, Maureen Alice

16/1474—Court, Edward Robert; McManus, Maureen Alice; Radisich, Dennis

16/1600—Boggett, Sonja; Milne, Peter Ronald; Downe, Yvonne Dorothy

16/1601—Downe, Yvonne Dorothy; Boggett, Sonja; Milne, Peter Ronald

16/1602—Boggett, Sonja; Milne, Peter Ronald; Downe, Yvonne Dorothy

16/1603—Milne, Peter Ronald; Downe, Yvonne Dorothy; Boggett, Sonja
 16/1604—Boggett, Sonja; Milne, Peter Ronald; Downe, Yvonne Dorothy
 16/1605—Downe, Yvonne Dorothy; Boggett, Sonja; Milne, Peter Ronald
 16/1837—Chatswood Crest Pty Ltd; McClaren, Kym Anthony
 16/1838—Chatswood Crest Pty Ltd; McClaren, Kym Anthony
 16/1839—Chatswood Crest Pty Ltd; McClaren, Kym Anthony
 16/1840—Chatswood Crest Pty Ltd; McClaren, Kym Anthony
 16/1841—Chatswood Crest Pty Ltd; McClaren, Kym Anthony

MN403***PETROLEUM PIPELINES ACT 1969**

NOTICE OF VARIATION OF PIPELINE LICENCE

Pipeline Licence PL 1 held by CMS GAS TRANSMISSION OF AUSTRALIA has been varied by instrument of Variation 4P/98-9 by the installation of a hot tap and sales outlet at 'Feroblast' in Kewdale.

W. L. TINAPPLE, Director, Petroleum Operations Division

MN404*

COMMONWEALTH OF AUSTRALIA

PETROLEUM (SUBMERGED LANDS) ACT 1967

SECTION 37(1)

DECLARATION OF A LOCATION

I, WILLIAM LEE TINAPPLE, Director Petroleum Operations Division of the Department of Minerals and Energy for the State of Western Australia, being the officer for the time being which holds certain powers and function of the Commonwealth-Western Australia Offshore Petroleum Joint Authority in respect of the area specified as being adjacent to the State of Western Australia by virtue of an instrument of delegation dated 5 March 1997 and published in the *Government Gazette* of Western Australia on 17 October 1997, do by the publication of this instrument the *Government Gazette*, declare the following blocks to be a location for the purpose of Part III of the Act.

Hamersley Range Map Sheet

Block No.	Fields	Location No.
3201	Legendre and Legendre South	2SL/98-9

This block is the subject of Exploration Permit No. WA-1-P held by—

SANTOS LIMITED;

SHELL DEVELOPMENT (AUSTRALIA) PROPRIETARY LIMITED;

APACHE NORTHWEST PTY LTD; AND

WOODSIDE ENERGY LTD

Dated this 18th day of September 1998.

W. L. TINAPPLE, Director, Petroleum Operations Division.

MN405***PETROLEUM (SUBMERGED LANDS) ACT 1982**

Notice of Grant of Pipeline Licence

PIPELINE LICENCE NO. TPL/13 has been granted to Apache Northwest Pty Ltd, Apache Varanus Pty Limited, Apache Harriet Pty Ltd, Apache Oil Australia Pty Ltd, Apache East Spar Pty Ltd, Hardy Petroleum Limited, Kufpec Australia Pty Ltd, New World Oil & Developments Pty Ltd, Novus UK (Harriet) Ltd, Santos (BOL) Pty Ltd and Tap (Harriet) Pty Ltd, to have effect for a period of twenty one years from 21 September 1998.

W. L. TINAPPLE, Director Petroleum Operations Division.

PLANNING

PD101**CORRECTION***TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF SCHEME AMENDMENT AVAILABLE FOR INSPECTION

SHIRE OF WANNEROO

TOWN PLANNING SCHEME NO. 1—AMENDMENT NO. 634

Ref: 853/2/30/1. Pt. 634.

It is hereby notified for public information that the notice under the above Amendment No. 634 published at page 5177 of the *Government Gazette* No. 188 dated 18 September 1998, contained an error which is now corrected as follows—

For the words: from Rural to Residential Development R20 and Special Residential

Read: from Rural to Urban Development

L. DELAHAUNTY, Chief Executive Officer.

PD401***TOWN PLANNING AND DEVELOPMENT ACT 1928**

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

CITY OF ALBANY

TOWN PLANNING SCHEME NO. 3—AMENDMENT NO. 192

Ref: 853/5/4/5, Pt. 192.

Notice is hereby given that the local government of the City of Albany has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 6 of Location 811 Charles Street Gledhow from the Rural Zone to the Special Rural Zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Mercer Road, Albany 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 6 November 1998.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before 6 November 1998.

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

E. H. KELLY, Chief Executive Officer.

PD402***TOWN PLANNING AND DEVELOPMENT ACT 1928**

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

CITY OF JOONDALUP

TOWN PLANNING SCHEME NO. 1—AMENDMENT NO. 840

Ref: 853/2/30/1, Pt. 840.

Notice is hereby given that the local government of the City of Joondalup has prepared the abovementioned scheme amendment for the purpose of rezoning portion of Hepburn Avenue abutting Pt Lot 158 Hepburn Avenue, Sorrento to Urban Development Zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Boas Avenue, Joondalup and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 24 November 1998.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before 24 November 1998.

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

L. DELAHAUNTY, Chief Executive Officer.

PD403*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
CITY OF STIRLING
DISTRICT PLANNING SCHEME NO. 2—AMENDMENT NO. 224

Ref: 853/2/20/34, Pt. 224.

Notice is hereby given that the local government of the City of Stirling has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 100 corner Wishart Street and North Beach Road, Gwelup from "Special Use Zone—Consulting Rooms Group Practice" to "Residential R40".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Civic Place, Stirling 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 16 October 1998.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before 16 October 1998.

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

R. A. CONSTANTINE, Acting Chief Executive Officer.

PD404*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
CITY OF STIRLING
DISTRICT PLANNING SCHEME NO. 2—AMENDMENT NO. 337

Ref: 853/2/20/34, Pt. 337.

Notice is hereby given that the local government of the City of Stirling has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 180, HN 18 Appleby Street and Lot 59, HN 201 Jones Street, Balcatta from "Residential R20" to "Special Use—Medical Centre".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Civic Place, Stirling 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 6 November 1998.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before 6 November 1998.

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

R. A. CONSTANTINE, Acting Chief Executive Officer.

PD405

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
SHIRE OF BOYUP BROOK
TOWN PLANNING SCHEME NO. 2—AMENDMENT NO. 5

Ref: 853/6/19/2, Pt. 5.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Boyup Brook Town Planning Scheme Amendment on 17 September 1998 for the purpose of—

1. Deleting existing Clause 5.18 and substituting it with a new clause as follows—

5.18 Plantation

In addition to those requirements detailed in Clause 3.4 of the Scheme, Council shall, when considering Plantations in the 'Rural' zone, require the submission of a fire management plan and a plantation management plan prior to determining the application. In addition to those other matters contained in Clause 5.2, Council shall, in considering applications for 'Plantations' have regard to, the requirements established in Council's Tree Plantations Policy and generally require compliance with the following—

- (i) The Code of Practice for Timber Plantations in Western Australia;
- (ii) Firebreak Order 1997/1998 (or subsequent variations thereof); and

- (iii) the Lower Great Southern Plantation Fire Advisory Committees Guidelines for Plantation Fire Protection (Draft May 1997) or subsequent versions thereof.
2. Amending the Scheme Text by adding a new clause—
“5.19 Agroforestry and Alley Farming
 Agroforestry and Alley Farming as defined in Schedule 1 are permitted uses in the ‘Rural’ zone subject to compliance with all requirements of this Scheme.”
3. Modifying Table 1 Zoning Table of the Scheme Text by deleting “Afforestation” and inserting “Agroforestry” and “Alley Farming” as “P” uses and “Plantation” as an “AA” use in the ‘Rural’ zone.
4. Amending Schedule 1 Interpretations by deleting “Afforestation” and inserting the following definitions—
 “Agroforestry” means any planting of trees on farms where there is some degree of planned integration of commercial tree production and conventional agriculture, consisting of belts, small blocks or widely dispersed trees.
 “Alley Farming” means a form of agroforestry where trees are arranged in belts with conventional agriculture in the ‘alley’ between trees.
 “Plantation” means a whole block, 20 hectares and larger where trees are planted predominantly for single purpose production.
5. Amending Clauses 5.2.3 and 5.2.4 of the Scheme Text by deleting the word “afforestation” and replacing it with “plantations”.
6. Renumbering existing clause 5.19 Remnant Vegetation to 5.20.

D. I. MILLER, President.
 G. A. WINTON, Chief Executive Officer.

PD406*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF COOLGARDIE

TOWN PLANNING SCHEME NO. 4—AMENDMENT NO. 11

Ref: 853/11/4/6, Pt. 11.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Coolgardie Town Planning Scheme Amendment on 17 September 1998 for the purpose of amending the Scheme Text to—

- (a) insert a new interpretation into Schedule 1 of the Scheme, as follows—

‘Commercial Vehicles: means a vehicle, whether licensed or not, which is used or designed for use for business, trade, commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them, and any bus or earthmoving machine whether self propelled or not. The term shall not include a vehicle designed for use as a passenger car or trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 5 tonnes.’

- (b) add a new clause 5.16 as follows—

‘5.16 Parking of Commercial Vehicles

- 5.16.1 A person shall not park or stand a commercial vehicle on a road reserve or on private property within a Residential Zone for a continuous period in excess of one hour, unless it is garaged or otherwise screened from view from any street, or unless the vehicle is being used in connection with building or construction works on the site.
- 5.16.2 A person shall not repair, service or clean a commercial vehicle in a Residential Zone unless such work is carried out in a domestic garage, or outbuilding. Such work shall only be permitted where it does not cause injury to, or prejudicially affect, the amenity of the neighbourhood by causing the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products.’

W. M. INGHAM, President.
 H. J. FRASER, Chief Executive Officer.

PD701*

TOWN PLANNING AND DEVELOPMENT ACT, 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME
SHIRE OF BROOKTON
TOWN PLANNING SCHEME No. 3

Ref: 853/4/6/3.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Brookton Town Planning Scheme No 3 on 8 September 1998 the Scheme Text of which is published as a Schedule annexed hereto.

G. C. MATTHEWS, President.
I. N. CURLEY, Chief Executive Officer.

Schedule

SHIRE OF BROOKTON
TOWN PLANNING SCHEME No. 3

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

PART 1—PRELIMINARY**1.1 CITATION**

This Town Planning Scheme may be cited as the Shire of Brookton Town Planning Scheme No. 3 hereinafter called 'the Scheme' and shall come into operation on the publication of the Minister's approval thereof and the Scheme Text in the Government Gazette.

1.2 RESPONSIBLE AUTHORITY

The Authority responsible for implementing the Scheme is the Council of the Shire of Brookton hereinafter called 'the Council'.

1.3 SCHEME AREA

The Scheme applies to the whole of the land contained within the Shire of Brookton, as shown by the Scheme Area boundary on the Scheme Map.

1.4 CONTENTS OF SCHEME

The Scheme comprises—

- (a) This Scheme Text.
- (b) The Scheme Map Sheets 1 to 2.

1.5 ARRANGEMENT OF SCHEME TEXT

The Scheme Text is divided into the following parts—

- Part I—Preliminary
- Part II—Reserves
- Part III—Zones
- Part IV—Non Conforming Use Of Land
- Part V—Development Requirements
- Part VI—Special Controls
- Part VII—Planning Approval
- Part VIII—Administration

1.6 SCHEME OBJECTIVES

The objective of the Scheme is to encourage and control—

- (a) the continued orderly development of the Brookton Townsite and its surrounds; and
- (b) land use proposals within the Farming Zone, which are consistent with the continued viability of agricultural production, as well as the retention of rural character and local amenity.

1.7 REVOCATION OF EXISTING SCHEME

The Shire of Brookton Town Planning Scheme No. 2 (as amended) which came into operation by publication in the Government Gazette on 15 February 1985 is hereby revoked.

1.8 INTERPRETATION

1.8.1 Words and expressions used in the Scheme shall have the respective meanings given to them in Appendix No 1 or elsewhere in the Scheme and the Residential Planning Codes.

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

1.8.3 Words and expressions used in the Scheme but not defined in Appendix No. 1, elsewhere in the Scheme or in the Residential Planning Codes shall have their normal and common meanings.

PART II—RESERVES

2.1 SCHEME RESERVES

The lands shown as Scheme Reserves on the Scheme map, hereinafter called 'local reserves', are lands reserved under the Scheme for Local Authority purposes or for the purposes shown on the Scheme map.

The five (5) types of "local reserves" located within the Scheme Area are —

- Conservation
- Recreation
- Public Purposes
- Railway
- Roads

2.2 DEVELOPMENT OF RESERVED LAND

Except as otherwise provided in this part an owner shall not carry out any development of land reserved under this Scheme, other than the erection of a boundary fence, of a specification approved by Council, without first applying and obtaining the planning approval of Council.

2.3 MATTERS TO BE CONSIDERED BY COUNCIL

Where an application for planning approval is made with respect to land within a local 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 III—ZONES

3.1 ZONES

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

- Residential
- Rural Residential
- Commercial
- Industrial
- Rural Townsite
- Farming

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

3.2 RURAL RESIDENTIAL

The following provisions shall apply to all land included in a Rural Residential Zone, in addition to any provisions which are more generally applicable to such land under this Scheme.

3.2.1 Rural Residential Zones laid down under this Scheme have, subject to the provisions of the Scheme, been selected as areas where closer subdivision will be permitted to provide for a variety of land uses of a Rural Residential nature and also to make provision for retention/rehabilitation of the landscape and amenity, in a manner consistent with the proper and orderly planning of such areas.

3.2.2 In addition to the Use Classes specified in Table 1—Zoning Table, specific provisions for controlling subdivision and development in each individual Rural Residential Zone shall be as laid down in Appendix No.7 to the Scheme.

3.2.3 Subdivision and/or development in a Rural Residential Zone shall comply with the following requirements—

- (a) Subdivision of the lots shall be, generally in accord with a Subdivision Guide Plan approved by Council and the Western Australian Planning Commission. Once the land is subdivided in accordance with an approved Subdivision Guide Plan, Council will not support any application for further subdivision. The Subdivision Guide Plan should include the identification of suitable building envelopes and thereafter any application for Planning Approval shall identify the building envelope. All building envelopes shall be sited a minimum of 20m from any lot boundary and, so as to maintain the visual and environmental amenity of the locality. Unless otherwise approved by Council the maximum area of any building envelope is 2000m².
- (b) Council's planning approval to commence development is required for all development, including a single dwelling house and such application shall be made in conformity with the provisions of the Scheme.
- (c) With the objectives of maintaining sustainable land use practices within any individual Rural Residential Zone, preventing land degradation and preserving natural remnant vegetation—
 - (i) the keeping of animals shall be in accord with maximum stocking rates laid down by Agriculture W.A. and the subdividing landowner shall make arrangements satisfactory to Council, to ensure that prospective purchasers are advised that they are to seek the advice of that Department prior to stocking their property.
 - (ii) Prior to any stocking of land, all areas which include remnant native vegetation, including vegetation along any natural feature, shall be fenced with stock proof fencing to the specification and satisfaction of the Council. All fences are to be maintained in a stock proof condition by the landowner to the satisfaction of Council.

- (iii) The subdividing owner of the land shall make arrangements satisfactory to the Council to ensure that prospective purchasers are advised that they are to seek the advice of Agriculture W.A. with regard to suitable cropping regimes taking into consideration the soils, land suitability and capability.
- (iv) The subdividing owner of the land shall make arrangements satisfactory to the Council to ensure that prospective purchasers are advised that—
 - there could be a need to obtain a licence from the Water Corporation prior to construction of a well or bore.
 - all stormwater from structures or hard surfaces will need to be retained on-site; and
 - land uses will not be permitted where such uses will result in a net export of nutrients to the stream lines and or to any underground aquifer.
- (v) Arrangements being made between the subdivider, the Bush Fires Board and Local Authority, to ensure that adequate fire prevention and fire suppression measures have been taken by the subdivider to the satisfaction and specification of those Authorities to protect all lots in the subdivision proposed and adjoining property from risk of fire.
- (vi) No remnant native vegetation shall be destroyed or removed, except where the landowner obtains the prior consent in writing of Council, and where such vegetation is dead or diseased, or where the clearing is required for the purpose of a firebreak, development within a building envelope and access to the envelope, or for a fence.
- (vii) Prior to commencement of any development on any lot, Council will require the preparation of a tree planting and maintenance programme with the intent of rehabilitation and revegetating the land.
- (viii) All residential buildings, outbuildings and effluent disposal areas, shall be constructed within the building envelope as defined on any approved Subdivision Guide Plan.

3.2.4 Notwithstanding the provisions of the Scheme and what may be shown on the Subdivision Guide Plan specified in Clauses 3.2.3(a) and 3.2.5(e), the Western Australian Planning Commission may consider a minor variation to the subdivision design proposed after consultation with Council.

3.2.5 Before considering any Amendment to its operative Town Planning Scheme for the creation of a further Rural Residential Zone, Council will require the owner(s) of the land to prepare a limited Rural Strategy for the consideration of the Shire and the Western Australian Planning Commission supporting the creation of the Rural Residential Zone and such submission shall include the following and have been prepared with regard to the Commission's Rural Landuse Planning Policy, associated guidelines and Council's operative District Rural Strategy—

- (a) A statement as to the purpose or intent for which the zone is being created;
- (b) The reasons for selecting the particular area the subject of the proposed zone with particular reference as to how this relates to the Council's District Rural Strategy;
- (c) A plan or plans showing contours at such intervals as to adequately depict the land form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, lakes, rivers, creeks, swamps, orchards, wells and significant improvements;
- (d) Information regarding the method whereby it is proposed to provide a potable water supply to each lot;
- (e) A Subdivision Guide Plan for the total project area showing—
 - (i) the proposed ultimate subdivision, including lot sizes and dimensions.
 - (ii) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities etc. as may be considered appropriate.
 - (iii) those physical features and natural vegetation it is intended to conserve.
 - (iv) the proposed staging of the subdivision where relevant.
 - (v) a building envelope location on each proposed lot.
- (f) The proposed staging of the subdivision and development, and the criteria to be met before successive stages are implemented.

3.2.6 It is the intention of the Council to consider only those proposals for Rural Residential development for land within a 3 kilometre radius of the Brookton Townsite.

3.3 RURAL TOWNSITE ZONE

3.3.1 Within this Zone, which will only be designated within the Brookton Urban Area, it is the intention of Council to consider the issue of its Planning Approval, to the range of typical small country town uses specified in Table 1—Zoning Table.

In its consideration of any planning approval, Council will generally not favour the location of any Commercial and or Industrial type uses, where the current predominant use in the locality is for residential purposes, unless suitable buffers can be put in place.

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

3.3.3 Building envelopes shall be defined and lodged with an application for a new house and any planning approval permitted in the zone. Building envelopes shall not exceed 10% of the total area of an individual lot. Council may apply its discretion as to whether a building envelope is fenced.

Where Council has required a building envelope to be fenced, the fence shall be constructed and maintained in a stock proof condition by the landholder to the specification and satisfaction of Council. Council may permit variation of the location of a building envelope if it is satisfied that such variation is desirable and will not detrimentally affect the objectives of the zone or amenity of the area generally.

Where Council has agreed to the reposition of a building envelope required to be fenced, the surrounding fence shall be erected and maintained in that new position.

3.4 FARMING ZONE

3.4.1 The Council intends the predominant form of rural activity in the Farming zone will continue to be based on large farming units. It will generally be opposed to the fragmentation of farming properties through the process of subdivision.

3.4.2 Within the Farming zone, the Council will not generally support the erection of more than one single house per lot. The Council may only consider granting approval to additional dwellings in cases where the land owner clearly demonstrates that the development is required for farm management purposes. In any case, the total number of single dwellings shall not exceed four (4).

3.4.3 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.

3.4.4 The Council strongly supports the use of land in the farming zone for agricultural production. It will support those land use proposals which are consistent with the continued viability of agricultural production as well as maintenance of rural character and local amenities.

3.4.5 In addition to the issue of a Building Licence by the local authority, the Council's prior planning approval is required for all development including a single house, sheds and outbuildings, on any Farming Zoned lot or location which enjoys frontage to or abuts the Brookton Highway, Great Southern Highway or the Brookton/Corrigin Road. Building envelopes shall be defined on any application for planning approval lodged for any development permitted on such lots or locations.

3.5 ZONING TABLE

3.5.1 The Zoning Table indicates subject to the provisions of the Scheme the uses permitted in the Scheme area. The uses permitted in each zone are determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

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

“P” Means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme.

“AA” Means that the Council may, at its discretion, permit the use; and

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

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

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

3.5.5 If the use of the 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—

- determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
- determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the 'SA' procedures of Clause 7.2 in considering an application for planning approval; or
- determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

TABLE 1—ZONING TABLE

USE CLASSES	ZONES					
	Residential	Rural Residential	Commercial	Industrial	Rural Townsite	Farming
ABATTOIR						SA
BED AND BREAKFAST/FARMSTAY	AA	AA			AA	AA
BETTING AGENCY			P			
BUILDER'S STORAGE YARD	SA		AA	P	AA	AA
CARETAKER'S DWELLING	P		AA	AA		
CIVIC BUILDING	AA		P			
CLUB PREMISES			AA			
CONSULTING ROOMS	AA		AA			
DOG KENNELS					AA	AA
DRY CLEANING PREMISES			P			
FAST FOOD OUTLET			P			
FUEL DEPOT				P	AA	AA
GARDEN CENTRE			P			
HOME OCCUPATION	AA	AA			AA	AA
HOSPITAL	SA		AA		AA	
HOTEL			AA			
INDUSTRY				AA		
INDUSTRY—COTTAGE	AA	AA			AA	
INDUSTRY—EXTRACTIVE				AA		SA

USE CLASSES	ZONES					
	Residential	Rural Residential	Commercial	Industrial	Rural Townsite	Farming
INDUSTRY—GENERAL				AA		
INDUSTRY—HAZARDOUS				SA		
INDUSTRY—LIGHT			AA	P	AA	
INDUSTRY—NOXIOUS				SA		
INDUSTRY—RURAL				AA	AA	AA
INDUSTRY—SERVICE			AA	P		
INTENSIVE PIGGERY						SA
LODGING HOUSE	AA		P		AA	
MARINE COLLECTOR'S YARD				P	AA	
MOTEL			P		AA	
MOTOR VEHICLE PREMISES			AA			
MOTOR VEHICLE REPAIR STATION			AA	P		
MOTOR VEHICLE WRECKING PREMISES				P		
NURSERY					P	
OFFICE			P	AA		
PIGGERY						SA
PRODUCE STORE			AA		AA	
RESIDENTIAL—						
(a) Single House	P	P	AA	AA	P	P
(b) Attached House	AA				AA	AA
(d) Grouped Dwellings	SA					
RESTAURANT		AA	AA			AA
RURAL PURSUIT		AA			P	P
SALVAGE YARD				AA		
SERVICE STATION			AA			
SHOP			P			
STABLES		AA			P	P
TAVERN			SA			
TRADE DISPLAY			AA			
TRANSPORT DEPOT				AA	AA	AA
VETERINARY CONSULTING ROOMS			AA		AA	
VETERINARY HOSPITAL		AA			P	AA
WAREHOUSE			AA	P		

PART IV—NON-CONFORMING USES

4.1 NON-CONFORMING USE RIGHTS

No provision of the Scheme shall prevent—

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

4.2 EXTENSION OF NON-CONFORMING USE

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

4.3 CHANGE OF NON-CONFORMING USE

Notwithstanding anything contained in the zoning table, 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.

4.4 DISCONTINUANCE OF NON-CONFORMING USE

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

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

4.5 DESTRUCTION OF BUILDINGS

4.5.1 If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75% or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not

be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.

PART V—DEVELOPMENT REQUIREMENTS

5.1 REQUIREMENT FOR PLANNING APPROVAL

5.1.1 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.

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

- (a) The use of land in a local reserve where such land is held by the Council or vested in a Public Authority—
 - (i) For the purpose for which the land is reserved under the Scheme; or
 - (ii) In the case of land vested in a Public Authority for any purpose for which such land may be lawfully used by that Authority.
- (b) The erection of a boundary fence except as otherwise required by the Scheme.
- (c) The erection 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 Council.
- (d) The carrying out of any works on, in, over or under a street or road by a Public Authority acting pursuant to the provisions of any Act.
- (e) The carrying out of works for the maintenance, improvement or other alteration of any building being works which affect only the interior of the building or which do not materially affect the external appearance of the building.
- (f) The carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services.
- (g) 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.

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

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

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

5.1.4 No dwelling shall be constructed in the Scheme Area unless it is connected to the Water Corporation of WA reticulated supply or to an approved supply of potable water or a roof catchment water tank having a capacity of 92,000 litres is incorporated into the approved plan.

5.2 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

Except for development in respect of which the Residential Planning Codes apply under this Scheme, 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.

TABLE 2—DEVELOPMENT STANDARDS/REQUIREMENTS

ZONE	Minimum Recommended Lot Area (m ²)	Minimum Effective Frontage (m)	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking spaces	Minimum Landscaping (%of site)
				FRONT (m)	REAR (m)	SIDE (m)		
COMMERCIAL	—	5	1.5	Nil	Nil	Nil	1 per 40m ² gross floor area	10
RESIDENTIAL	Refer to Clauses 5.4 and 5.5—Residential Planning Codes							
INDUSTRIAL	1500	20	0.5	20	10	5	1 per 100m ² gross floor area or display area	20
RURAL	—	—	—	10	10	5		

5.3 APPEARANCE OF BUILDING

5.3.1 A person shall not without the approval of the Council erect or commence to erect a building which by virtue of colour or type of materials, architectural style, height, bulk or ornamental or general appearance has in the opinion of the Council an exterior design which is out of harmony with the exterior designs of existing buildings or is likely to injure the amenity of the locality.

5.3.2 The use of secondhand materials to clad the exterior of any building shall only be permitted at the discretion of Council.

5.3.3 Notwithstanding Clause 5.3.2 Council will only permit the external cladding of a building to be constructed of secondhand materials if, in the opinion of Council, such will not detrimentally affect the amenity of the area.

5.3.4 The use of asbestos building products will not be permitted under any circumstances.

5.3.5 Within the Scheme area a dwelling which has been previously constructed and occupied elsewhere may not be placed on a lot and occupied as a dwelling following transportation as a whole or as parts of a building.

5.3.6 Notwithstanding Clause 5.3.5, Council may permit a transported building to be placed on a lot and used as a dwelling if, in the opinion of Council, such building is in a satisfactory condition and will not detrimentally affect the amenity of the area, or if such a building has been specifically constructed as a transportable dwelling.

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

5.4 RESIDENTIAL DEVELOPMENT—RESIDENTIAL PLANNING CODES

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

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

5.4.3 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those codes and the schedules to those codes.

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

5.5 SPECIAL APPLICATION OF RESIDENTIAL PLANNING CODES

5.5.1 The following variations to the Planning Codes shall apply.

R.10 Code

- a) Minimum number of car spaces per dwelling to be 2.
- b) Minimum setback from street boundaries to be 9 metres.

R12.5 Code

- a) Minimum number of car spaces per dwelling to be 2.

5.6 DEVELOPMENT OF LOTS ABUTTING UNCONSTRUCTED ROADS

Notwithstanding anything else 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 an application for planning approval the Council shall either—

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

5.7 DEVELOPMENT WITHIN THE AVON RIVER SOUTH FLOOD PLAIN

In considering any application for planning approval to commence development, on any land area abutting the Avon River South and or which could be affected by a 100 year flood of the same, as defined by the Water and Rivers Commission, Council will require—

- (a) that any application for planning approval to commence development which is submitted for Council's consideration under the provisions of the Scheme, be referred to the Water and Rivers Commission for consideration and comment, prior to Council's consideration of such application.
- (b) that any development and use of land contained within the Floodway of the Avon River South, as defined by the Water and Rivers Commission be undertaken in a manner which does not constitute an obstruction to flood flows.

5.8 LAND LIABLE TO FLOODING

In any zone laid down under the Scheme, Council may not issue a Planning Approval or Building Licence for any building located on land which is considered by Council, as being liable to flooding or inundation.

5.9 FIRE PROTECTION

All subdivisions and/or development proposals within the defines of this Scheme must meet the standards and specifications as laid down by the Local Authority, Western Australian Planning Commission and State Authority responsible for fire protection.

PART VI—SPECIAL CONTROLS

6.1 HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE

6.1.1 Purpose and Intent

6.1.1.1 The purpose and intent of the heritage provisions are—

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

6.1.2 Heritage List

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

6.1.2.2 For the purposes of this Clause, the Heritage List means the Municipal's 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.

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

6.1.3 Designation of Heritage Precincts

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

6.1.3.2 The Council shall adopt for each heritage precinct a policy statement which shall comprise—

- (a) a map showing the boundaries of the precinct;
- (b) a list of places of heritage significance;
- (c) objectives and guidelines for the conservation of the precinct.

6.1.3.3 The Council shall keep a copy of the policy statement for any designated heritage precinct with the Scheme documents for public inspection during normal office hours.

6.1.3.4 The procedure to be followed by the Council in designating a heritage precinct shall be as follows—

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

6.1.3.5 The Council may modify or may cancel a heritage precinct or any policy statement which relates to it by following the procedure set out in sub-clause 6.1.3.4 above.

6.1.4 Application for Planning Approval

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

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

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

6.1.4.4 For the purposes of sub-clause 5.1.1 of the Scheme the term 'development' shall have the meaning as set out in the Town Planning and Development Act (as amended) but shall also include, in relation to any place entered in the Heritage List or contained within a heritage precinct, any act or thing that is likely to significantly change the external character of the building, object, structure or place.

6.1.5 Formalities of Application

6.1.5.1 In addition to the application formalities prescribed in sub-clause 6.1.4 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 subject to 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 Council indicates that it considers relevant.

6.1.6 Variations to Scheme Provisions

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

- (a) consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to Clause 7.2; and
- (b) have regard to any expressed views prior to making its decision to grant the variation.

6.1.6.2 In granting variations under sub-clause 6.1.6.1 the Council may enter into a heritage agreement under Part 4 of the Heritage of Western Australia Act 1990 with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Titles.

6.2 CONTROL OF ADVERTISEMENTS

6.2.1 Power to Control Advertisements

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

6.2.1.2 Applications for Council's planning approval pursuant to this part shall be submitted in accordance with the provisions of Clause 7.1 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 5 giving details of the advertisement(s) to be erected, placed or displayed on the land.

6.2.2 Existing Advertisements

6.2.2.1 Advertisements which—

- (a) were lawfully erected, placed or displayed prior to the approval of this Scheme; or
- (b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme—

hereinafter in this Clause referred to as 'existing advertisements' may, except as otherwise provided, continue to be displayed or to be erected and displayed in accordance with the licence or approval as appropriate.

6.2.3 Consideration of Applications

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

6.2.4 Exemptions from the Requirement to Obtain Planning Approval

6.2.4.1 Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of sub-clause 6.2.1.1, the Council's prior planning approval is not required in respect of those advertisements listed in Appendix 6 which for the purpose of this Clause are referred to as 'exempted advertisements'. The exemptions listed in the Appendix do not apply to land, buildings, objects, structures and places included on the Heritage List or within a heritage precinct established or designated under Clause 6.1 of the Scheme.

6.2.5 Discontinuance

6.2.5.1 Notwithstanding the Scheme objectives and sub-clause 6.2.4, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Clause, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

6.2.6 Derelict or Poorly Maintained Signs

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

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

6.2.7 Notices

6.2.7.1 'The advertiser' shall be interpreted as any one person or any group comprised of the land-owner, occupier, licensee or other person having an interest in or drawing benefit from the display of the advertisement concerned.

6.2.7.2 Any notice served in exceptional circumstances pursuant to sub-clause 6.2.5 or 6.2.6 shall be served upon the advertiser and shall specify—

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

6.2.7.3 Any person upon whom a notice is served pursuant to this Clause may within a period of 60 days from the date of the notice appeal to the Hon Minister for Planning or the Town Planning Appeal Tribunal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.

6.2.8 Scheme to Prevail

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

6.2.9 Enforcement and Penalties

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

PART VII—PLANNING APPROVAL

7.1 APPLICATION FOR PLANNING APPROVAL

7.1.1 Every application for planning approval shall be made in the form prescribed in Appendix No. 2 of the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

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

- (a) A plan or plans to a scale of not less 1 is to 500 showing—
 - (i) Street names, lot number (s), north point and the dimensions of the site.
 - (ii) The location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the site.
 - (iii) The existing and proposed means of access for pedestrians and vehicles to and from the site.
 - (iv) The location, number, dimensions and layout of all car parking spaces intended to be provided.
 - (v) The location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from these areas.
 - (vi) the location, dimensions and design of any landscaped, open storage or trade display area and particulars of the manner in which it is proposed to develop the same.
- (b) Plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain.
- (c) Any other plan or information that the Council may reasonably require to enable the application to be determined.

7.2 ADVERTISING OF APPLICATION

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

7.2.2 Where an application is made for planning 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.

7.2.3 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 clause.

7.2.4 The notice referred to in Clause 7.2.3 (a) and (b) shall be in the form contained in Appendix No. 3 with such modifications as circumstances require.

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

7.3 CONSULTATIONS WITH OTHER AUTHORITIES

7.3.1 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.

7.3.2 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.

7.4 MATTERS TO BE CONSIDERED BY COUNCIL

7.4.1 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 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 locality;
- (i) any other planning considerations which the Council considers relevant;
- (j) any relevant submissions or objections received on the application.

7.5 DETERMINATION OF APPLICATIONS

7.5.1 In determining an application for planning approval the Council may—

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

7.5.2 The Council shall convey its decision to the applicant in the form prescribed in Appendix No.4 to the Scheme.

7.5.3 Where the Council grants planning approval, that approval—

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

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

7.6 DEEMED REFUSAL

7.6.1 Subject to sub-clause 7.6.2, 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.

7.6.2 An application for planning approval which is subject of a notice under sub-clause 7.2.3 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.

7.6.3 Notwithstanding that an application for planning approval may be deemed to have been refused under sub-clauses 7.6.1 and 7.6.2, 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.

7.7 APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS

7.7.1 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.

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

7.7.3 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.

7.8 APPROVAL OF EXISTING DEVELOPMENTS

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

7.8.2 The application to the Council for approval under sub-clause 7.8.1 shall be made on the form prescribed in Appendix No.2.

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

PART VIII—ADMINISTRATION

8.1 POWERS OF THE SCHEME

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

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

8.2 OFFENCES

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 or 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.
- (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 land or building or 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 this 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 days written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act.

8.3.2 The Council may recover expenses under Section 10 (2) of the Act for the removal of certain buildings 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 8.4.1, 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 8.4.4.

8.5.4 The value of the land referred to in sub-clause 8.4.3 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 That Council may deal with or dispose of land acquired for a Local Reserve or pursuant to the preceding sub-clause 8.5.4 upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.

8.6 RIGHTS OF APPEAL

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

8.7 POWER TO MAKE POLICIES

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

8.7.1 A Town Planning Scheme Policy shall become operative only after the following procedures have been completed—

- (a) the Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft Policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.
- (b) the Council shall review its draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft Policy with or without amendment, or not proceed with the draft Policy.
- (c) following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme documents for inspection during normal office hours.

8.7.2 A Town Planning Scheme Policy may only be altered or rescinded by—

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

8.7.3 A Town Planning Scheme Policy shall not bind the Council in respect of any application for development approval, but the Council shall take into account the provisions of the Policy and the objectives which the Policy was designed to achieve before making its decision.

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

8.8 AMENDMENTS TO THE SCHEME

8.8.1 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.

8.8.2 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.

8.8.3 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.

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

APPENDIX NO. 1

INTERPRETATION

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

Absolute Majority: shall have the same meaning as is given to it in and for the purposes of the Local Government Act 1960 (as amended).

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

- Advertisement:** means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements.
- Amenity:** means the quality of the environment as determined by the character of an area, its appearance and land use which contributes to its pleasantness and harmony and to its better enjoyment.
- Amenity Building:** means a building or part of a building used by employees or persons otherwise engaged in the conduct of an industry or business on the same site, for their personal comfort, convenience or enjoyment of leisure, but not used or intended for use for the work of the industry or business.
- Amusement Facility:** means any land or 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.
- Ancillary Use:** means a use which is incidental to the predominant use of land and buildings.
- Appendix:** means an appendix to the Scheme.
- 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.
- Auction Mart:** means any land or building on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, fruit, vegetables or livestock.
- Authorised Officer:** means an officer of the Council, authorised by the Council to exercise all or some of the powers of the Council under this Scheme.
- 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.
- Bed and Breakfast/Farm Stay:** means a building in which provision is made for lodging or boarding of not more than four persons exclusive of the family of the keeper, for hire or reward.
- Betting Agency:** means a building operated in accordance with the Totalisator Agency Betting Board Act 1960 (as amended).
- Builder's Storage Yard:** means any land or buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.
- Building Code of Australia:** means the Building Code of Australia 1988 (as amended).
- Building Envelope:** means an area of land within a lot marked on a plan within which all buildings on the lot must be contained.
- Building Line:** means the line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act.
- Building Setback:** means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected.
- Camping Area:** means any land used for the lodging of persons in tents or other temporary shelter.
- Canteen:** means a shop which provides food and refreshments for the workforce of the surrounding area and which has a maximum gross floor area of 75 m² including any storage and food preparation areas.
- Caravan:** means a vehicle as defined under the Road Traffic Act 1974 (as amended) maintained in condition suitable for licence under that Act at all times and being designed or fitted or capable of use as a habitation or for dwelling or sleeping purposes.
- 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.
- Car Park:** means any land or buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.
- Cattery:** means the use of an approved outbuilding constructed in accordance with the Health Act Model By-Laws Series 'A' Part One—General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months for reward or profit.
- Child Day Care Centre:** means any land or buildings used for the daily or occasional care of children in accordance with the Child Care Regulations 1968 (as amended) but does not include a Child Family Care Centre.
- Cinema/Theatre:** means any land or building where the public may view a motion picture or theatrical production.

- Child Family Care Centre:** means a Child Minding Centre conducted in a private dwelling where children are received for care but does not include a Child Day Care Centre.
- Civic Building:** means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council as offices or for administrative or other like purpose.
- Civic Use:** means land or buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.
- Club Premises:** means any land or buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Licensing Act 1988 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.
- Commercial Vehicle:** means a vehicle whether licensed or not and which is used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self propelled or not but shall not include a passenger car derivative as defined by the Vehicle Sales Regulations 1976 (as amended), a van, utility or light truck which is rated by the manufacture as being suitable to carry loads of up to 1.5 tonnes.
- Commission:** means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act 1985 (as amended).
- Community Purpose:** means the use of land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.
- 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 that has been graded and stabilised within a dedicated road reserve.
- Consulting Rooms:** means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, podiatrists, and persons ordinarily associated with a practitioner, in the prevention or treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combination of professions or practices.
- Consulting Rooms Group:** means a building (other than a hospital or medical centre) used by more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, podiatrists, and persons ordinarily associated with a practitioner, in the prevention, investigation or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.
- Contractor's Yard:** means any land or buildings for the storage of contractor's plant and equipment, including prefabricated or transportable buildings and materials.
- Convenience Store:** means any land or buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300m² gross leasable area.
- Corner Shop:** means a shop used for the sale of daily grocery needs to persons in the immediate locality, with a gross floor area not exceeding 100m², attached to a dwelling in residential zones and which is operated as an additional use thereto by the permanent tenants of the dwelling.
- Council:** means the executive body of the Shire of Brookton.
- 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.
- Cultural Use:** means any use aimed at the improvement or refinement of people by entertainment and/or education.
- Curtilage:** in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of the Council. The term shall have a like meaning in relation to land around buildings other than dwellings.
- Development:** means the use, or development of any land and includes the erection, construction, alteration or carrying out as the case may be, of any building, excavation or other works on any land but shall also include—
- “in relation to any building, object structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that—
 - (a) is likely to change the character of the place or the external appearance of any building; or
 - (b) would constitute an irreversible alteration to the fabric of any building”.
- Display Home Centre:** means a group of two or more dwellings which are intended to be open for public inspection.

District: means the municipal district of the Shire of Brookton.

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

Drive In Theatre: means any land or buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.

Dry Cleaning Premises: means any land or buildings used for the cleaning of garments and other fabrics or chemical processes.

Educational Establishment: means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory.

Effective Frontage: means the width of a lot at the minimum distance from the street alignment at which buildings may be constructed, and shall be calculated as follows—

- (a) where the side boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries;
- (b) where the side boundaries of a lot are not parallel to one another, the length of a line drawn parallel to the street frontage and intersecting the side boundaries at the minimum distance from the street alignment at which buildings may be constructed;
- (c) where a lot is of such irregular proportions or on such a steep grade that neither of the foregoing methods can reasonably be applied, such length as determined by the Council.

Facade: means the exposed faces of a building towards roads or open space or the frontal outward appearance of the building.

Factory Unit Building: means a building or structure, or group of buildings or structures designed, used or adapted for use as two or more separately occupied production or storage areas.

Farm Supply Centre: means the use of land and buildings for the supply of vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment.

Fish Shop: means a building where wet fish and similar foods are displayed and offered for sale.

Floor Area: shall have the same meaning given to it in and for the purposes of the Building Code of Australia 1988 (as amended).

Frontage: means the boundary line or lines between a site and the street or streets upon which the site abuts.

Fuel Depot: means any land or building used for the storage and sale in bulk of solid or liquid 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.

Funeral Parlour: means any land or buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.

Garden Centre: means any land or buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings.

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

Gross Floor Area: shall have the same meaning as Floor Area in the Building Code of Australia.

Gross Leasable Area: means, in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.

Harbour Installations: means any land or buildings used for and incidental to the purposes of loading, unloading and maintaining ships.

Health Centre: means any buildings used as a maternity or x-ray centre, a district clinic, a masseur's establishment, or a medical clinic and can include ancillary services such as pathologists, radiologists and paramedical.

Health Studio: means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.

Height: when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning given to it in and for the purpose of the Residential Planning Codes; or
- (b) purposes other than residential purposes, means the measurement taken from the natural ground level immediately in front of the centre of the face of the building to a level of the top of the eaves, parapet or flat roof, whichever is the highest.

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

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

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

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

- (a) 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 house 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 20m²;
- (f) does not display a sign exceeding 0.2m² 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;

Hospital: means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital.

Hospital Special Purposes: means a building used or designed for use wholly or principally for the purpose of a hospital or sanatorium for the treatment of infectious or contagious diseases, or hospital for the treatment of the mentally ill or similar use.

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

Industry: means the carrying out for 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; and
- (iii) in the case of edible goods the preparation of goods 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 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 out-building which is compatible within the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50m²;
- (e) does not display a sign exceeding 0.2m² 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 includes the management of products from any of 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 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 the 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: mean an industry;

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and
- (b) the establishment of which will not, or the conduct of which does not impose an undue load on any existing or proposed service for the supply or provision of water, gas, 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 pigs, poultry (for either egg or meat production), 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 Agriculture Western Australia in consultation with surrounding farmers for the applicable pasture type;
- (g) aquaculture.

Kindergarten: means any land or buildings used as a school for young children.

Land: shall have the same meaning given to the term in and for the purposes of the Act.

Laundromat: means any land or building, open to the public in which washing machines, with or without provision for drying clothes, are available for use.

Liquor Store: means any land or buildings the subject of a Store Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).

Lodging House: shall have the same meaning as is given to the term in and for the purposes of the Health Act 1911 (as amended).

Lot: shall have the same meaning given to the term in and for the purposes of the Act, and “allotment” has the same meaning.

Lunch Bar: means a building or part of a building used for the sale of take-away sandwiches and similar foodstuffs between the hours of 9 a.m. and 4 p.m. within industrial and commercial areas, in a form ready to be consumed without further preparation off the premises but does not include a take-away food outlet.

Marine Collector’s Yard: means land and buildings used for the storage of marine stores under the provisions of the Marine Stores Act, 1902 (as amended) and Marine Dealer’s Yard and Marine Store have the same meaning.

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

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

Milk Depot: means any land or buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.

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

Motel: means any land or buildings used or intended to be used to accommodate patrons in a manner similar to a hotel 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 has been granted.

Motor Vehicles and Marine Sales Premises: means any land or buildings used for the display and sale of new or second hand motor cycles, cars, trucks, caravans and boats or any one or more of them and may include the servicing of motor vehicles sold from the site.

Motor Vehicle Hire: means any land or buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.

Motor Vehicle Repair: means any land or buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

Motor Vehicle Wash: means any land or buildings where vehicles are washed and cleaned by or primarily by mechanical means.

Motor Vehicle Wrecking: means any land or buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.

Museum: means any land or buildings used for storing and exhibiting objects and artefacts illustrative of history, natural history, art, nature and culture.

Net Lettable Area (nla): means the area of all floors confined within the 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.

Night Club: means any land or buildings used for the entertainment and/or eating facilities and to which a licence under the provisions of the Liquor Licensing Act 1988 has been granted.

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.

Nursing Home: means any building used for the medical treatment or care of sick persons, whether resident or not, but does not include consulting rooms.

Office: means a building or part of a building used for the conduct of administration, the practise of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, 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.

Open Air Display: means the use of land as a site for the display and/or sale of goods and equipment.

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.

Park Home: means a movable dwelling, not being a vehicle as defined under the Road Traffic Act 1974 (as amended), but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilised by jacks and provided with skirtings and being so designed and constructed as to permit independent occupancy for dwelling purposes.

Park Home Park: means an area of land set aside exclusively for the parking of park homes occupied for residential purposes, whether short or long stay purposes, but includes the provision of buildings and uses incidental to the predominant use of the land including ablution blocks, recreation areas, office and storage space and, as approved by Council, a shop or kiosk and refuelling facilities but the term shall be interpreted to exclude the parking of caravans, camper trailers and the erection of tents or camps.

Petrol Filling Station: means any land or buildings used for the supply of petroleum products and motor vehicle accessories.

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

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.

Plot Ratio: shall have the same meaning given to the term in the Building Code of Australia except for residential dwellings where the term shall have the same meaning given to it in the Residential Planning Codes.

Potable Water: means water in which 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—1990 (as amended).

Prison: shall have the same meaning given to it in and for the purposes of the Prisons Act 1981 (as amended).

Private Hotel: means any land or buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).

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

Public Amusement: means any land or 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 Exhibition: means any building or land used for the display of materials, for promotion of artistic, cultural or educational purposes.

Public Mall: means any public street or right-of-way designed especially for pedestrians who shall have right-of-way, and vehicle access shall be restricted to service vehicles at times specified by the Council.

Public Parking Station: means any land or building or part of a building open to the public generally for the parking of vehicles for which payment of a fee or charge may be required, and includes the use of the land or building for that purpose.

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

Public Worship—Place Of: means any land or buildings used primarily for religious activities but does not include an institution for primary, secondary, or higher education, or a residential training institution.

Radio and TV Installation: means any land or buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.

Reception Centre: means any land or buildings used by parties for functions on formal or ceremonial occasions, but not for unhosted use for general entertainment purposes.

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

Recreation Public: means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are usually open to the public without charge.

Reformatory: means land or buildings used for the confinement or detention in custody of juvenile offenders against the law with a view to their rehabilitation.

Reserve: means any land reserved for a public purpose.

Residential Planning Codes: means the Residential Planning Codes, in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1.

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

Restricted Premises: means any land or building, part or parts thereof, used or designed to be used primarily for the sale of retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or deliver of—

- (a) publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902 (as amended); or
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.

Retail: means the sale or hire of products, goods or services to the public generally in small quantities and from a shop, showroom or fast food outlet.

Retirement Village: means a development containing accommodation for aged persons together with ancillary facilities.

Roadhouse: means land and buildings used for the predominant purpose of a service station but incidentally including a cafe, restaurant and/or shop.

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.

Salvage Yard: means any land or buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limited the generality of the foregoing) buildings, machinery, vehicles and boats.

- Sawmill:** means any land or buildings where logs or large pieces of timber are sawn but does not include a joinery works.
- Service Station:** means any land or buildings used for the retail sale of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs, minor mechanical repairs to motor vehicles but does not include a transport depot, panel beating, spray painting, major repairs or wrecking.
- 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 this part.
- Showroom:** means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature but does not include the sale by retail of foodstuffs, liquor or beverages, items or clothing or apparel, magazines, newspapers, books or paper products, china, glassware or domestic hardware, or items of personal adornment.
- Sign:** means a notice, message or display by means of a freestanding or fixed sign or hoarding.
- Special Facility:** means a facility established for purposes in Section 46(5) of the Liquor Licensing Act 1988 or for another purpose in respect of which the relevant Liquor Licensing Authority in Western Australia grants a Special Purpose Licence within the meaning of the Liquor Licensing Act.
- Stable:** means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.
- Stockyards:** means any land, building or other structure used for holding and/or sale of animal stock.
- Storage Yard:** means any land used for the storage of goods.
- Take-Away Food Outlet:** means any land or buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation primarily off the premises.
- Tavern:** means any land or buildings the subject of a Tavern Licence granted under the provisions of the Liquor Licensing Act 1988.
- Trade Display:** means any land and/or buildings used for the display of trade goods and equipment for the purposes of advertisement.
- Transport Depot:** means any land or 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 motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.
- Veterinary Clinic:** means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight, and may include a dispensary of medications incidental thereto.
- Veterinary Hospital:** means a building used in connection with the treatment of animal injuries and ailments, and includes the care and accommodation of animals during or after such treatment.
- Warehouse:** means a buildings wherein goods are stored and may be offered for sale by wholesale.
- Wholesale:** means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant' for Sales Tax purposes under the provisions of the Sales Tax Assessment Act No. 1 1930 (as amended).
- Wine House:** means any land or buildings the subject of a Wine House Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).
- Zone:** means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land, but does not include reserved land.
- Zoological Gardens:** means any land or buildings used for the keeping, breeding or display of fauna and the term includes zoo but does not include kennels or keeping, breeding or showing of domestic pets.

APPENDIX NO. 2

SHIRE OF BROOKTON

TOWN PLANNING SCHEME NO. 3

APPLICATION FOR PLANNING APPROVAL

Name of owner of land on which development is proposed: Surname:

Address in full: Given Names:

Submitted by:

Address for correspondence:

Locality of Development:

Description of Land: Lot No

Street:Location No

Plan or Diagram:Certificate of Title Volume

Folio

Development Proposed:

.....

.....

Approximate Cost of Proposed Development:

Estimated Time of Completion:

Signature of Applicant:

Date:

Signature of Owner (if not the Applicant):

.....

Date:

This form is to be submitted in duplicate with three copies of the site plan.

This is not an application for a building licence, for which a separate application is required.

APPENDIX NO. 3
SHIRE OF BROOKTON
TOWN PLANNING SCHEME NO. 3
NOTICE OF PROPOSED DEVELOPMENT

It is hereby notified for public information and comment that the Council has received an application to develop land for the purpose described hereunder—

Land Description: Lot No. House No.

Street:

Proposal:

.....

Details of the proposal are available for inspection at the Council Office.

Comments on the proposal may be submitted to Council in writing on or before

.....
CHIEF EXECUTIVE OFFICER

.....
DATE

APPENDIX NO. 4
SHIRE OF BROOKTON
TOWN PLANNING SCHEME NO. 3
NOTICE OF PLANNING APPROVAL/REFUSAL
TO COMMENCE DEVELOPMENT

Name and Address of Applicant:

.....

Name and Address of Owner (if not Applicant):

.....

Description of Land:

.....

.....

Approval to commence development in accordance with an application dated the

day of 19 and the plans attached thereto

is granted subject to the following conditions/refused upon the following grounds:

.....

.....

.....

This approval is valid for a period of months from the date hereof.

If development is not commenced within that period a fresh application must be made.

.....

CHIEF EXECUTIVE OFFICER

Date:

NOTE:

- (1) Any Council decision to grant Planning Approval is only valid for a period of two (2) years from the date shown on the decision, unless otherwise stated in the decision.
- (2) It is the responsibility of the Owner/Developer to ensure that the provisions of the Aboriginal Heritage Act 1972/80 are complied with, prior to the commencement of any development.
- (3) This is not a building licence, for which a separate application is necessary.

APPENDIX NO. 5
CONTROL OF ADVERTISEMENTS**ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL**

(to be completed in addition to Application for Planning Approval)

Name of Advertiser (if different from owner):

Address in full:

Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:

Details of Proposed Sign:

Height:..... Width:..... Depth:.....

Colours to be used:

Height above ground level—(to top of advertisement):

(to underside):

Materials to be:

Illuminated—Yes/No. If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:

State period of time for which advertisement is required:

Details of signs, if any, to be removed if this application is approved:

NB. This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed above.

APPENDIX NO. 6
EXEMPTED ADVERTISEMENTS

Land use/or development requiring advertisement	EXEMPTED SIGN TYPE AND NUMBER (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of worship, meeting halls and places of public assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, theatres and drive-in theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ²
Shops, showrooms and other uses appropriate to a shopping area	All advertisements affixed to the building below the top of the awning, or in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting By-laws.	N/A

Land use/or development requiring advertisement	EXEMPTED SIGN TYPE AND NUMBER (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Industrial and warehouse premises	<p>A maximum of 4 advertisements applied to or affixed to the wall of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.</p> <p>A maximum of two free standing advertisement signs not exceeding 5 metres in height above ground level.</p>	<p>Total area of any such advertisement shall not exceed 15m</p> <p>Maximum permissible total area shall not exceed 10m² and individual advertisement signs shall not exceed 6m²</p>
Showroom, race courses, major racing tracks, sports stadia, major grounds and complexes	All signs provided that in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	N/A
Public Places and reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	N/A
	(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a municipality, and	N/A
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A
Railway property and reserves	Advertisement signs exhibited on such land provided that each advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area
Advertisement within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²

APPENDIX NO. 7

RURAL RESIDENTIAL ZONES

SPECIFIED AREA

SPECIAL PROVISIONS

ADOPTION

Adopted by resolution of the Council of the Shire of Brookton at the Ordinary Meeting of the Council held on the 1st day of May 1995.

G. C. MATTHEWS, President.
I. N. CURLEY, Chief Executive Officer.

FINAL APPROVAL

Adopted for final approval by resolution of the Shire of Brookton at the Ordinary Meeting of the Council held on the 20th day of August 1998.

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

G. C. MATTHEWS, President.
I. N. CURLEY, Chief Executive Officer.

Recommended/Submitted for—

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

Final Approval—

Dated: 7 September 1998.

Final Approval Granted—

Dated: 8 September 1998.

G. KIERATH, Minister for Planning.

PD407**TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF CHITTERING

TOWN PLANNING SCHEME NO. 5—AMENDMENT NO. 70

Ref: 853/3/4/5, Pt. 70.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Chittering Town Planning Scheme Amendment on 17 September 1998 for the purpose of modifying the Scheme Text to accommodate for the provisions for Rural Living A—Rural Residential Zone, Rural B—Small Rural Holdings, Rural C—Group Farming and/Multiple Occupancy and Special Rural Zones—

- (a) Amending Clause 3.1 Scheme Zones and Policy Areas by deleting the first paragraph 'The Scheme Area is comprised of Reserves and 10 Zones as set out hereunder;' and replacing it with 'The Scheme Area is comprised of Reserves and 11 Zones as set out hereunder;'
- (b) Adding to the list of Zones 'Special Rural'.
Modifying the second paragraph of Clause 3.1 to include the words " and Rural Living Zones" after the words "Special Rural Zones"
- (c) Deleting Clause 3.8.15 Uses and replacing it with the following—

'3.8.15 Uses

In addition to any provisions which are more generally applicable to land zoned Special Rural and Rural Living A—Rural Residential, Rural B—Small Rural Holdings and Rural C—Group Farming and/Multiple Occupancy Zones, Schedule 5 sets out specific provisions for controlling land uses and development relating to a particular parcel or parcels of land within Special Rural and Rural Living Zones.

Notwithstanding the limitations of the provisions of Tables 3AA, 3B and 3C, Council may consider granting Planning Consent in accordance with Clauses 4.1 and 4.2, to additional uses deemed compatible with the predominant uses in the locality and as detailed in Schedule 5.

- (d) modifying the heading for Schedule 5 Special Rural Zones and the sub-heading (b) Special Provisions to refer to Special Rural Zones to read—

'SCHEDULE 5

SPECIAL RURAL AND RURAL LIVING ZONES

- (b) Special Provisions to refer to Special Rural Zones and Rural Living Zones.

- (e) deleting Clause 3.8.18.9.

- (f) Renumbering Clauses 3.8.18.10 and 3.8.18.11 as Clauses 3.8.18.9 and 3.8.18.10, respectively.
- (g) Renumbering Clause 3.18.16 to 3.8.16 to ensure sequential numbering of the clauses.
- (h) Replacing footnote to Table 3AA "Subject to Clause 3.13.12" to read "Subject to Clause 3.8.7."
- (i) Relocating Zoning Table 3C—Rural Living C—Group Farming/Multiple Occupancy, immediately following Clause 3.8.18.9.
- (j) Modifying Clause 3.8.17.3 to read "Within this zone no use shall be permitted other than those listed in Table 3B or as specified in Schedule 5."

S. M. METCALF, President.
R. P. HOOPER, Chief Executive Officer.

PD408**TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF MURRAY

TOWN PLANNING SCHEME NO. 4—AMENDMENT NO. 114

Ref: 853/6/16/7, Pt. 114.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Murray Town Planning Scheme Amendment on 17 September 1998 for the purpose of:

1. Rezoning Lot 1379 Nanga Road, Dwellingup from "Rural" to "Special Use" and amending the Scheme Maps accordingly; and
2. Including the following details in Schedule 5 of the Scheme Text:

(A) Specified Land	(B) Special Provisions Relating To (A)
Lot 1379 Nanga Road Dwellingup.	<ol style="list-style-type: none"> 1. The land may only be used for a Chalet Park, Outdoor Adventure Camp and associated activities generally in accordance with the Outline Development Plan which forms part of the Scheme. The following uses are permitted ("P" uses): <ul style="list-style-type: none"> • Chalet Park • Public utility; and • Car Parking The following uses may be permitted at Council's discretion ("AA" uses): <ul style="list-style-type: none"> • Bunkhouses; • Camping Area; and • Bed and Breakfast Accommodation The following uses are not permitted unless incidental to the predominant use of the land and permitted at Council's discretion ("IP" uses): <ul style="list-style-type: none"> • Single House (Owner's Residence); • Equipment Hire (canoes, rafts, archery, bicycles and camping equipment). • Caretaker's Dwelling 2. To assist in reducing nutrient export, minimising land erosion potential and to improve visual amenity, the owner of the land shall implement and maintain a landscape planting programme (referring to species, location, density and type) to the satisfaction of the Council. 3. The owner shall implement fire management requirements for the land to the satisfaction of the Council and the Bush Fires Board of Western Australian. Development which would conflict with, or impede fire management in accordance with the abovementioned requirements shall not be permitted or undertaken.

(A) Specified Land	(B) Special Provisions Relating To (A)
	<p>4. All chalets shall be provided with a 92,000 litre water storage tank or equivalent water supply.</p> <p>5. All chalets and bunkhouses shall be provided with effluent disposal arrangements to the satisfaction of the Shire of Murray, Health Department of Western Australia and the Department of Environmental Protection.</p>

N. H. NANCARROW, President.
N. G. LEACH, Chief Executive Officer.

POLICE

PE501**POLICE AUCTION**

Under the provisions of the Police Act 1892, unclaimed found and stolen property and bicycles will be sold by public auction at Ross's Auctioneers, 241 Railway Parade, Maylands on Saturday 26th September 1998 at 9.00 am.

The auction is to be conducted by Mr Frank Lee.

R. FALCONER, Commissioner of Police,
West Australian Police Service.

RACING, GAMING AND LIQUOR

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

The following is a summary of applications received under the Liquor Licensing Act 1988 and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Liquor Licensing Division, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
1454/98	Pinerise Pty Ltd	Application for the grant of a Liquor Store licence in respect of premises situated in Arthur River and known as Arthur River Liquor Store.	22/10/98
1455/98	Seaform Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Rottnest Island and known as Rottnest Tearooms.	13/10/98
1456/98	G H Teede & Son Pty Ltd	Application for the grant of a Liquor Store licence in respect of premises situated in Eaton and known as To Be Advised.	15/10/98
1458/98	Manning Rippers Amateur Football Club Inc	Application for the grant of a Club Restricted licence in respect of premises situated in Manning and known as Manning Rippers Amateur Football Club Inc.	18/10/98
1459/98	Osvaldo Sisinio Pasquale Miranda	Application for the grant of a Restaurant licence in respect of premises situated in Henley Brook and known as Valley View Restaurant.	25/10/98

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE— <i>continued</i>			
1461/98	Fonty's Pool Vineyards Pty Ltd	Application for the grant of a Wholesale licence in respect of premises situated in South Perth and known as Fonty's Pool Vineyards Pty Ltd.	19/10/98
1462/98	Hawkvale Investments Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in East Fremantle and known as Limones Cafe & Restaurant.	21/10/98
APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
968/98	Conlin Foods Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in North Perth and known as Rosemount Hotel.	7/10/98
969/98	Salmon Point Holdings Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Northbridge and known as O2.	7/10/98
971/98	Club Hotel (Collie) Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Collie and known as Club Hotel.	9/10/98
973/98	Arthur George Reppas	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Cunderdin and known as Cunderdin Hotel.	12/10/98
974/98	Pauline Tracy Mills, Arthur Mills & Janice Mills	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Northcliffe and known as Northcliffe Hotel.	12/10/98

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

G. B. AVES, Director of Liquor Licensing.

WATER

WA301*

Water Services Coordination Act 1995

Licence Exemption (Wittenoom) Amendment Order (No. 2) 1998

Made by the Governor in Executive Council under section 19.

1. Citation

This order may be cited as the *Licence Exemption (Wittenoom) Amendment Order (No. 2) 1998*.

2. Clause 2 amended

Clause 2(2) of the *Licence Exemption (Wittenoom) Order 1996** is amended by deleting “30 September 1998” and inserting instead —

“ 30 June 1999 ”.

[* *Published 5 July 1996, p. 3255.*

For amendments to 14 September 1998 see 1997 Index to Legislation of Western Australia, Table 4, p. 295 and Gazette 30 June 1998.]

By Command of the Governor,

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

TENDERS

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
		1998
11C98	Roadside Mowing and Slashing on Highways and Main Roads within the South West Region	7 October
15C98	Bridge Tunnel, Road and Railway Construction, Roe Highway, Stage 3, Metropolitan Area	17 November
314C98	Provision of Traffic Management Services, South West Region	6 October
319C98	Survey Audit and Quantity Measurement Services for Major Works Contract 105/97 (Marble Bar—Woodie Woodie Road), Pilbara Region	2 October
329C98	Panel Contracts for the Provision of Consultancy Services to Update the Road Management Information System (ROMIS)	5 October
330C98	Extensions of Existing Culverts between Smelterman Drive and Anzac Drive, Goldfields Highway, SLK 61.8 to 68.3, Kalgoorlie	29 September

D. R. WARNER, Executive Director Corporate Services.

ZT202*Acceptance of Tenders*

Contract No.	Description	Successful Tenderer	Amount \$
59C98	Materials Searching and Proving Service for the Mt Magnet to Sandstone Road, 0.00-35.00 SLK, Mid West Region.	Western Geotechnics Pty Ltd (Perth)	93 225.00
67C98	Install Audible Longitudinal Edge Lining, Albany Highway, Great Southern Region.	Linecorp Roadmarkers	63 931.00
241C98	Supply and Erect Galvanised Chair Wire Mesh Fencing, Busselton Bypass Stage 1.	Broadwater Fencing	135 764.00

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

PUBLIC NOTICES

ZZ101**TRUSTEES ACT 1962**

NOTICE TO CREDITORS AND CLAIMANTS

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 26th October 1998, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Adams, Edna Margaret, late of 26/41 Davilak Avenue, Hamilton Hill, died 20/6/98 (DEC 313839 DA2).

Briggs, Joyce Louise, late of 8 Vaux Street, Rockingham, died 21/8/98 (DEC 313411 DA3).

Burnett, Roy Frederick, late of 33 Chipper Street, Katanning, died 22/7/98 (DEC 313444 DA2).

Flowitt, David, late of Embleton Nursing Home, 46 Broun Avenue, Embleton, died 11/6/98 (DEC 312082 DP4).

Gillespie, Arthur James Alexander, late of Dean Lodge, Royal Australian Air Force Estate, Bull Creek, died 6/8/98 (DEC 313813 DS4).

Glossop, William Stanley Whitelock, late of 483/31 Williams Road, Nedlands, died 19/2/98 (DEC 308683 DP4).

Harrison, Iona Isabel, late of Montrose Nursing Home, Grange Street, Claremont, died 10/8/98 (DEC 313164 DS2).

Hoy Poy, Doreen Sadie Brewer, late of Lady McCusker Home, Beddi Road, Duncraig, died 17/7/98 (DEC 313824 DC4).

Ireland, David Andrew, late of 264 Erindale Road, Hamersley, died 31/8/98 (DEC 313907 DG3).

Miller, Marjorie Ruth, late of Moline House, Deanmore Road, Karrinyup, formerly of Unit 702, Moline House, 7 Deanmore Road, Karrinyup, died 6/8/98 (DEC 313799 DP4).

Pye, Alan Ronald, late of 225 Wellington Road, Dianella, died 26/5/98 (DEC 311409 DP4).

Reid, Faith Hope, late of James Brown House, 171 Albert Street, Osborne Park, died 29/8/98 (DEC 313910 DL3).

Ronicke, Volker, late of 80 Nanson Street, Wembley, died 1/7/98 (DEC 312099 DA1).

Smith, Ronald Augustus, late of 225 Durlacher Street, Geraldton, died 1/9/98 (DEC 313798 DS3).

Talbot, Ralph Charles, late of 13 Passiflora Drive, Forrestfield, died 7/9/98 (DEC 313906 DC3).

Taylor, Phillip Ormond, late of 191-195 Newcastle Street, Northbridge, died 21/5/98 (DEC 311519 DC3).

Woods, Samuel William, late of 4/2 Lewington Gardens, Bibra Lake, died 28/8/98 (DEC 313758 DP3).

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

ZZ201**TRUSTEES ACT 1962**

NOTICE TO CREDITORS AND CLAIMANTS

Creditors and other persons having claims to which Section 63 of the Trustees Act, 1962 relates in respect of the estate of Carmel Frances Davies, late of 42 Picton Road, Bunbury who died on 19th July 1998 are required by the personal representatives to send particulars of their claims addressed to The Executors of the Will of Carmel Frances Davies deceased care of Young & Young, 5 Spencer Street, Bunbury by the 26th day of October 1998 after which date the personal representatives may convey or distribute the assets having regard only to the claims of which the personal representatives then have 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 estates of the undermentioned deceased persons, are required to send particulars of their claims to Trustees of Western Australia Limited of Level 22, 108 St George's Terrace, Perth 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, having regard only to the claims of which it then has notice.

Bedford, Stuart Harold, late of Moonya Lodge, 59 Ipsen Street, Manjimup (formerly of RMB 357 Graphite Road, Manjimup), Retired Architect, died 17 August 1998.

Binning, Aira Tellervo, late of 22 Boronia Crescent, City Beach, Widow, died 28 July 1998.

Crisp, David Charles, late of 212 Dampier Avenue, Kallaroo, Business Proprietor, died 22 August 1998.

Heal, Thomas James, late of 6 Rason Close, Cooloongup, Widower, died 8 August 1998.

Smith, Norman Watson, late of 40 Rosewood Crescent, Dianella, Retired Farmer, died 7 August 1998.

Windass, Sarah, late of 2A White Street, Osborne Park, Widow, died 26 August 1998.

Dated this 22nd day of September 1998.

ADRIAN J. HALL, Manager—Trusts.

WESTERN AUSTRALIA

RETIREMENT VILLAGES ACT 1992

**Price: \$23.50 Counter Sales
Plus Postage on 695 grams**

RETIREMENT VILLAGES REGULATIONS 1992

***Price: \$2.50 Counter Sales
Plus Postage on 25 grams**

* Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

FREEDOM OF INFORMATION ACT 1992

***Price: \$15.50 Counter Sales
Plus Postage on 365 grams**

* Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

YOUNG OFFENDERS ACT 1994

***Price: \$15.50 Counter Sales
Plus Postage on 300 grams**

YOUNG OFFENDERS REGULATIONS 1995

***Price \$3.90 Counter Sales
Plus Postage on 65 grams**

*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

NURSES ACT 1992

*Price: \$6.70 Counter Sales
Plus Postage on 150 grams

NURSES RULES 1993

*Price: \$6.70 Counter Sales
Plus Postage on 80 grams

* Prices subject to change on addition of amendments.

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For further information please contact:

**State Law Publisher
Telephone: 9321 7688**

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