

# WESTERN AUSTRALIAN GOVERNMENT Gazette



PERTH, FRIDAY, 15 JANUARY 1999 No. 5

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#### NEW FORMAT FOR GENERAL GOVERNMENT GAZETTES

For ease of access to particular notices the general Gazette will be divided into two parts as detailed below. In each part, the notices will appear in alphabetical order of the authorising Department.

**Part 1** will contain Proclamations, Regulations, Rules, Local Laws and various other Instruments etc. but not Town Planning Schemes.

**Part 2** will contain general notices and information and Town Planning Schemes.

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## **IMPORTANT NOTICE**

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- Easter or Christmas editions etc—these notices appear approximately 4 weeks prior to any change.
- Extraordinary gazettes not circulated to all subscribers—these notices appear in the following general edition of the gazette.

In all cases notices are published on page 2 and readers are urged to check accordingly prior to contacting State Law Publisher.

JOHN A. STRIJK,  
Government Printer.

# PART 1

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## PROCLAMATIONS

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AA101\*

### ACTS AMENDMENT (VIDEO AND AUDIO LINKS) ACT 1998

48 of 1998

#### PROCLAMATION

|   |   |  |
|---|---|--|
| WESTERN AUSTRALIA<br>David K. Malcolm,<br>Lieutenant-Governor and<br>deputy of the Governor<br>[L.S.] | } | By the Honourable David Kingsley Malcolm,<br>Companion of the Order of Australia, Lieutenant-<br>Governor and deputy of the Governor of the State<br>of Western Australia. |
|---|---|--|

I, the Lieutenant-Governor and deputy of the Governor, acting under section 2 of the *Acts Amendment (Video and Audio Links) Act 1998* and with the advice and consent of the Executive Council, do hereby fix 18 January 1999 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 12 January 1999.

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

KEVIN PRINCE, Acting Attorney General.

GOD SAVE THE QUEEN!

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## AGRICULTURE

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AG301\*

Perth Market Act 1926

## Perth Market Amendment By-laws 1999

Made by the Perth Market Authority and approved and confirmed by the Lieutenant-Governor and deputy of the Governor in Executive Council.

### 1. Citation

These by-laws may be cited as the *Perth Market Amendment By-laws 1999*.

### 2. The by-laws amended

The amendments in these by-laws are to the *Perth Market By-laws 1990*\*.

[\* *Published in Gazette 28 December 1990, pp. 6415-32. For amendments to 22 December 1998 see 1997 Index to Legislation of Western Australia, Table 4, p. 203.*]

**3. By-law 3 amended**

By-law 3(1) is amended by inserting the following definition in the appropriate alphabetical position —

“

“**principal**” in relation to an occupier, has the same meaning as in by-law 27(2);

”.

**4. By-law 27 amended**

- (1) By-law 27(2) is amended by inserting after “days” —

“

, or such time as is agreed in writing by the parties,

”.

- (2) By-law 27(3) is amended as follows:

- (a) by deleting “Within” and inserting instead —

“ Subject to by-law 27A, within ”;

- (b) by deleting “sub-by-law (1)” and inserting instead —

“ sub-by-law (2) ”;

- (c) by inserting after paragraph (a)(v) the following subparagraph —

“ (vi) the principal by name; ”;

- (d) by inserting after paragraph (b)(v) the following subparagraph —

“ (va) the buyer by name or code; ”.

- (3) By-law 27(5) is amended by deleting “and in addition thereto shall maintain” and inserting instead —

“

and all agreements entered into under by-law 27A and in addition thereto shall keep and maintain

”.

- (4) By-law 27(6) is repealed and the following sub-by-law is inserted instead —

“

- (6) Copies of all receipts, invoices, agreements, and sale notes and the records, books and accounts required to be kept and maintained under sub-by-law (5) shall be kept by the occupier in safe custody for a period of not less than 2 years after —

- (a) the transaction to which such documents relate took place; or

- (b) the agreement ceases to operate.

”.

- (5) By-law 27(7) is amended by inserting after “invoices,” in both places where it occurs —

“ agreements, ”.

- (6) By-law 27(8)(b) is amended by inserting after “invoice,” —  
“ agreement, ”.

**5. By-law 27A inserted**

After by-law 27 the following by-law is inserted —

“

**27A. Cash sales and agreement regarding records under by-law 27(3)**

- (1) An agreement between a principal and an occupier that by-law 27(3), or specified parts of that by-law, is not to apply in specified circumstances or for a specified period of time —
- (a) is to be entered into if the occupier and principal enter into an agreement under sub-by-law (3); and
  - (b) may be entered into at any other time.
- (2) To the extent that there is a conflict between an agreement under sub-by-law (1) and by-law 27(3), by-law 27(3), and where relevant by-law 27(4), does not apply.
- (3) An occupier may not sell, or offer for sale, general produce for cash in the public market between 7.30 am and 12 noon on a Saturday unless the occupier does so in accordance with a written agreement to that effect with the principal.
- (4) Unless otherwise specified —
- (a) the general produce the subject of an agreement under sub-by-law (1) becomes the property of the buyer at the point of sale; and
  - (b) payment for the general produce the subject of an agreement under sub-by-law (1) is to be made by the occupier to the principal within 21 days of the day the sale of the general produce takes place.
- (5) In this by-law —  
“**specified**” means specified in writing in an agreement under this by-law.

”.

**6. By-law 43 amended**

By-law 43(4) is amended by deleting “13(2)” and inserting instead —

“ 13C(2) ”.

Made by the Perth Market Authority by resolution adopted on the 18th day of December 1998.

G. H. ANDERSON, Chairman.  
I. A. MANNING, Manager.

Approved and confirmed by the Lieutenant-Governor and deputy of the Governor,

ROD SPENCER, Clerk of the Executive Council.

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## FISHERIES

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FI301\*

Fish Resources Management Act 1994

# Fish Resources Management Amendment Regulations (No. 4) 1998

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

## 1. Citation

These regulations may be cited as the *Fish Resources Management Amendment Regulations (No. 4) 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. 4503-646.*  
*For amendments to 15 December 1998 see 1997 Index to Legislation of Western Australia, Table 4, pp. 82-3, and Gazette 2 and 9 January, 19 June, 7 July and 25 September 1998.*]

## 3. Schedule 2 amended

Division 5 of Part 2 of Schedule 2 is amended by deleting the item that begins "Crab, Green Mud" and inserting the following items instead —

“

|                              |     |
|------------------------------|-----|
| Crab, Giant (King) . . . . . | 140 |
| Crab, Green Mud . . . . .    | 150 |
| Crab, Spiny . . . . .        | 92  |

”.

**4. Schedule 7 amended**

Schedule 7 is amended under the heading “CRUSTACEANS” by deleting the item that begins “Crab, Green Mud” and inserting the following items instead —

“

|                              |                             |
|------------------------------|-----------------------------|
| Crab, Giant (King) . . . . . | <i>Pseudocarcinus gigas</i> |
| Crab, Green Mud . . . . .    | <i>Scylla paramamosain</i>  |
| Crab, Spiny . . . . .        | <i>Hyothalassia armata</i>  |

”.

**5. Schedule 8 amended**

- (1) Part 1 of Schedule 8 is amended in column 1 of item 2 by deleting “Crab” and inserting instead —

“

Crab (other than  
Giant (King) or  
Spiny)

”.

- (2) Part 1 of Schedule 8 is amended by inserting after item 2 the following item —

“

- 2a. Crab (Giant (King) or Spiny) By measuring from the inside of the frontal groove midway between the eyes on the anterior margin of the carapace along the mid-ventral line of the carapace to the posterior margin where it joins the abdomen.

”.

**6. Miscellaneous amendments**

- (1) Regulation 64(7) is amended in the penalty provision by inserting after “either case in relation” —

“ to ”.

- (2) Regulation 81(7) is amended by deleting “given”.

- (3) Regulation 119(4) is amended by inserting after “background and are” —

“ to ”.

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

ROD SPENCER, Clerk of the Executive Council.

JM301\*

Justices Act 1902

## Justices Act (Courts of Petty Sessions Fees) Amendment Regulations (No. 2) 1998

Made by the Governor in Executive Council.

### 1. Citation

These regulations may be cited as the *Justices Act (Courts of Petty Sessions Fees) Amendment Regulations (No. 2) 1998*.

### 2. First Schedule amended

The First Schedule to the *Justices Act (Courts of Petty Sessions Fees) Regulations\** is amended in item 10 by deleting “But in either case a minimum fee of \$13.00 is to be paid for each page of a document other than a document referred to in item 3 or 4 (*Not payable if indictable offence*)” and inserting instead —

“

But in either case a minimum fee of \$13.00 is to be paid.

(c) other than documents referred to in item 3 or 4  
— for each page..... 1.00

*(Note: Fees under this item are not payable in cases of indictable offences)*

”.

[\* Reprinted as authorized 28 September 1982.

*For amendments to 2 December 1998 see 1997 Index to Legislation of Western Australia, Table 4, p. 155 and Gazette 28 August 1998. ]*

By Command of the Governor,

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

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## LOCAL GOVERNMENT

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LG301

### DOG ACT 1976

*City of Armadale*

Local Laws Relating to Dogs

Pursuant to its powers under the Dog Act 1976, the City of Armadale hereby records having resolved on 7 December 1998 to amend the Local Laws Relating to Dogs published in the *Government Gazette* on 7 October 1983 and amended in the *Government*



*Gazette* of 31 October 1986, 29 June 1987, 4 November 1988, 8 February 1994, 13 May 1994, 30 April 1996, 13 September 1996 and 6 May 1997, as follows—

1. The Fifth Schedule (f) is amended by including:

Reserve 44389 Springdale Road, Roleystone—Springdale Park

Dated this 5th day of January 1999.

The Common Seal of the City of Armadale was hereunto affixed in the presence of—

R. C. STUBBS, Mayor.  
R. S. TAME, Chief Executive Officer.

## LG302\*

### LOCAL GOVERNMENT ACT 1995

#### AMENDMENT TO CITY OF SUBIACO LOCAL LAWS RELATING TO PARKING

In pursuance to the powers conferred upon it by the above mentioned Act, The Council of the City of Subiaco hereby records having resolved on 15 December 1998 to make the following amendments to its local law relating to parking published in the *Government Gazette* on Friday 8 August 1997. The amendments are to come into effect on 1 February 1999.

1. After clause 1.2 (c), insert:—

“1.2 (d) Local Government Model By-Laws (Street Lawns and Gardens) No. 11, published in the *Government Gazette* on 7 February 1963 and adopted by the Council as By-Law No. 19 by resolution dated 12 November 1963, published in the *Government Gazette* on 6 February 1964.”

2. After section 4.10 (e), insert:—

“4.10 (f) causing an undue obstruction on a carriageway”

3. Delete the following division:—

“DIVISION B—ROAD VERGES

This Division contains provisions about parking or standing on road verges.

#### 5.3 **Interpretation**

In this Division, “street lawn” means a lawn or garden planted in a road verge in accordance with the Local Government Model By-Laws (Street Lawns and Gardens) No. 11, published in the *Government Gazette* on 7 February 1963 and adopted by the Council as By-Law No. 19 by resolution dated 12 November 1963, published in the *Government Gazette* on 6 February 1964.

#### 5.4 **Parking or standing on road verges**

- (1) Subject to sub-clause (3) a person shall not park or stand a vehicle or permit a vehicle to remain parked on a road verge contrary to a parking sign.
- (2) A person shall not park or stand a vehicle or permit a vehicle to remain parked on part of a road verge on which:—
  - (a) a street lawn is planted; and
  - (b) a sign inscribed with the words “Registered Lawn” is erected or displayed in accordance with clause 5.5
 unless that person is the occupier of premises adjacent to that part of the road verge or is authorised by the occupier of those premises.
- (3) A person permitted to park or stand a vehicle on a road verge under sub-clause (2) is exempt from compliance with sub-clause (1).

#### 5.5 **“Registered Lawn” signs**

- (1) A person shall not erect or display a “Registered Lawn” sign without the authority of the Local Government.
- (2) An occupier of premises adjacent to a road verge on which a street lawn is planted may apply to the Local Government to erect or display a “Registered Lawn” sign.
- (3) An application under sub-clause (2) must be in writing and be accompanied by payment of an application fee of \$10.00, unless the application fee is waived by the Local Government.
- (4) On receipt of an application under sub-clause (2) the Local Government shall supply the applicant with a “Registered Lawn” sign and authorise the erection or display of the sign on the street lawn.
- (5) The Local Government may revoke its authority to erect or display a “Registered Lawn” sign if, in the opinion of the Local Government, the street lawn is not maintained in a satisfactory condition.

- (6) A person shall not remove, interfere with or deface a "Registered Lawn" sign without the authority of the Local Government."

4. And insert the following division:—

"Division B—Road Verges

**5.3 Parking or standing on road verges**

- (1) A person shall not stand a vehicle so that any portion of that vehicle is on a verge during any period when the standing or parking of vehicles on that verge is prohibited by a sign adjacent and referable to that verge.
- (2) A person shall not stand a vehicle so that any portion of the vehicle is on a street verge unless he or she is the owner or occupier of the premises adjacent to that street verge or is a person authorised by the occupier of those premises."

5. Delete the following section:—

**"6.6 Effect of a visitor's permit**

- (1) Subject to subclause (2) the person for the time being having possession of a current visitor's permit is exempt from compliance with any parking sign inscribed with the words "City of Subiaco Permit Holders Excepted".
- (2) The exemption in sub-clause(1) only applies:—
- (a) on a day on which an Australian Football League football match is being played at Subiaco Oval;
- (b) to the road or roads in respect of which the visitor's permit was issued;
- (c) if the visitor's permit is displayed on the dashboard of the vehicle so that it can be read by an authorised person outside the vehicle; and
- (d) if the person to whom the visitor's permit was issued still resides in the dwelling in respect of which it was issued.

6. And insert the following section:—

**"6.6 Effect of a visitor's permit**

- (1) Subject to subclause (2) the person for the time being having possession of a current visitor's permit is exempt from compliance with:—
- (a) any parking sign inscribed with the words "City of Subiaco Permit Holders Excepted, and
- (b) any parking sign prohibiting the parking or standing of vehicles in the area designated by the parking sign or parking signs for more than a specified time
- (2) The exemption in sub-clause(1) only applies:—
- (b) to the road or roads in respect of which the visitor's permit was issued;
- (c) if the visitor's permit is displayed on the dashboard of the vehicle so that it can be read by an authorised person outside the vehicle; and
- (d) if the person to whom the visitor's permit was issued still resides in the dwelling in respect of which it was issued.
- (3) The visitor permits issued by the City of Subiaco shall be utilised in accordance with the purpose that they were issued and may be revoked or varied at any time.

7. The Third Schedule insert after 4.10(e)

|         |                              |      |
|---------|------------------------------|------|
| 4.10(f) | Obstruction on a carriageway | \$60 |
|---------|------------------------------|------|

8. The Third Schedule insert after 5.2:

|     |                                     |      |
|-----|-------------------------------------|------|
| 5.3 | Parking or Standing on a Road Verge | \$40 |
|-----|-------------------------------------|------|

9. The Third Schedule delete:

|        |   |      |
|--------|---|------|
| 5.4(1) | Parking or standing on road verge contrary to parking sign      | \$40 |
| 5.4(2) | Parking or standing on registered street lawn                   | \$40 |
| 5.5(1) | Erecting or displaying "Registered Lawn" sign without authority | \$40 |
| 5.5(6) | Removing, interfering with or defacing "Registered Lawn" sign   | \$60 |

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## RACING, GAMING AND LIQUOR

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RA301\*

WESTERN AUSTRALIAN TROTTING ASSOCIATION  
RULES OF HARNESS RACING

Notice of Amendment

Notice is hereby given that at a meeting of the Committee of the Western Australian Trotting Association held at Gloucester Park, East Perth, on the 15th day of December 1998, it was resolved by an absolute majority of the members of the Committee that the Rules of Harness Racing be amended as follows:

Delete Rule 494A(4)(b) & (c) and insert in its place Rule 494A(4)(b) & (c):

494A:

- (4) (b) "Control Sample" means a portion of a sample taken from a horse and may also include a Control Rinse; and
- (c) "Control Rinse" means a portion of a solution used to rinse utensils or containers that may be used to collect and store a sample taken from a horse.

Mr G. PAPADOPOULOS, President.

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## TRANSPORT

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TR301\*

Road Traffic Act 1974

### Road Traffic (Towed Agricultural Implements) Amendment Regulations 1999

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

**1. Citation**

These regulations may be cited as the *Road Traffic (Towed Agricultural Implements) Amendment Regulations 1999*.

**2. Regulations 29A and 29B inserted**

After regulation 29 of the *Road Traffic (Towed Agricultural Implements) Regulations 1995\** the following regulations are inserted —

“

**29A. Director General may grant exemptions**

- (1) Subject to subregulation (4), the Director General may, by notice published in the *Gazette* —
- (a) exempt any agricultural implement or any class or classes of agricultural implement from the operation of any of these regulations; and
- (b) vary or revoke a notice under paragraph (a).

- (2) An exemption is subject to any conditions specified by the Director General in the notice.
- (3) If a condition to which an exemption is subject is not complied with, the exemption ceases to have effect.
- (4) A notice published under this regulation cannot limit the operation of regulation 13, 14, 18, 19, 20, 27, 28 or 29.

**29B. Movements of combinations may be authorized by permits**

- (1) If the Director General is satisfied that it is appropriate to do so in respect of a proposed movement of a combination, the Director General may, subject to subregulation (7), issue a permit under this regulation that authorizes the combination to be moved on a road otherwise than in accordance with any of these regulations, as specified in the permit.
- (2) A permit issued under this regulation must be in a form approved by the Director General.
- (3) A permit issued under this regulation is subject to —
  - (a) the condition that it must be carried by the driver of the towing vehicle while the combination is being moved under the authority of the permit; and
  - (b) any conditions that the Director General considers necessary to ensure the combination is moved safely that are specified in the permit.
- (4) Without limiting paragraph (b) of subregulation (3), the conditions that may be specified under that paragraph include —
  - (a) any speed limit to be observed by the person driving the towing vehicle;
  - (b) the route to be followed by the combination;
  - (c) the times during which the combination may be moved on a road; and
  - (d) whether the combination must be accompanied by a police escort when being moved on a road.
- (5) If a condition to which a permit issued under this regulation is subject is not complied with, the permit ceases to have effect.
- (6) A permit issued under this regulation may be obtained without payment of a fee and is valid for the period specified in the permit.

- (7) A permit issued under this regulation cannot limit the operation of regulation 13, 14, 18, 19, 20, 27, 28 or 29.

”.

[\* *Published in Gazette 12 May 1995, pp. 1809-18.*  
*For amendments to 30 December 1998 see 1997 Index to Legislation of Western Australia, Table 4, p. 237.*]

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

ROD SPENCER, Clerk of the Executive Council.

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## PART 2

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### AGRICULTURE

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**AG401****WESTERN AUSTRALIAN MEAT INDUSTRY AUTHORITY ACT 1976**Agriculture Western Australia,  
South Perth.

I, the undersigned Minister for Primary Industry; Fisheries, being the Minister responsible for the administration of the Western Australian Meat Industry Authority Act 1976, hereby appoint Lyall John Peribonio as an Inspector pursuant to section 24G of the said Act.

MONTY HOUSE, Minister for Primary Industry; Fisheries.

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### HEALTH

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**HE401\*****NURSES ACT 1992**

NURSES BOARD OF WESTERN AUSTRALIA APPOINTMENTS INSTRUMENT (No. 4) 1998  
Made by the Minister for Health under section 7 of the Act.

**1. Citation**

This notice may be cited as the *Nurses Board of Western Australia Appointments Instrument (No. 4) 1998*.

**2. Appointments**

Ms Margaret Watson is appointed as Presiding Member of the Nurses Board of Western Australia for the period ending 28 October 2001.

Dated 4 January 1999.

JOHN DAY, Minister for Health.

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### JUSTICE

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**JM401****DECLARATIONS AND ATTESTATIONS ACT 1913**

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

Miss Betty Jambanis of 120 Karoborup Road, Carabooda.

RICHARD FOSTER, Executive Director, Court Services.

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### LAND ADMINISTRATION

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**LA101***CORRECTION*

DOLA File 1791/995.

In the Land Resumption notice at page 6011 of the *Government Gazette* dated 31 October 1997 in respect to item 1 of the schedule under the heading "Area" the following amendments are made—

1. the area with respect to Certificate of Title Volume 1052 Folio 539 is hereby amended by deleting 9194 m<sup>2</sup> and inserting 2329 m<sup>2</sup>; and
2. the area with respect to Certificate of Title Volume 1247 folio 53 is hereby amended by deleting 3420 m<sup>2</sup> and inserting 1.0285 hectares.

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

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**LOCAL GOVERNMENT**

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**LG401**

## CITY OF MANDURAH

It is hereby notified for public information that the following person Michael MacPhilomey has been appointed as the Relief Pound Attendant and Dog Registration Officer for the City of Mandurah. The appointment takes effect as of the 6 January 1999.

S. GOODE, Chief Executive Officer.

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**LG402**

## CITY OF MANDURAH

It is hereby notified for public information that the appointment of Cody Lawrence Dhu as published in the *Government Gazette* on 13 October 1998 (page 5653) is hereby cancelled as of 1 January 1999.

S. GOODE, Chief Executive Officer.

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**LG403\*****LOCAL GOVERNMENT ACT 1995**

## DISTRICT OF ALBANY (WARD BOUNDARIES AND REPRESENTATION) ORDER 1999

Made by the Lieutenant-Governor and deputy of the Governor under the provisions of sections 2.2, 2.3 and 2.18 and of the *Local Government Act 1995*.

**Citation**

1. This Order may be cited as the *District of Albany (Ward Boundaries and Representation) Order 1999*.

**Division of District into Wards**

2. On and from 1 May 1999 the District of Albany shall be divided into wards as designated and described in the Schedule to this Order.

**Number of Offices of Councillor in the District**

3. On and from 1 May 1999 the total number of offices of councillor for the district of Albany shall be 14.

**Number of Offices of Councillor in Wards**

4. On and from 1 May 1999 the number of offices of councillor for each of West, Vancouver, Fredrickstown, Breaksea, Yakamia, Kalgan and Hassell Wards shall be 2.

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

ROD SPENCER, Clerk of the Council.

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## SCHEDULE

**WEST WARD**

All that portion of land bounded by lines starting from the intersection of the low water mark of the Southern Ocean with the prolongation southerly of the eastern boundary of Reserve 2903, a point on a present southern boundary of the City of Albany and extending northerly to and generally northerly along boundaries of that reserve to the southeastern corner of Plantagenet Location 7023 (Reserve 26117); thence northerly and westerly along boundaries of that location to the southernmost south-eastern corner of Location 7629 (Reserve 26117); thence northeasterly and northerly along boundaries of that location to the southernmost southwestern corner of the western severance of Location 7354; thence generally easterly and generally northwesterly along boundaries of that severance and generally northerly along the eastern boundaries of Locations 7083 ( Reserve 29094) and 7154 (Reserve 30496) and onwards to the centreline of Roberts Road; thence westerly along that centreline to the prolongation southerly of the centreline of Racecourse Road; thence northerly to and generally north-easterly along that centreline and onwards to the centreline of Robinson Road; thence generally northwesterly and generally westerly along that centreline to the prolongation southerly of the centreline of Gledhow Road South; thence northerly to and generally northerly, generally northwesterly and generally northeasterly along that centreline and onwards to the centreline of Lower Denmark Road; thence generally southeasterly along that centreline to the centreline of Horden Street; thence

northerly along that centreline and onwards to the centreline of the Cuming Road; thence easterly along that centreline to the prolongation southerly of the centreline of Cull Road; thence northerly to and along that centreline and onwards to the centreline of South Coast Highway; thence easterly along that centreline to the prolongation southerly of the centreline of Le Grande Avenue; thence northerly to and along that centreline to the prolongation easterly of the northern boundary of Lot 6 of Section G of Location 355, as shown on Land Titles Office Plan 243 sheet 2; thence westerly to and along that boundary and westerly along the northern boundary of Lot 5 to the easternmost southeastern corner of Lot 303 of Location 399, as shown on Land Titles Office Diagram 94305; thence northerly and westerly along the eastern and northern boundaries of that lot to the centreline of McGonnell Road; thence northerly along that centreline to the prolongation westerly of the centreline of Drome Road; thence easterly to and along that centreline and onwards to the centreline of Albany Highway; thence generally northwesterly along that centreline to the prolongation southwesterly of the northwestern boundary of Lot 16 of Location 5737, as shown on Land Titles Office Diagram 94160, a point on a present northwestern boundary of the City of Albany and thence generally westerly, generally southerly, again generally westerly, generally southeasterly, generally northeasterly and again generally southeasterly along boundaries of that city to the starting point.

Including islands adjacent.

*Department of Land Administration Public Plans:*

*Albany NW & SW, Oyster Harbour SW & NW, Redmond NE & NW, Denmark NE & SE, Ratcliffe NW & NE, Torbay NW & SW, NE & SE 1:25 000.*

*BJ25(10) 8.8*

*BJ26(10) 4.1, 4.2, 5.2 & 8.1*

*BK 25 (10) 2.8*

*BK 26 (10) 1.1 & 2.1*

*BK 26 (2) 08.04, 08.05, 08.09, 08.10, 09.05, 09.06, 09.07, 09.08 and 9.09.*

#### **VANCOUVER WARD**

All that portion of land bounded by lines starting from the intersection of the Low Water Mark of the Southern Ocean with the prolongation southerly of the eastern boundary of Reserve 2903, a point on a present southern boundary of the City of Albany and extending northerly to and generally northerly along boundaries of that reserve to the southeastern corner of Plantagenet Location 7023 (Reserve 26117); thence northerly and westerly along boundaries of that location to the southernmost southeastern corner of Location 7629 (Reserve 26117); thence northeasterly and northerly along boundaries of that location to the southernmost southwestern corner of the western severance of Location 7354; thence generally easterly and generally northwesterly along boundaries of that severance and generally northerly along the eastern boundaries of Locations 7083 (Reserve 29094) and 7154 (Reserve 30496) and onwards to the centreline of Roberts Road; thence westerly along that centreline to the prolongation southerly of the centreline of Racecourse Road; thence northerly to and generally north-easterly along that centreline and onwards to the centreline of Robinson Road; thence generally northwesterly and generally westerly along that centreline to the prolongation southerly of the centreline of Gledhow Road South; thence northerly to and generally northerly, generally northwesterly and generally northeasterly along that centreline and onwards to the centreline of Lower Denmark Road; thence generally southeasterly along that centreline to the centreline of Horden Street; thence northerly along that centreline and onwards to the centreline of the Cuming Road; thence easterly along that centreline to the prolongation southerly of the centreline of Cull Road; thence northerly to and along that centreline and onwards to the centreline of South Coast Highway; thence easterly along that centreline to the prolongation southerly of the centreline of Le Grande Avenue; thence northerly to and along that centreline to the prolongation easterly of the northern boundary of Lot 6 of Section G of location 355, as shown on Land Titles Office Plan 243 sheet 2; thence westerly to and along that boundary and westerly along the northern boundary of Lot 5 to the easternmost southeastern corner of Lot 303 of Location 399, as shown on Land Titles Office Diagram 94305; thence northerly and westerly along the eastern and northern boundaries of that lot to the centreline of McGonnell Road; thence northerly along that centreline to the prolongation westerly of the centreline of Drome Road; thence easterly to and along that centreline and onwards to the centreline of Albany Highway; thence south-easterly along that centreline to the prolongation westerly of the southern boundary of Lot 15 of Location 135, as shown on Land Titles Office Plan 306; thence easterly to and along that boundary and easterly along the southern boundaries of Lots 16 to 19 inclusive to the southwestern corner of Lot 20; thence easterly and northerly along the southern and eastern boundaries of that lot to the centreline of Bronte Street; thence easterly and generally northeasterly along that centreline to the centreline of John Street; thence generally northeasterly and easterly along that centreline to the prolongation northerly of the centreline of Anson Road; thence southerly to and generally southerly and westerly along that centreline to the prolongation northwesterly of the centreline of Richard Street; thence southeasterly to and generally southeasterly along that centreline and onwards to the centreline of Chester Pass Road; thence generally southwesterly along that centreline and onwards to the centreline of Albany Highway; thence generally northwesterly along that centreline to the prolongation northeasterly of the centreline of Hanrahan Road; thence southwesterly to and generally southwesterly and generally southeasterly along that centreline and onwards to the centreline of Princess Royal Drive; thence generally southeasterly along that centreline to the prolongation northeasterly of the centreline of Woolstores Place; thence southwesterly to and generally southwesterly along that centreline to the prolongation northerly of the centreline of Seawolf Road; thence southerly to and along that centreline and onwards to the low water mark of Princess Royal Harbour, a point on a present southern boundary of the City of Albany and thence generally southwesterly, generally southeasterly, again generally southwesterly and generally northwesterly along boundaries of that city to the starting point.



Including islands adjacent.

*Department of Land Administration Public Plans:*

*Albany NW, SW, NE & SE and Breaksea NW 1:25 000.*

*BK 25 (10) 2.8 & 3.8.*

*BK 26 (10) 2.1 & 3.1.*

*BK 26 (2) 08.04, 08.05, 09.01, 09.02, 09.03, 09.04, 09.05, 09.06, 09.07, 09.08, 10.04, 10.05, 10.06, 10.07, 10.08.*

*BK 25 (2) 10.39, 10.40, 11.38, 11.39, 12.38 and 14.37.*

#### **FREDRICKSTOWN WARD**

All that portion of land bounded by lines starting from the intersection of the low water mark of Middleton Bay with the prolongation easterly of the southern boundary of Albany Lot 1430 (Reserve 44750), a point on a present eastern boundary of the City of Albany and extending westerly to and westerly and northerly along the southern and western boundaries of that lot to the northern side of the eastern section of Wollaston Road; thence westerly along that side and westerly along the southernmost southern boundary of Lot 650 (Reserve 1299) to the eastern side of Phillips Street; thence southerly along that side and onwards to the centreline of the western section of Wollaston Road; thence generally westerly along that centreline and onwards to the centreline of Middleton Road; thence generally northwesterly along that centreline to the prolongation southerly of the centreline of Bluff Street; thence northerly to and generally northerly and generally northwesterly along that centreline and onwards to the prolongation southeasterly of the centreline of North Road; thence northwesterly to and generally northwesterly along that centreline and onwards to the prolongation southwestly of the centreline of Chester Pass Road; thence southwestly along that prolongation to the centreline of Albany Highway; thence generally northwesterly along that centreline to the prolongation northeasterly of the centreline of Hanrahan Road; thence southwestly to and generally southwestly and generally southeasterly along that centreline and onwards to the centreline of Princess Royal Drive; thence generally southeasterly along that centreline to the prolongation northeasterly of the centreline of Woolstores Place; thence southwestly to and generally southwestly along that centreline to the prolongation northerly of the centreline of Seawolf Road; thence southerly to and along that centreline and onwards to the low water mark of Princess Royal Harbour, a point on a present southern boundary of the City of Albany; thence generally southeasterly, generally northeasterly and generally northerly along boundaries of that city to the starting point.

Including islands adjacent.

*Department of Land Administration Public Plans:*

*BK 26 (10) 3.1.*

*BK26 (2) 9.04, 9.05, 10.04, 10.05, 10.06, 10.07, 11.04, 11.06, 12.03, 12.05, 12.06, 13.04 and 13.05.*

#### **BREAKSEA WARD**

All that portion of land bounded by lines starting from the intersection of the low water mark of Middleton Bay with the prolongation easterly of the southern boundary of Albany Lot 1430 (Reserve 44750), a point on a present eastern boundary of the City of Albany and extending westerly to and westerly and northerly along the southern and western boundaries of that lot to the northern side of the eastern section of Wollaston Road; thence westerly along that side and westerly along the southernmost southern boundary of Lot 650 (Reserve 1299) to the eastern side of Phillips Street, thence southerly along that side and onwards to the centreline of the western section of Wollaston Road; thence generally westerly along that centreline and onwards to the centreline of Middleton Road; thence generally northwesterly along that centreline to the prolongation southerly of the centreline of Bluff Street; thence northerly to and generally northerly and generally northwesterly along that centreline and onwards to the prolongation southeasterly of the centreline of North Road; thence northwesterly to and generally northwesterly along that centreline to the prolongation southwestly of the centreline of Ulster Road; thence northeasterly to and generally northeasterly and generally southeasterly along that centreline to the prolongation northwesterly of the easternmost northeastern boundary of Lot 126 of Plantagenet Location 43, as shown on Land Titles Office Diagram 82186; thence southeasterly to and along that boundary and southeasterly along the northeastern boundaries of Lots 127 to 129 inclusive, as shown on Land Titles Office Plan 19044 and onwards to the centreline of Collingwood Road; thence generally northeasterly along that centreline and onwards to the low water mark of Oyster Harbour, a point on a present eastern boundary of the City of Albany and thence generally southeasterly and generally southwestly along boundaries of that city to the starting point.

Including islands adjacent.

*Department of Land Administration Public Plans:*

*BK 26 (10) 3.1 & 3.2.*

*BK26 (2) 11.06, 11.07, 12.05, 12.06, 12.07, 13.05, 13.06, 13.07, 13.08, 14.07 and 14.08.*

#### **YAKAMIA WARD**

All that portion of land bounded by lines starting from the intersection of the low water mark of Oyster Harbour with the prolongation easterly of the centreline of Elizabeth Street, a point on a present eastern boundary of the City of Albany and extending westerly to and along that centreline and onwards to the centreline of Chester Pass Road; thence generally southwestly along that centreline and onwards to the prolongation northwesterly of the centreline of North Road; thence southeasterly to and generally southeasterly along that centreline to the prolongation southwestly of the centreline of Ulster Road; thence northeasterly to and generally northeasterly and generally southeasterly along

that centreline to the prolongation northwesterly of the easternmost northeastern boundary of Lot 126 of Plantagenet Location 43, as shown on Land Titles Office Diagram 82186; thence southeasterly to and along that boundary and southeasterly along the northeastern boundaries of Lots 127 to 129 inclusive, as shown on Land Titles Office Plan 19044 and onwards to the centreline of Collingwood Road; thence generally northeasterly along that centreline and onwards to the low water mark of Oyster Harbour, a point on a present eastern boundary of the City of Albany and thence generally northerly along boundaries of that city to the starting point.

Including islands adjacent.

*Department of Land Administration Public Plans:*

*BK 26 (10) 3.2 and 3.3.*

*BK26 (2) 10.06, 10.07, 10.08, 10.09, 11.06, 11.07, 12.07, 13.07, 13.08, 13.11, 14.08, 14.09, 14.10 and 14.11.*

#### **KALGAN WARD**

All that portion of land bounded by lines starting from the intersection of the low water mark of Oyster Harbour with the prolongation easterly of the centreline of Elizabeth Street, a point on a present eastern boundary of the City of Albany and extending westerly to and along that centreline and onwards to the centreline of Chester Pass Road; thence generally southwesterly along that centreline to the prolongation southeasterly of the centreline of Richard Street; thence northwesterly to and generally northwesterly along that centreline and onwards to the centreline of Anson Road; thence easterly and generally northerly along that centreline and onwards to the centreline of John Street; thence westerly and generally southwesterly along that centreline to the centreline of Bronte Street; thence generally southwesterly and westerly along that centreline to the eastern boundary of Lot 20 of Plantagenet location 135, as shown on Land Titles Office Plan 306; thence southerly and westerly along boundaries of that lot and westerly along the southern boundaries of Lots 19 to 15 inclusive and onwards to the centreline of Albany Highway; thence generally northwesterly along that centreline to the prolongation southwesterly of the northwestern boundary of Lot 16 of Location 5737, as shown on Land Titles Office Diagram 94160, a point on a present northwestern boundary of the City of Albany; thence generally easterly, generally northeasterly and generally southeasterly along boundaries of that city to the centreline of Palmdale Road; thence generally southerly along that centreline to the prolongation northwesterly of the centreline of Fish Track Road; thence southeasterly to and generally southeasterly along that centreline and onwards to the centreline of South Coast Highway; thence southwesterly along that centreline to the prolongation northwesterly of the centreline of Homestead Road; thence southeasterly to and generally southeasterly, generally southerly and generally southwesterly along that centreline to the prolongation northerly of the centreline of Bettys Beach Road; thence southerly to and generally southerly along that centreline to the prolongation westerly of the northernmost northern boundary of Location 7638 (Reserve 2031); thence easterly to its northernmost northwestern corner; thence generally southerly, easterly and southerly along boundaries of Location 7638 and onwards to the low water mark of Two Peoples Bay, a point on a present southern boundary of the City of Albany and thence generally southerly, generally westerly, generally northerly, generally northwesterly and again generally southerly along boundaries of that city to the starting point.

Including islands adjacent.

*Department of Land Administration Public Plans:*

*BK 26 (10) 3.2, 3.3, 4.2 and 4.3.*

*BK26 (2) 8.09, 8.10, 9.08, 9.09, 10.07, 10.08, 10.09, 13.11, 14.11, 14.12, 14.13 & 15.13.*

*Albany NE & SE, Breaksea NW, Noorubup SW, Oyster Harbour SW, NE & NW, Porongurup SE, Redmond NE, Two Peoples Bay NW, NE, SW, SE and Breaksea NE 1:25000.*

#### **HASSELL WARD**

All that portion of land bounded by lines starting from the intersection of the prolongation westerly of the northern boundary of Plantagenet Location 5950 with the centreline of Palmdale Road, a point on a present northern boundary of the City of Albany and extending generally southerly along that centreline to the prolongation northwesterly of the centreline of Fish Track Road; thence southeasterly to and generally southeasterly along that centreline and onwards to the centreline of South Coast Highway; thence southwesterly along that centreline to the prolongation northwesterly of the centreline of Homestead Road; thence southeasterly to and generally southeasterly, generally southerly and generally southwesterly along that centreline to the prolongation northerly of the centreline of Bettys Beach Road; thence southerly to and generally southerly along that centreline to the prolongation westerly of the northernmost northern boundary of Location 7638 (Reserve 2031); thence easterly to its northernmost northwestern corner; thence generally southerly, easterly and southerly along boundaries of Location 7638 and onwards to the low water mark of Two Peoples Bay, a point on a present southern boundary of the City of Albany and thence generally northeasterly, generally northwesterly and generally southwesterly along boundaries of that city to the starting point.

Including islands adjacent.

*Department of Land Administration Public Plans:*

*Ellen Peak NE, SE & SW, Green Range NW & SE, Mt Manypeaks NE, SW & SE, Noorubup NE, SE & SW, Two Peoples Bay NW, NE, SE and Breaksea NE 1:25000*

*Haul Off Rock & Pt Cape Riche, Mount Groper & Pt Cape Riche and Pallingup 1:50000*

LG404\*

Local Government Act 1995

## District of Stirling (Change of Ward Boundaries) Order 1999

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under section 2.2(1).

### 1. Citation

This order may be cited as the *District of Stirling (Change of Ward Boundaries) Order 1999*.

### 2. Change of ward boundaries

- (1) The boundaries of the Inglewood Ward in the district of Stirling are changed so that the land described in Schedule 1 is in that ward.
- (2) The boundaries of the Lawley Ward in the district of Stirling are changed so that the land described in Schedule 2 is in that ward.

### Schedule 1 — Land to be included in Inglewood Ward

[cl. 2(1)]

All that portion of land bounded by lines starting from the intersection of the prolongation northeasterly of the centreline of the southwest section of York Street with the northeastern side of Nelson Street, the present easternmost eastern corner of Inglewood Ward and extending southeasterly along the lastmentioned side to the northern corner of Lot 101 of Swan Location X as shown on Office of Titles Diagram 77736; thence southwesterly along the northwestern boundary of that lot and onwards to the northern corner of Lot 1 as shown on Office of Titles Plan 1749; thence southeasterly and southwesterly along boundaries of that lot and onwards to and along the southeastern boundary of Lot 52 as shown on Office of Titles Plan 1587 and again onwards to the eastern corner of Lot 53; thence southwesterly along the southeastern boundary of that lot and onwards to the northeastern boundary of Lot 92 as shown on Office of Titles Plan 2514; thence northwesterly and southwesterly along boundaries of that lot to the northeastern boundary of Part Lot 89; thence southeasterly and southwesterly along boundaries of that lot to the northeastern boundary of Lot 1 as shown on Office of Titles Diagram 58062; thence southeasterly along that boundary to the northwestern side of Oxford Street; thence southwesterly along that side to the eastern corner of Lot 11 as shown on Office of Titles Diagram 93683; thence northwesterly, southwesterly and southeasterly along boundaries of that lot to the northwestern side of Oxford Street; thence southwesterly along that side to a northeastern side of Kennedy Street; thence southeasterly along that side to the prolongation

northeasterly of the northwestern boundary of Lot 1 as shown on Office of Titles Diagram 8193; thence southwesterly to and along that boundary to the northeastern boundary of Lot 8 of Location Y as shown on Office of Titles Diagram 36052; thence southeasterly, southwesterly and northwesterly along boundaries of that lot to the southeastern boundary of Lot 6 as shown on Office of Titles Diagram 28139; thence southwesterly and northwesterly along boundaries of that lot to a southeastern side of Carrington Street; thence southwesterly along that side to the northern corner of Lot 15 as shown on Office of Titles Diagram 46792; thence southeasterly, southwesterly and northwesterly along boundaries of that lot to a southeastern side of Carrington Street; thence southwesterly along that side to a northeastern side of Central Avenue; thence northwesterly along that side to the centreline of Carrington Street, a point on a present southeastern boundary of Inglewood Ward and thence northeasterly, northwesterly and generally northeasterly along boundaries of that ward to the starting point.

## Schedule 2 — Land to be included in Lawley Ward

[cl. 2(2)]

All that portion of land bounded by lines starting from the intersection of the centreline of Central Avenue within the centreline of Carrington Street, a point on a present northeastern boundary of Inglewood Ward and extending northeasterly along the lastmentioned centreline to the northeastern side of Central Avenue; thence southeasterly along that side and onwards to the centreline of the Perth-Midland Railway; thence generally southwesterly along that centreline to the centreline of Guildford Road; thence southwesterly along that centreline to the prolongation southwesterly of the centreline of Railway Parade, a present southeastern corner of Inglewood Ward and thence generally northeasterly and northwesterly along boundaries of that ward to the starting point.

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

ROD SPENCER, Clerk of the Executive Council.

### LG405

#### LOCAL GOVERNMENT ACT 1995

#### DISTRICT OF SANDSTONE (WARD REPRESENTATION) ORDER 1999

Made by the Lieutenant-Governor and deputy of the Governor under the provisions of section 2.18 of the Local Government Act 1995.

#### Citation

1. This Order may be cited as the *District of Sandstone (Ward Representation) Order 1999*.

#### Reduction in the Number of Offices of Councillor

On and from 1 May 1999 the total number of offices of councillor on the Council shall be reduced from 7 to 6.

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

ROD SPENCER, Clerk of the Council.

**LG406**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960**

*Town of Victoria Park*

**CLOSURE OF PRIVATE STREET**

Department of Local Government,  
Perth, 15 January 1999.

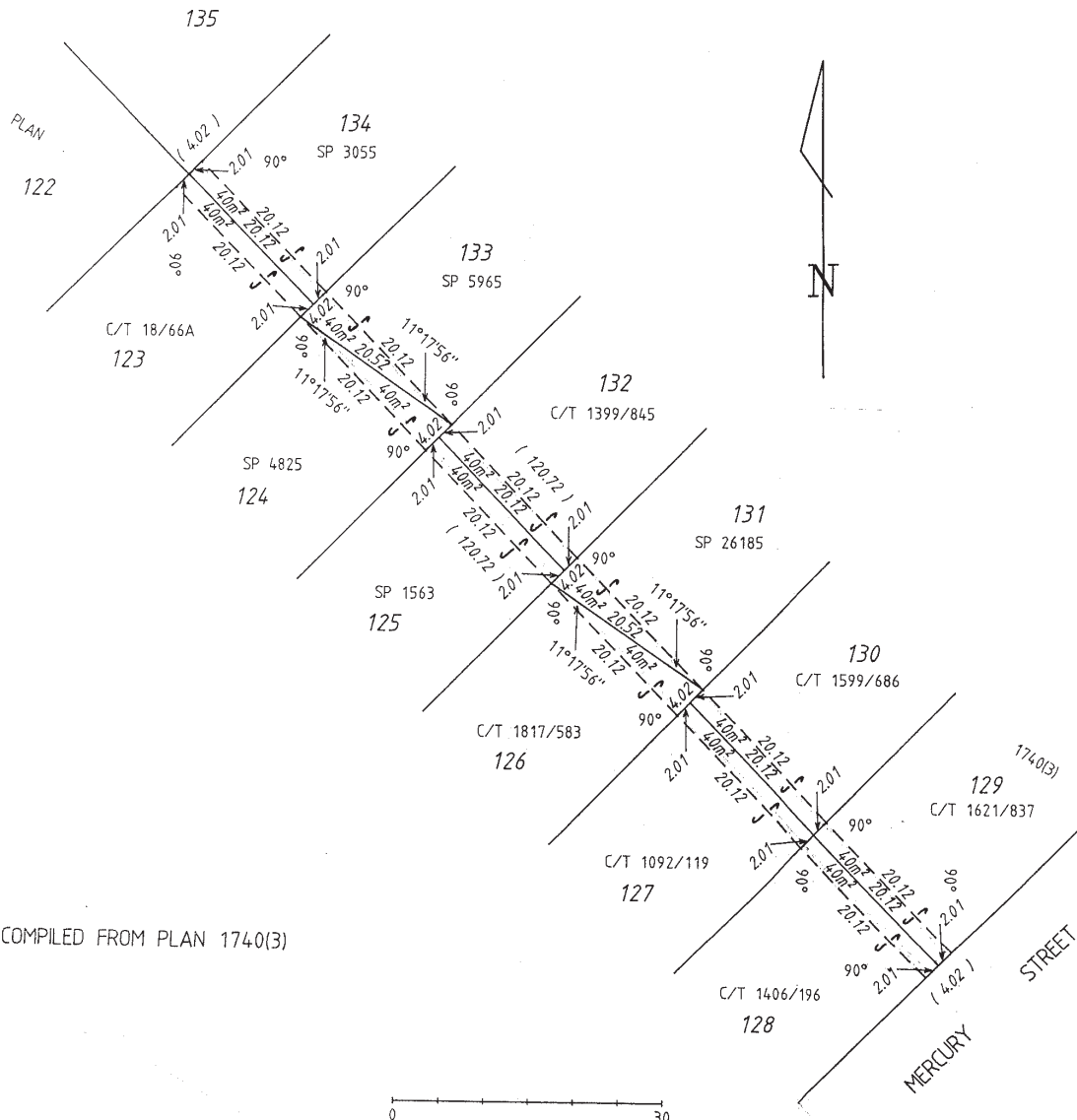
LG: V14-12

It is hereby notified for public information that His Excellency the Governor has approved under section 297A of the *Local Government (Miscellaneous Provisions) Act 1960*, the resolution passed by the Town of Victoria Park that portion of the private street which is described as being part of Canning Location 2, being portion of the land coloured brown on Plan 1740(3) and being part of the land contained in Certificates of Title Volume 331 Folio 33 be closed, and the land contained therein be amalgamated with adjoining Lots 123-128 Bishopsgate Street and Lots 129-134 Planet Street, Carlisle, as shown in the Schedule hereunder.

JOHN LYNCH, Executive Director,  
Department of Local Government.

**SCHEDULE**

**DIAGRAM No. 96802**



LG407

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960**

*Town of Victoria Park*

**CLOSURE OF PRIVATE STREET**

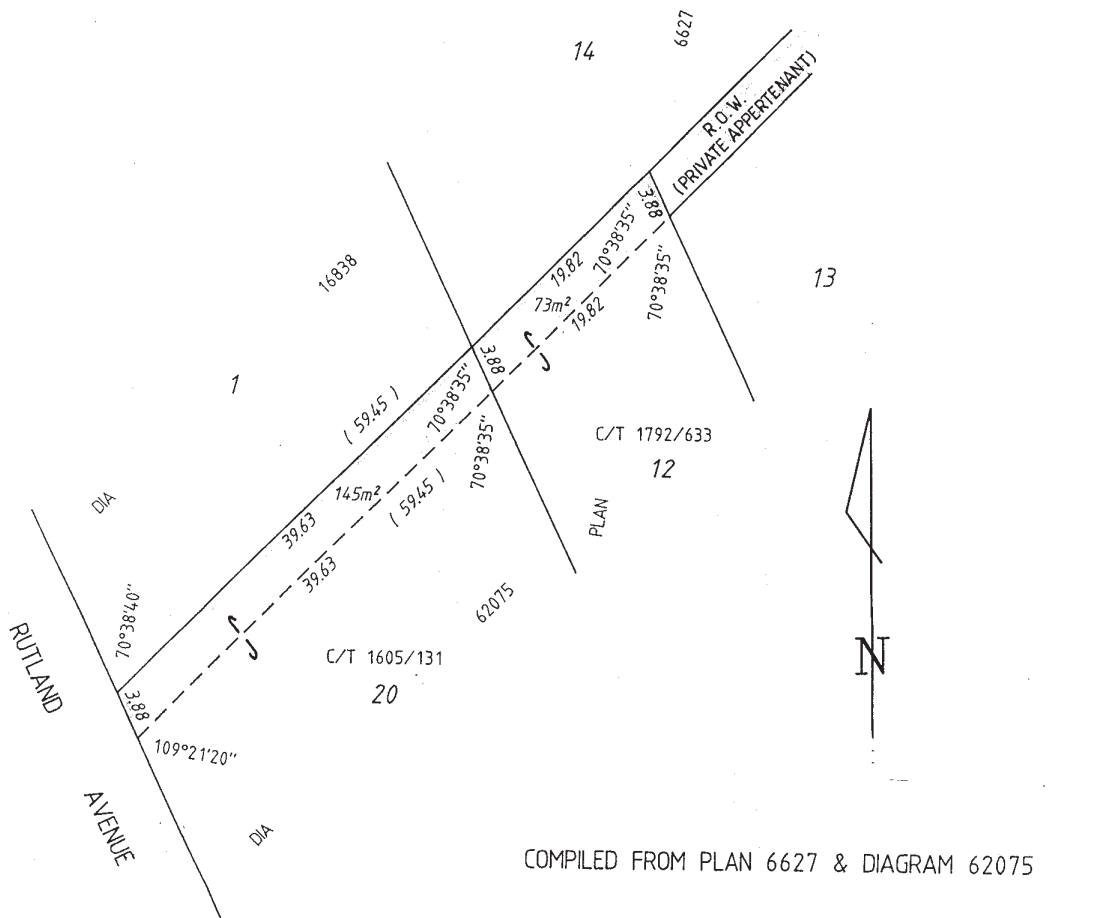
Department of Local Government,  
Perth, 15 January 1999.

LG: V14-12

It is hereby notified for public information that the deputy of the Governor has approved under section 297A of the *Local Government (Miscellaneous Provisions) Act 1960*, the resolution passed by the Town of Victoria Park that portion of the private street which is described as being portion of Part Canning Location 2, being portion of the land coloured brown on Plan 6627 and being part of the land contained in Certificate of Title Volume 1839 Folio 166 be closed, and the land contained therein be amalgamated with adjoining Lots 12 and 20 Oats Street, Carlisle, as shown in the Schedule hereunder.

JOHN LYNCH, Executive Director,  
Department of Local Government.

**SCHEDULE  
DIAGRAM No. 96827**



**LG408**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960**

*Shire of Kalamunda*

**CLOSURE OF PRIVATE STREET**

Department of Local Government,  
Perth, 15 January 1999.

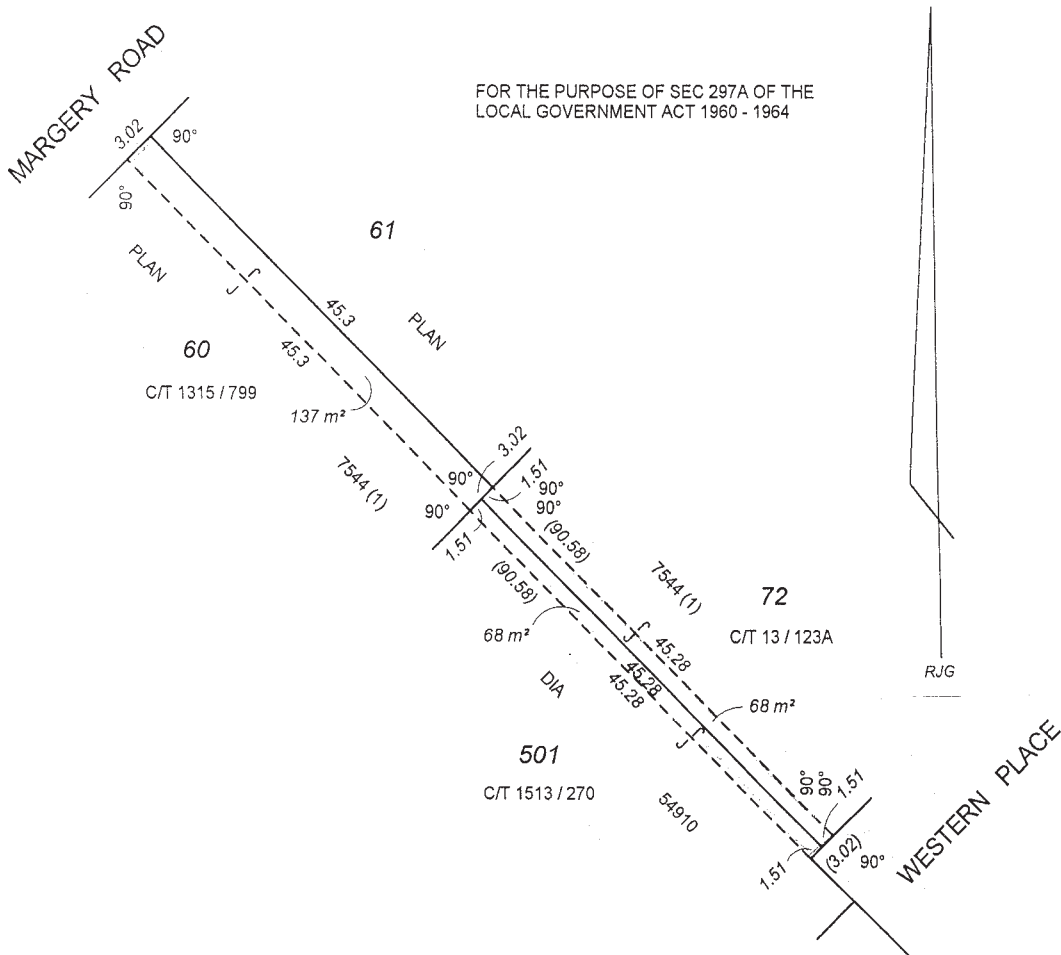
LG: KM4-12

It is hereby notified for public information that His Excellency the Governor has approved under section 297A of the *Local Government (Miscellaneous Provisions) Act 1960*, the resolution passed by the Shire of Kalamunda that portion of the private street which is described as being portion of Swan Location 1327, being portion of the land coloured brown on Plan 7544(1) and being part of the land contained in Certificate of Title Volume 1205 Folio 166 be closed, and the land contained therein be amalgamated with adjoining Lot 60 Margery Road, Lot 72 Western Place and Lot 501 Western Avenue, High Wycombe, as shown in the Schedule hereunder.

JOHN LYNCH, Executive Director,  
Department of Local Government

SCHEDULE

DIAGRAM No. 96354



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**MINERALS AND ENERGY**


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**MN401\*****COMMONWEALTH PETROLEUM (SUBMERGED LANDS) ACT 1967****EXPIRY OF EXPLORATION PERMIT WA-74-P**

Notice is hereby given that Exploration Permit WA-74-P held by Petroz NL, Pontoon NL, Idemitsu Oil Exploration (Sahul) Pty Ltd and Westranch Holdings Pty Ltd expired on 31 December 1998.

W. L. TINAPPLE, Director Petroleum Operations Division.

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**MN402\***

State of Western Australia

**PETROLEUM ACT 1967****NOTICE OF RENEWAL OF EXPLORATION PERMIT**

EXPLORATION PERMIT No. EP 386 held by Amity Oil NL, Bonaparte Gulf Oil & Gas Pty Ltd, Frontier Bonaparte Pty Ltd and Geopetro Resources Company has been renewed to have effect for a period of five (5) years from the 12th day of January 1999.

W. L. TINAPPLE, Director Petroleum Operations Division.

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**MN404\*****MINING ACT 1978****NOTICE OF INTENTION TO FORFEIT**

Department of Minerals & Energy,  
Perth WA 6000.

In accordance with Regulation 50(b) of the Mining Act 1978, notice is hereby given that unless the rent due on the undermentioned licences and leases is paid on or before 29 January 1999 it is the intention of the Hon Minister for Mines under the provisions of Sections 96A(1) and 97(1) of the Mining Act 1978-1983 to forfeit such for breach covenant, viz, non-payment of rent.

L. C. RANFORD, Director General.

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| Number  | Holder  | Mineral Field         |
|---------|---|-----------------------|
|         | <b>Exploration Licences</b>                       |                       |
| 08/955  | Ashburton Gold Mines NL                           | Ashburton             |
| 08/1010 | Delta Gold Exploration Pty Ltd                    | Ashburton             |
| 08/1011 | Delta Gold Exploration Pty Ltd                    | Ashburton             |
| 09/871  | Intension NL                                      | Gascoyne              |
| 09/880  | Aurich Pty Ltd                                    | Gascoyne              |
| 15/365  | Triton Resources Ltd                              | Coolgardie            |
| 15/366  | Triton Resources Ltd                              | Coolgardie            |
| 20/156  | Elixir Holdings Pty Ltd<br>Mount Kersey Mining NL | Murchison             |
| 20/327  | Astro Mining NL                                   | Murchison             |
| 20/328  | Astro Mining NL                                   | Murchison             |
| 20/329  | Astro Mining NL                                   | Murchison             |
| 20/330  | Astro Mining NL                                   | Murchison             |
| 20/331  | Astro Mining NL                                   | Murchison             |
| 20/332  | Astro Mining NL                                   | Murchison             |
| 20/333  | Astro Mining NL                                   | Murchison             |
| 20/334  | Astro Mining NL                                   | Murchison             |
| 20/335  | Astro Mining NL                                   | Murchison             |
| 20/336  | Astro Mining NL                                   | Murchison             |
| 20/338  | Astro Mining NL                                   | Murchison             |
| 20/339  | Astro Mining NL                                   | Murchison             |
| 20/340  | Astro Mining NL                                   | Murchison             |
| 21/67   | Richmond, William Robert<br>Ruane, Michael        | Murchison             |
| 27/93   | Gindalbie Gold NL                                 | North East Coolgardie |
| 27/116  | Gindalbie Gold NL                                 | North East Coolgardie |
| 27/117  | Gindalbie Gold NL                                 | North East Coolgardie |
| 36/372  | Dalla-Costa, Melville Raymond<br>Serec Pty Ltd    | East Murchison        |



| Number                                 | Holder  | Mineral Field  |
|--|---|----------------|
| Exploration Licences— <i>continued</i> |   |                |
| 36/373                                 | Dalla-Costa, Melville Rayrond<br>Serec Pty Ltd      | East Murchison |
| 36/374                                 | Western Diamond Corporation NL                      | East Murchison |
| 36/376                                 | Western Diamond Corporation NL                      | East Murchison |
| 36/377                                 | Western Diamond Corporation NL                      | East Murchison |
| 37/378                                 | Great Central Mines Ltd                             | Mt Margaret    |
| 37/455                                 | Bronzewing Gold NL<br>Wear Services Pty Ltd         | Mt Margaret    |
| 38/712                                 | Audax Resources NL<br>Richardson, Brian Dudley      | Mt Margaret    |
| 38/790                                 | Johnson's Well Mining NL                            | Mt Margaret    |
| 39/429                                 | Imperial Mining NL                                  | Mt Margaret    |
| 39/430                                 | Imperial Mining NL                                  | Mt Margaret    |
| 39/436                                 | Imperial Mining NL                                  | Mt Margaret    |
| 46/433                                 | Bougainvillaea Holdings Pty Ltd<br>Degrey Mining NL | Pilbara        |
| 47/756                                 | Vageta Pty Ltd                                      | West Pilbara   |
| 52/553                                 | Sons of Gwalia Ltd                                  | Peak Hill      |
| 52/875                                 | Mining & Precision Blasting Services P/L            | Peak Hill      |
| 52/998                                 | Vageta Pty Ltd                                      | Peak Hill      |
| 52/1073                                | Australian Gold Resources Ltd                       | Peak Hill      |
| 52/1097                                | Astro Mining NL                                     | Peak Hill      |
| 52/1098                                | Astro Mining NL                                     | Peak Hill      |
| 52/1099                                | Astro Mining NL                                     | Peak Hill      |
| 52/1100                                | Astro Mining NL                                     | Peak Hill      |
| 52/1101                                | Astro Mining NL                                     | Peak Hill      |
| 53/386                                 | Great Central Mines Ltd                             | East Murchison |
| 53/387                                 | Great Central Mines Ltd                             | East Murchison |
| 53/394                                 | Great Central Mines Ltd                             | East Murchison |
| 53/582                                 | Carnbrian Resources NL<br>Legendre, Bruce Robert    | East Murchison |
| 58/191                                 | Cooper West Pty Ltd                                 | Murchison      |
| 58/206                                 | Windimurra Resources Pty Ltd                        | Murchison      |
| 59/702                                 | Windale Nominees Pty Ltd                            | Yalgoo         |
| 59/770                                 | Windimurra Resources Pty Ltd                        | Yalgoo         |
| 59/771                                 | Windimurra Resources Pty Ltd                        | Yalgoo         |
| 59/772                                 | Windimurra Resources Pty Ltd                        | Yalgoo         |
| 59/773                                 | Windimurra Resources Pty Ltd                        | Yalgoo         |
| 59/775                                 | Windimurra Resources Pty Ltd                        | Yalgoo         |
| 59/796                                 | Aarex Resources NL                                  | Yalgoo         |
| 63/439                                 | Sifam Pty Ltd                                       | Dundas         |
| 69/1307                                | Jadetex Minerals Pty Ltd                            | Warburton      |
| 69/1308                                | Jadetex Minerals Pty Ltd                            | Warburton      |
| 69/1309                                | Jadetex Minerals Pty Ltd                            | Warburton      |
| 69/1310                                | Jadetex Minerals Pty Ltd                            | Warburton      |
| 69/1311                                | Jadetex Minerals Pty Ltd                            | Warburton      |
| 69/1312                                | Jadetex Minerals Pty Ltd                            | Warburton      |
| 69/1313                                | Jadetex Minerals Pty Ltd                            | Warburton      |
| 69/1314                                | Jadetex Minerals Pty Ltd                            | Warburton      |
| 69/1315                                | Jadetex Minerals Pty Ltd                            | Warburton      |
| 77/535                                 | Enterprise Gold Mines NL                            | Yilgarn        |

| Number        | Holder   | Mineral Field         |
|---------------|--|-----------------------|
| Mining Leases |  |                       |
| 08/141        | Forrest, Donald Kay<br>Wilkin, Robert Keith                          | Ashburton             |
| 15/621        | Conquest Mining NL<br>Nexus Minerals NL                              | Coolgardie            |
| 15/622        | Conquest Mining NL<br>Nexus Minerals NL                              | Coolgardie            |
| 20/246        | Burmine Exploration NL   | Murchison             |
| 20/348        | Hewitt Alison Mollie<br>Jewellery International BVBA<br>Lee, Anthony | Murchison             |
| 27/177        | Birch, Frederick George  | North East Coolgardie |
| 29/30         | Cock's Mining NL   | North Coolgardie      |
| 29/74         | Cock's Mining  | North Coolgardie      |
| 31/80         | Heron Resources NL   | North Coolgardie      |
| 31/81         | Heron Resources  | North Coolgardie      |
| 36/312        | Great Central Mines Ltd  | East Murchison        |
| 36/318        | Great Central Mines Ltd  | East Murchison        |
| 36/319        | Great Central Mines Ltd  | East Murchison        |

| Number                         | Holder   | Mineral Field    |
|--------------------------------|--|------------------|
| <i>Mining Leases—continued</i> |  |                  |
| 36/320                         | Creasy, Mark Gareth<br>Great Central Mines Ltd | East Murchison   |
| 36/321                         | Creasy, Mark Gareth<br>Great Central Mines Ltd | East Murchison   |
| 36/322                         | Creasy, Mark Gareth<br>Great Central Mines Ltd | East Murchison   |
| 36/323                         | Creasy, Mark Gareth<br>Great Central Mines Ltd | East Murchison   |
| 37/414                         | Triton Resources Ltd                           | Mt Margaret      |
| 37/415                         | Triton Resources Ltd                           | Mt Margaret      |
| 39/298                         | Dowling, John Francis<br>Wanless, Robert James | Mt Margaret      |
| 40/155                         | Mount Kersey Mining NL                         | North Coolgardie |
| 40/156                         | Mount Kersey Mining NL                         | North Coolgardie |
| 52/260                         | Astro Mining NL                                | Peak Hill        |
| 52/416                         | Astro Mining NL                                | Peak Hill        |
| 53/284                         | Creasy, Mark Gareth<br>Great Central Mines Ltd | East Murchison   |
| 53/285                         | Creasy, Mark Gareth<br>Great Central Mines Ltd | East Murchison   |
| 53/286                         | Creasy, Mark Gareth<br>Great Central Mines Ltd | East Murchison   |
| 53/287                         | Creasy, Mark Gareth<br>Great Central Mines Ltd | East Murchison   |
| 53/288                         | Creasy, Mark Gareth<br>Great Central Mines Ltd | East Murchison   |
| 53/298                         | Great Central Mines Ltd                        | East Murchison   |
| 53/299                         | Great Central Mines Ltd                        | East Murchison   |
| 53/300                         | Great Central Mines Ltd                        | East Murchison   |
| 53/301                         | Great Central Mines Ltd                        | East Murchison   |
| 53/302                         | Great Central Mines Ltd                        | East Murchison   |
| 53/303                         | Great Central Mines Ltd                        | East Murchison   |
| 53/304                         | Great Central Mines Ltd                        | East Murchison   |
| 53/305                         | Great Central Mines Ltd                        | East Murchison   |
| 53/416                         | Great Central Mines Ltd                        | East Murchison   |
| 53/417                         | Great Central Mines Ltd                        | East Murchison   |
| 59/131                         | Scomac Mining Pty Ltd                          | Yalgoo           |
| 77/166                         | Strange, Vernon Lesley                         | Yilgarn          |

**MN406****MINING ACT 1978**

The Minister for Mines pursuant to the powers conferred on him by Section 57(4) of the Mining Act 1978 does hereby cancel the declaration made on 13 October 1978 and gazetted at page 6095 of *Government Gazette* dated 6 November 1978 and substitutes the following declaration—

I declare that no application for an exploration licence shall be made with respect to the land within the graticular sections depicted in the following schedule—

**SCHEDULE**

|               |  |
|---------------|--|
| Plan name:    | Oakover River 1:1,000,000  |
| Locality:     | Nullagine  |
| Primary Block | Graticular Sections  |
| 1445          | w, x, y  |
| 1515          | u, z   |
| 1516          | q, r, s, t, u, v, w, x, y, z                                     |
| 1517          | b, c, d, e, g, h, j, k, m, n, o, p, q, r, s, t, u, v, w, x, y, z |
| 1518          | All  |
| 1586          | f, g, h, j, k, l, m, n, o, p, q, r, s, t, u, v, w, x, y, z       |
| 1587          | e, f, g, h, j, k, l, m, n, o, p, q, r, s, t, u, v, w, x, y, z    |
| 1588          | a, b, c, d, e, f, g, h, j, k, l, m, n, o, p, q, r, s, v, w, x    |
| 1589          | a, b, c, d, e, f, g, h, j, k, l, m, n, o, p                      |
| 1590          | a, b, c, d, e, f, g, h, j, k, l, m, n, o, p                      |
| 1658          | All  |
| 1659          | a, b, c, d, e, f, g, h, j, k, l, q, v                            |

Dated this 21st day of December 1998.

NORMAN MOORE, Minister for Mines.

**MN405****MINING ACT 1978**

Department of Minerals and Energy,  
Perth, WA 6000.

I hereby declare in accordance with the provisions of Section 99(1)(a) of the Mining Act 1978 that the undermentioned Exploration Licences are forfeited for breach of covenant, viz; non compliance with expenditure conditions with prior right of application being granted to the plaintiffs under Section 100(2).

NORMAN MOORE, Minister for Mines.

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**SOUTH WEST MINERAL FIELD**
**Exploration Licences**

70/1841—Richard Read and Associates Pty Ltd

70/1842—Richard Read and Associates Pty Ltd

70/1843—Richard Read and Associates Pty Ltd

**MN407****MINING ACT 1978**

Department of Minerals & Energy,  
Perth, WA 6000.

I hereby declare in accordance with the provisions of Sections 96A(1) of the Mining Act 1978 that the undermentioned mining tenements are forfeited for breach of covenant viz; non payment of rent.

NORMAN MOORE, Minister for Mines.

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| Number  | Holder  | Mineral Field  |
|---------|---|----------------|
|         | <b>Exploration Licences</b>                       |                |
| 36/375  | Western Diamond Corporation NL                    | East Murchison |
| 45/1889 | O'Brien, Rodney John                              | Pilbara        |
| 52/1190 | Eureka Stockade Pty Ltd                           | Peak Hill      |
| 53/710  | Golden Rainbow Pty Ltd                            | East Murchison |
| 53/711  | Golden Rainbow Pty Ltd                            | East Murchison |
| 53/712  | Golden Rainbow Pty Ltd                            | East Murchison |
| 53/717  | Brooks, Rita Marian<br>Viking Estates Pty Ltd     | East Murchison |
| 59/765  | McNab, Ralph Alexander<br>Tuart Resources Pty Ltd | Yalgoo         |
| 59/766  | McNab, Ralph Alexander<br>Tuart Resources Pty Ltd | Yalgoo         |
| 59/767  | McNab, Ralph Alexander<br>Tuart Resources Pty Ltd | Yalgoo         |
| 69/543  | Lynch, Michael John                               | Warburton      |

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**MN408****MINING ACT 1978**

Department of Minerals & Energy,  
Perth, WA 6000.

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

NORMAN MOORE, Minister for Mines.

| Number       | Holder                  | Exploration Licences | Mineral Field    |
|--------------|-------------------------|----------------------|------------------|
| 52/1248      | Kelray Resources NL     |                      | Peak Hill        |
| 53/630       | Brewer, Gerard Victor   |                      | East Murchison   |
| 70/1744      | Evans, David Glyndwr    |                      | South West       |
| 80/1843      | Northern Exploration NL |                      | Kimberley        |
| Mining Lease |                         |                      |                  |
| 40/149       | Tibooburra Gold NL      |                      | North Coolgardie |

## PLANNING

### PD101\*

#### CORRECTION

#### TOWN PLANNING AND DEVELOPMENT ACT, 1928

#### ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME

#### SHIRE OF DONNYBROOK-BALINGUP

#### TOWN PLANNING SCHEME NO 4

Ref: 853/6/4/4.

It is hereby notified for public information that the notice under the above Town Planning Scheme No 4 published at page 972 of the *Government Gazette* No 31 dated 11 March, 1994, contained an error which is now corrected as follows:

Table No 1 displayed on pages 976 and 977 to be replaced with attached table.

TABLE No. 1

### USE CLASSES

|                                      | URBAN | RESIDENTIAL | SPECIAL RESIDENTIAL | RURAL RESIDENTIAL | GENERAL FARMING PASTORAL | GENERAL FARMING SCENIC | INTENSIVE FARMING | COMMERCIAL | CRAFT COMMERCIAL | LIGHT INDUSTRY | GENERAL INDUSTRY | SPECIAL USE |
|--------------------------------------|-------|-------------|---------------------|-------------------|--------------------------|------------------------|-------------------|------------|------------------|----------------|------------------|-------------|
| 1 Aged or Dependant Persons Dwelling | AA    | AA          | SA                  |                   |                          |                        |                   |            |                  |                |                  |             |
| 2 Amusement Centre                   | AA    |             |                     |                   |                          |                        |                   | AA         | AA               |                |                  |             |
| 3 Art Gallery                        | AA    | AA          | AA                  | AA                | AA                       | AA                     | AA                | AA         | P                |                |                  |             |
| 4 Camping Park                       | AA    |             |                     |                   | AA                       | IP                     |                   |            |                  |                |                  |             |
| 5 Caravan Park                       | AA    |             |                     |                   |                          |                        |                   |            |                  |                |                  |             |
| 6 Caretakers Dwelling                | AA    |             |                     |                   | IP                       | IP                     | IP                | IP         | AA               | IP             | IP               |             |
| 7 Car Park                           | P     | AA          | AA                  |                   | AA                       | AA                     |                   | AA         | AA               | AA             | AA               |             |
| 8 Car Sales                          | AA    |             |                     |                   |                          |                        |                   | AA         |                  | AA             | AA               |             |
| 9 Car Wreckers                       | AA    |             |                     |                   |                          |                        |                   |            |                  | AA             | P                |             |
| 10 Cemetary                          | AA    | AA          |                     |                   | AA                       | AA                     |                   |            |                  |                |                  |             |
| 11 Civic Building                    | P     |             |                     |                   | AA                       | AA                     | AA                | AA         | AA               |                |                  |             |
| 12 Club                              | AA    |             |                     |                   | AA                       | AA                     | AA                | AA         | AA               | AA             |                  |             |
| 13 Consulting Rooms                  | AA    |             |                     |                   |                          |                        |                   | P          |                  |                |                  |             |
| 14 Cottage Industry                  | AA    | AA          | AA                  | AA                | AA                       | AA                     | AA                |            | AA               |                |                  |             |
| 15 Day Care Centre                   | AA    | AA          | AA                  | AA                | AA                       | AA                     |                   | AA         | AA               |                |                  |             |
| 16 Dog Kennels                       |       |             |                     |                   | P                        | AA                     | AA                |            |                  |                |                  |             |
| 17 Drive-in Takeaway                 | AA    |             |                     |                   | AA                       |                        |                   | AA         |                  | AA             | AA               |             |
| 18 Drive-in Theatre                  | AA    |             |                     |                   | AA                       |                        |                   |            |                  |                |                  |             |
| 19 Dry Cleaning Premises             | AA    |             |                     |                   |                          |                        |                   | AA         | AA               | AA             | P                |             |
| 20 Dwelling House                    | AA    | P           | P                   | P                 | P                        | P                      | P                 |            | AA               |                |                  |             |
| 21 Eating House                      | AA    |             |                     |                   | AA                       |                        |                   | AA         | AA               |                |                  |             |

AS SPECIFIED IN SCHEDULE NO 4

TABLE No. 1—*continued*

## USE CLASSES

|                                | URBAN | RESIDENTIAL | SPECIAL RESIDENTIAL | RURAL RESIDENTIAL | GENERAL FARMING PASTORAL | GENERAL FARMING SCENIC | INTENSIVE FARMING | COMMERCIAL | CRAFT COMMERCIAL | LIGHT INDUSTRY | GENERAL INDUSTRY | SPECIAL USE |
|--------------------------------|-------|-------------|---------------------|-------------------|--------------------------|------------------------|-------------------|------------|------------------|----------------|------------------|-------------|
| 22 Educational Establishment   | P     | AA          |                     |                   | AA                       | AA                     | AA                | P          |                  |                |                  |             |
| 23 Extractive Industry         |       |             |                     |                   | AA                       | AA                     |                   |            |                  |                |                  |             |
| 24 Fish Shop                   | AA    |             |                     |                   |                          |                        |                   | AA         |                  |                |                  |             |
| 25 Fuel Depot                  | AA    |             |                     |                   |                          |                        |                   |            |                  | AA             | P                |             |
| 26 Funeral Parlour             | AA    |             |                     |                   |                          |                        |                   | AA         |                  | AA             |                  |             |
| 27 General Industry            |       |             |                     |                   |                          |                        |                   |            |                  |                | P                |             |
| 28 Grouped Dwelling            | AA    | AA          |                     |                   |                          |                        |                   |            |                  |                |                  |             |
| 29 Health Studio               | AA    |             |                     |                   |                          |                        |                   | AA         |                  |                |                  |             |
| 30 Holiday Accommodation       | AA    |             |                     |                   | AA                       | AA                     | AA                |            |                  |                |                  |             |
| 31 Home Occupation             | AA    | AA          | AA                  | AA                | AA                       | AA                     | AA                |            |                  |                |                  |             |
| 32 Hospital                    | AA    |             |                     |                   | AA                       |                        |                   | AA         |                  |                |                  |             |
| 33 Hotel                       | AA    |             |                     |                   | AA                       | AA                     |                   | AA         |                  |                |                  |             |
| 34 Institutional Building      | AA    | AA          |                     |                   | AA                       |                        |                   |            |                  |                |                  |             |
| 35 Institutional Home          | AA    | AA          |                     |                   | AA                       |                        |                   |            |                  |                |                  |             |
| 36 Intensive Cultivation       | AA    |             |                     | AA                | P                        | AA                     | P                 |            |                  |                |                  |             |
| 37 Licenced Restaurant         | AA    |             |                     |                   | AA                       |                        |                   | AA         | AA               |                |                  |             |
| 38 Light Industry              | AA    |             |                     |                   | AA                       |                        |                   |            |                  | P              | AA               |             |
| 39 Liquor Store                | AA    |             |                     |                   |                          |                        |                   | P          |                  |                |                  |             |
| 40 Medical Centre              | AA    |             |                     |                   |                          |                        |                   | P          |                  |                |                  |             |
| 41 Milk Depot                  | AA    |             |                     |                   | AA                       | AA                     |                   | AA         |                  | AA             | AA               |             |
| 42 Motel                       | AA    |             |                     |                   |                          |                        |                   | AA         |                  |                |                  |             |
| 43 Motor Repair Station        | AA    |             |                     |                   |                          |                        |                   | AA         |                  |                | AA               |             |
| 44 Multiple Dwelling           | AA    | AA          |                     |                   |                          |                        |                   | AA         |                  | P              | AA               |             |
| 45 Nursery                     | AA    |             |                     |                   | P                        |                        | AA                | AA         |                  | P              |                  |             |
| 46 Office                      | AA    |             |                     |                   |                          |                        |                   | P          | AA               | IP             | IP               |             |
| 47 Petrol Filling Station      | AA    |             |                     |                   | AA                       |                        | AA                | AA         |                  | P              | P                |             |
| 48 Plantation                  |       |             |                     |                   | AA                       | AA                     | AA                |            |                  |                |                  |             |
| 49 Produce Store               | AA    |             |                     |                   | AA                       |                        | AA                |            |                  | AA             |                  |             |
| 50 Professional Office         | AA    |             |                     |                   |                          |                        |                   | P          | IP               | IP             | IP               |             |
| 51 Public Amusement            | AA    |             |                     |                   |                          |                        |                   | AA         | AA               |                |                  |             |
| 52 Public Assembly             | AA    |             |                     |                   | AA                       |                        |                   | AA         | AA               | AA             |                  |             |
| 53 Public Recreation           | P     | P           | P                   | P                 | P                        | AA                     | AA                | IP         | IP               | P              | AA               |             |
| 54 Public Utility              | AA    | AA          | AA                  | AA                | AA                       | AA                     | AA                | AA         | AA               | AA             | AA               |             |
| 55 Public Worship              | AA    | AA          | AA                  |                   | AA                       | AA                     | AA                | AA         | AA               | AA             | AA               |             |
| 56 Radio/TV Installation       | AA    |             |                     |                   | AA                       |                        | AA                | AA         |                  | AA             | AA               |             |
| 57 Reformatory                 |       |             |                     |                   | AA                       |                        |                   |            |                  |                |                  |             |
| 58 Residential Building        | AA    | AA          | AA                  |                   | AA                       |                        | AA                | AA         |                  |                |                  |             |
| 59 Restaurant                  | AA    |             |                     |                   | AA                       |                        |                   | AA         | AA               |                |                  |             |
| 60 Rural Industry              | AA    |             |                     |                   | AA                       | AA                     | AA                |            |                  | AA             | AA               |             |
| 61 Rural Pursuit               | AA    |             |                     | AA                | P                        | AA                     | P                 |            |                  |                |                  |             |
| 62 Service Station             | AA    |             |                     |                   | AA                       |                        | AA                | AA         | AA               | P              |                  |             |
| 63 Single House                | P     | P           | P                   | P                 | P                        | P                      | P                 | AA         | AA               | P              |                  |             |
| 64 Shop                        | AA    |             |                     |                   |                          |                        |                   | P          | AA               | IP             |                  |             |
| 65 Showroom                    | AA    |             |                     |                   |                          |                        |                   | P          | AA               | AA             |                  |             |
| 66 Sportsground                | AA    |             |                     |                   | AA                       |                        | AA                |            |                  |                |                  |             |
| 67 Stable                      | AA    |             |                     | AA                | P                        | AA                     | P                 |            |                  |                |                  |             |
| 68 Tavern                      | AA    |             |                     |                   | AA                       | AA                     |                   | AA         |                  |                |                  |             |
| 69 Tourist Use                 | AA    |             |                     |                   | IP                       | IP                     | IP                |            | AA               |                |                  |             |
| 70 Trade Display               | AA    |             |                     |                   |                          |                        |                   | AA         | AA               | AA             | AA               |             |
| 71 Transport Depot             | AA    |             |                     |                   |                          |                        | AA                |            |                  | AA             | AA               |             |
| 72 Veterinary Consulting Rooms | AA    |             |                     | AA                | AA                       | AA                     | AA                | AA         |                  |                |                  |             |
| 73 Veterinary Hospital         | AA    |             |                     |                   | AA                       |                        |                   |            |                  |                |                  |             |
| 74 Warehouse                   | AA    |             |                     |                   |                          |                        | AA                | AA         |                  | P              | P                |             |
| 75 Zoological Garden           | AA    |             |                     |                   | AA                       | AA                     | AA                |            |                  |                |                  |             |

AS SPECIFIED IN SCHEDULE NO 4

**PD401\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
 TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION  
*CITY OF ALBANY*  
 TOWN PLANNING SCHEME NO 3—AMENDMENT NO 177

Ref: 853/5/4/5, Pt. 177.

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

1. Rezoning Lot 3, 4 and 5 of Plantagenet Location 439, Plantagenet Locations 618, 796, 940, 964 and portion of Plantagenet Locations 515 and 892, Willyung Road, Albany from the Rural zone to the Special Residential zone, Parks and Recreation reserve (non-restricted) and Landscape Protection zone.
2. Rezoning portion of Plantagenet Locations 515 and 892 from the Rural zone to Special Use zone for tourist orientated purposes.
3. Introducing a new Landscape Protection zone into the Scheme Text.

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 26 February, 1999.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before 26 February, 1999.

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  
*SHIRE OF DENMARK*  
 TOWN PLANNING SCHEME NO 3—AMENDMENT NO 40

Ref: 853/5/7/3, Pt. 40.

Notice is hereby given that the local government of the Shire of Denmark has prepared the abovementioned scheme amendment for the purpose of recoding Lot 624 Zimmermann Street, Denmark from Residential "R2.5" to Residential "R20".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Strickland Street, Denmark 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 26 February, 1999.

Submissions on the scheme amendment and Concept Plan may be made in writing on Form No 4 and lodged with the undersigned on or before 26 February, 1999.

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.

P. DURTANOVICH, Chief Executive Officer.

**PD403\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*SHIRE OF MEEKATHARRA*  
 TOWN PLANNING SCHEME NO 3—AMENDMENT NO 3

Ref: 853/9/4/3, Pt. 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 Acting Hon Minister for Planning approved the Shire of Meekatharra Town Planning Scheme Amendment on 7 January, 1999 for the purpose of removing Lots 56 and 57 Main Street, Meekatharra, from the 'Commercial' Zone and adding them to the Local Reserve for Public Purposes; and amending the Scheme Maps accordingly.

T. R. HUTCHINSON, President.  
 M. T. HOWIESON, Chief Executive Officer.

**PD404\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF MURRAY*

## TOWN PLANNING SCHEME NO 4—AMENDMENT NO 132

Ref: 853/6/16/7, Pt. 132.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Acting Hon Minister for Planning approved the Shire of Murray Town Planning Scheme Amendment on 7 January, 1999 for the purpose of amending Schedule 3—Canal Development Zone—by including in that section relating to “Yunderup Canal Estate—Stage 1” the following additional item—

| Permitted Uses          | Development Control Provisions  |
|-------------------------|---|
| 6. Jetties and Moorings | In accordance with Council’s adopted Policy and subject to the approval of the Department of Transport. |

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

**PD405\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF MURRAY*

## TOWN PLANNING SCHEME NO 4—AMENDMENT NO 135

Ref: 853/6/16/7, Pt. 135.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Acting Hon Minister for Planning approved the Shire of Murray Town Planning Scheme Amendment on 7 January, 1999 for the purpose of altering clause 2 of the Special Provisions relating to the Coral Park Special Rural Estate as follows—

1. inserting in clause 2(b) (‘AA’ uses) ‘Stables’; and
2. deleting from clause 2(c) (‘X’ uses) ‘Stables’.

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

**PD406\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF SWAN*

## TOWN PLANNING SCHEME NO 9—AMENDMENT NO 320

Ref: 853/2/21/10, Pt. 320.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Acting Hon Minister for Planning approved the Shire of Swan Town Planning Scheme Amendment on 7 January, 1999 for the purpose of amending the Scheme Text by adding to “Appendix 6B—Additional or Restricted Uses” in the various columns, the following—

| Locality    | Street & Land Particulars     | Additional or Restricted Uses and Conditions  |
|-------------|-------------------------------|---|
| Middle Swan | Lot 18 Great Northern Highway | <ol style="list-style-type: none"> <li>1. the following use is an additional use—<br/>“P” Use—Wooden Furniture Making</li> <li>2. the additional use is restricted to an area of 990m<sup>2</sup> as shown on the Scheme Maps.</li> </ol> |

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

**PD407\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF SWAN*

## TOWN PLANNING SCHEME NO 9—AMENDMENT NO 334

Ref: 853/2/21/10, Pt. 334.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Acting Hon Minister for Planning approved the Shire of Swan Town Planning Scheme Amendment on 7 January, 1999 for the purpose of—

- Amending the Scheme Text by adding to Appendix 6B in the various columns, the following—
 

| <u>Locality</u> | <u>Street and Land Particulars</u>        | <u>Additional or Restricted<br/>Uses &amp; Conditions</u>   |
|-----------------|---|---|
| Upper Swan      | Lot 26 Great Northern Highway/Copley Road | 1. The following uses are additional uses. "P" Use—(Sales and Assembly of Transportable Buildings). |
- Amending the Scheme Maps to insert the Additional Use symbol on Lot 26, Great Northern Highway/Copley Road, Upper Swan.

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

**PD408\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF TOODYAY*

## TOWN PLANNING SCHEME NO 1—AMENDMENT NO 44

Ref: 853/4/28/2, Pt. 44.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Acting Hon Minister for Planning approved the Shire of Toodyay Town Planning Scheme Amendment on 7 January, 1999 for the purpose of:

- Rezoning Pt Lot 0 of Avon Location V, Northam-Toodyay Road, from "Rural 5" to "Special Site" as depicted on the Amending Map.
- Adding Pt Lot 0 in Avon Location V, Northam-Toodyay Road, to the list of "Special Sites" in Schedule C of the Scheme Text together with appropriate development controls as follow—

| <u>Description of Site</u>                        | <u>Permitted Uses and Provisions Applying to Special Site</u>  |
|---|--|
| Pt Lot 0 of Avon Location V, Northam-Toodyay Road | Toodyay Baptist Church for Religious Purposes, Church Dwelling and ancillary uses in accordance with the Concept Plan approved by Council. |

A. J. BOLTON, President.  
A. SMITH, Chief Executive Officer.

**PD409\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*TOWN OF NARROGIN*

## TOWN PLANNING SCHEME NO 2—AMENDMENT NO 7

Ref: 853/4/2/10, Pt. 7.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Acting Hon Minister for Planning approved the Town of Narrogin Town Planning Scheme Amendment on 7 January, 1999 for the purpose of—

- Rezoning Part Dumberning AA Lot 241 (Reserve 36956) from "Recreation" Zone to "General Industry" Zone.
- Rezoning Part Dumberning AA Lot 258 from "General Industry" Zone to "Recreation" Zone.
- Rezoning Part of Lot 259 Stewart Road from "General Industry" Zone to "Recreation" Zone.

R. W. MAXWELL, Mayor.  
S. D. TINDALE, Chief Executive Officer.



**PD410\***

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

Ref: 853/4/21/2.

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 Narembeen Town Planning Scheme No 2 on 23 December, 1998—the Scheme Text of which is published as a Schedule annexed hereto.

H. W. COWAN, President.  
A. B. WRIGHT, Chief Executive Officer.

SCHEDULE  
SHIRE OF NAREMBEEN  
**TOWN PLANNING SCHEME NO. 2**

The Narembeen Shire Council, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 1928 (as amended), hereby makes the following town planning scheme for the purposes laid down in the act.

SCHEME TEXT  
**ARRANGEMENT**

Part 1—Preliminary

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

Part 2—Reserves

- 2.1 Scheme Reserves

Part 3—Zones

- 3.1 Zones
- 3.2 Zoning Table
- 3.3 Additional Uses
- 3.4 Special Use Zones

Part 4—General Development Requirements

- 4.1 Residential Development: Residential Planning Codes
- 4.2 Car Parking Requirements
- 4.3 Discretion to Modify Development Standards
- 4.4 Development Limited by Liquid Waste Disposal
- 4.5 Supply of Potable Water
- 4.6 Transported Dwellings
- 4.7 Development of Lots Abutting Unconstructed Roads
- 4.8 Home Occupation
- 4.9 Residential Zone
- 4.10 Town Centre Zone
- 4.11 Rural Townsite Zone
- 4.12 Industrial Zone
- 4.13 Special Rural Zones
- 4.14 Rural Enterprise Zone
- 4.15 Farming Zone

Part 5—Heritage—Precincts and Places of Cultural Significance

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

Part 6—Use and Development of Land

- 6.1 Requirements for Planning Approval
- 6.2 Application for Planning Approval

- 6.3 Advertising of Applications
- 6.4 Consultations with Other Authorities
- 6.5 Matters to be Considered by the Council
- 6.6 Determination of Applications
- 6.7 Deemed Refusal
- 6.8 Approval Subject to Later Approval of Details
- 6.9 Approval of Existing Development

#### Part 7—Non-conforming Uses

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

#### Part 8—Administration

- 8.1 Powers of the Scheme
- 8.2 Offences
- 8.3 Notice for Removal of Certain Buildings
- 8.4 Compensation
- 8.5 Election to Purchase and Valuation
- 8.6 Rights of Appeal
- 8.7 Planning Policies
- 8.8 Delegation
- 8.9 Amendments to the Scheme

### SCHEDULES

- 1 Definitions
- 2 Additional Uses
- 3 Special Use Zone
- 4 Special Rural Zone
- 5 Application for Approval
- 6 Notice of Public Advertisement of Development Proposal
- 7 Decision on Application for Planning Approval

### PART 1—PRELIMINARY

#### 1.1 Citation:

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

#### 1.2 Responsible Authority:

The Authority responsible for implementing the Scheme is the Council of the Shire of Narembeen hereinafter called "the Council".

#### 1.3 Scheme Area:

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

#### 1.4 Revocation:

The Shire of Narembeen Town Planning Scheme No. 1 published in the *Government Gazette* of 17 May 1968 and all amendments thereto is hereby revoked.

#### 1.5 Contents of Scheme:

The Scheme comprises:

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

#### 1.6 Arrangement of Scheme Text:

The Scheme Text is divided into the following parts:

- PART 1—PRELIMINARY
- PART 2—RESERVES
- PART 3—ZONES
- PART 4—GENERAL DEVELOPMENT REQUIREMENTS
- PART 5—HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE
- PART 6—USE AND DEVELOPMENT OF LAND
- PART 7—NON-CONFORMING USES
- PART 8—ADMINISTRATION

#### 1.7 Scheme Objectives:

The objectives of the Scheme are:

- (a) to zone the Scheme Area for the purposes described in the Scheme;
- (b) to secure the amenity health and convenience of the Scheme Area and the residents thereof;

- (c) to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;
- (d) the preservation of places of natural beauty, of historic buildings, and objects of historical and scientific interest; and
- (e) to make provision for other matters necessary or incidental to town planning and housing.

### **1.8 Definitions**

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

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

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

## **PART 2—RESERVES**

### **2.1 Scheme Reserves:**

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

PUBLIC PURPOSE  
RECREATION AND OPEN SPACE  
RAILWAY  
ROAD

## **PART 3—ZONES**

### **3.1 Zones**

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

RESIDENTIAL  
TOWN CENTRE  
RURAL TOWNSITE  
INDUSTRIAL  
SPECIAL RURAL  
RURAL ENTERPRISE  
FARMING  
SPECIAL USE

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

### **3.2 Zoning Table**

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

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

- "P" means that the use is permitted by the Scheme
- "AA" means that the use is not permitted unless the Council has granted planning approval
- "SA" means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 6.3.
- "IP" means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.

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

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

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

- (a) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted; or
- (b) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the "SA" advertising procedures of clause 6.3 in considering an application for planning approval.

### **3.3 Additional Uses:**

Notwithstanding anything contained within Table 1 "Zoning Table", the land specified in Schedule 2 may, subject to compliance with any condition specified in Schedule 2 with respect to the land, be used for the purpose set against that land. The use so specified is in addition to the other uses permitted in the zone in which the land is situated unless any of those uses are excluded or modified by a condition specified in Schedule 2.

### 3.4 Special Use Zone:

No person shall use any land, or any building or structure thereon in a Special Use zone, except for the purpose set against that land in Schedule 3 and subject to compliance with any conditions specified in Schedule 3 with respect to the land.

TABLE 1  
ZONING TABLE

| USES                                 | Residential | Town Centre | Rural Townsite | Industrial | Special Rural | Rural Enterprise | Farming |
|--------------------------------------|-------------|-------------|----------------|------------|---------------|------------------|---------|
| 1 abattoir                           |             |             |                |            |               | SA               | SA      |
| 2 aged or dependent persons dwelling | AA          |             |                |            |               |                  |         |
| 3 ancillary accommodation            | AA          |             | AA             |            | AA            |                  | AA      |
| 4 caretaker's dwelling               |             | IP          | IP             | IP         | IP            | IP               | IP      |
| 5 civic building                     |             | P           | AA             | AA         |               |                  |         |
| 6 club premises                      |             | AA          | AA             |            |               |                  |         |
| 7 education establishment            | SA          |             | AA             |            |               | AA               | AA      |
| 8 fuel depot                         |             |             |                | P          |               |                  | AA      |
| 9 grouped dwelling                   | AA          | AA          | AA             |            |               | AA               |         |
| 10 home occupation                   | AA          |             | AA             |            | AA            | AA               | AA      |
| 11 hotel                             |             | AA          | SA             |            |               |                  |         |
| 12 industry—cottage                  | AA          |             | AA             |            | AA            | AA               | AA      |
| 13 industry—extractive               |             |             |                |            |               |                  | AA      |
| 14 industry—general                  |             |             |                | AA         |               |                  |         |
| 15 industry—light                    |             |             | SA             | P          |               |                  |         |
| 16 industry—noxious                  |             |             |                | SA         |               |                  | SA      |
| 17 industry—rural                    |             |             |                |            | SA            | AA               | P       |
| 18 industry—service                  |             |             | SA             | P          |               |                  |         |
| 19 intensive agriculture             |             |             |                |            |               | AA               | P       |
| 20 motel                             | SA          | P           |                |            |               |                  |         |
| 21 motor vehicle repair              |             |             | SA             | P          |               |                  |         |
| 22 office                            |             | P           |                | AA         |               |                  |         |
| 23 piggery                           |             |             |                |            |               | SA               | SA      |
| 24 plant nursery                     | SA          | P           | AA             | P          | SA            | AA               | AA      |
| 25 poultry farm                      |             |             |                |            |               | SA               | SA      |
| 26 public utility                    | AA          | AA          | AA             | AA         | AA            | AA               | AA      |
| 27 public worship                    | AA          | AA          |                |            |               |                  |         |
| 28 residential building              | AA          | AA          |                |            |               | AA               |         |
| 29 restaurant                        |             | P           | AA             |            |               |                  |         |
| 30 rural pursuit                     |             |             |                |            | SA            | AA               | P       |
| 31 service station                   |             | SA          | SA             | AA         |               |                  | AA      |
| 32 shop                              |             | P           | AA             | SA         |               |                  |         |
| 33 single house                      | P           | AA          | P              |            | P             | AA               | P       |
| 34 transport depot                   |             | P           |                | P          |               |                  | SA      |
| 35 veterinary hospital               |             | SA          | SA             | P          | AA            |                  | AA      |

## PART 4—GENERAL DEVELOPMENT REQUIREMENTS

### 4.1 Residential Development: Residential Planning Codes

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

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

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

4.1.4 The 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.

### 4.2 Car Parking Requirements:

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

**4.3 Discretion to Modify Development Standards:**

4.3.1 Sub-clause 4.3.2 shall not apply to:

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

4.3.2 Subject to sub-clause 4.3.1, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the Council may notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

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

**4.4 Development Limited by Liquid Waste Disposal:**

Notwithstanding anything elsewhere appearing in the Scheme, the Council may refuse to issue planning approval for any development if in the opinion of the Council adequate provision is not made or cannot reasonably be made for the disposal of liquid wastes from that development.

**4.5 Supply of Potable Water:**

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

**4.6 Transported Dwellings**

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

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

**4.7 Development of Lots Abutting Unconstructed Roads:**

Notwithstanding anything elsewhere appearing in the Scheme planning approval is required for development of land abutting an unconstructed road or a lot which does not have frontage to a constructed road. In considering such an application the Council shall either:

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

**4.8 Home Occupation**

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

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

**4.9 Residential Zone**

4.9.1 Objectives

- (a) to retain the single house as the predominant form of residential development in the town.
- (b) to provide for lifestyle choice in and around the town with a range of residential densities.
- (c) to allow for the establishment of non-residential uses subject to local amenities not being adversely affected.

4.9.2 Site Requirements:

In accordance with the R Codes.

4.9.3 Development Requirements

- (a) the Council may permit a variation to the R12.5 density up to R25 for development of more than one dwelling on a lot but only where:
  - (i) adequate connection to reticulated sewerage is available;
  - (ii) in the opinion of the Council the lot is suitably located close to services and facilities; and
  - (iii) the Council after following the advertising procedures in clause 6.3 is satisfied there will not be adverse impacts on local amenities.

- (b) no horse or other hooved animal shall be kept on any lot in the Residential zone.
- (c) the Council may require the planting and the maintenance of such trees and/or groups of trees as specified by the Council on a 30 metre wide strip or land at the northern end of lots situated north of Brown Street, Narembeen and with an R5 density code.
- (d) land with the dual R Codes R2 and R12.5 may only be developed in accordance with R Code R12.5 where reticulated sewerage is provided to all lots.

#### **4.10 Town Centre Zone**

##### **4.10.1 Objectives**

- (a) to ensure the town centre remains the principal place for business and administration within the District.
- (b) to encourage a high standard of development including buildings, landscaping, and car parking.
- (c) to make the town centre an attractive place to work and to conduct business through the implementation of a townscape improvement plan.

##### **4.10.2 Site Requirements:**

At the Council's discretion.

##### **4.10.3 Development Requirements**

4.10.3.1 Development shall not exceed 2 storeys in height except where the Council considers that particular circumstances may warrant an exception being made and provided such development will not affect local amenity and will enhance the character of the town centre.

4.10.3.2 In considering an application for planning approval for a proposed development (including additions and alterations to existing development) in the town centre the Council shall have regard to the following:

- (a) the colour and texture of external building materials; the Council may require the building facade and side walls to a building depth of 3m to be constructed in masonry;
- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;
- (d) architectural style and design details of the building;
- (e) function of the building;
- (f) relationship to surrounding development; and
- (g) other characteristics considered by the Council to be relevant.

4.10.3.3 Landscaping shall complement the appearance of the proposed development and the town centre.

4.10.3.4 The layout of car parking shall have regard for traffic circulation in existing car parking areas and shall be integrated with any existing and adjoining car park.

#### **4.11 Rural Townsite Zone**

##### **4.11.1 Objectives**

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

##### **4.11.2 Site Requirements:**

In accordance with the R Codes.

#### **4.12 Industrial Zone**

##### **4.12.1 Objectives**

- (a) to encourage industrial development with diverse employment opportunities.
- (b) to provide for industry to support development in the District.

##### **4.12.2 Site Requirements:**

The following minimum building setbacks shall apply:

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

##### **4.12.3 Development Requirements:**

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

#### **4.13 Special Rural Zones**

##### **4.13.1 Objectives**

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

- (c) to locate Special Rural zones generally within 10 km of the town of Narembeen so that residents have convenient access to services and facilities without a drain on resources of the wider community.
- (d) to recommend a minimum lot size of 2.0 hectares to apply within or adjacent to the town of Narembeen, and larger lots elsewhere.

#### 4.13.2 General Provisions

- (a) Before making provision for a Special Rural zone, the Council will require the owner(s) of the land to prepare a submission supporting the creation of the Special Rural zone and such submission shall include:
  - (i) a statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area the subject of the proposed zone.
  - (ii) a plan or plans showing contours at such intervals as to adequately depict the land form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, creeks, wells and significant improvements.
  - (iii) information regarding the method whereby it is proposed to provide a potable water supply to each lot.
  - (iv) in the absence of a Rural Strategy, it will be the responsibility of each applicant for rezoning to Special Rural to prepare a land capability and suitability assessment to the satisfaction of the Council and in accordance with the Commission's Policy and Guidelines.
- (b) the Council may recommend that an Overall Plan of Subdivision or a Guide Plan be prepared for a specific area zoned Special Rural showing, amongst other things:
  - (i) the proposed ultimate subdivision including lot sizes and dimensions.
  - (ii) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities, etc. as may be considered appropriate.
  - (iii) those physical features it is intended to conserve.
  - (iv) the proposed staging of the subdivision where relevant.
- (c) the Scheme provisions for a specific Special Rural zone shall specify:
  - (i) any facilities which the purchasers of the lots will be required to provide (eg. their own potable water supply, liquid or solid waste disposal, etc).
  - (ii) proposals for the control of land uses and development which will ensure that the purpose of intent of the zone and the rural environment and amenities are not impaired.
  - (iii) any special provisions appropriate to secure the objectives of the zone.
- (d) the provisions for making recommendations on subdivision and decisions on development in specific areas zoned Special Rural shall be as laid down in Schedule 4 and future subdivision of the land shall be generally in accord with the Overall Plan of Subdivision or Guide Plan adopted by the Council for this location. The Plan shall show the minimum recommended lot size for subdivision.

#### 4.13.3 Site Requirements:

The following minimum building setbacks shall apply:

Front: 15.0m  
Rear: 10.0m  
Side: 10.0m

#### 4.13.4 Development Requirements

##### 4.13.4.1 Development in a Special Rural zone shall comply with the following:

- (a) in addition to a building licence, the Council's planning approval is required for all development including a single house and such application shall be made in accordance with the provisions of the Scheme.
- (b) not more than one dwelling per lot shall be erected but the Council may, at its discretion, approve ancillary accommodation.
- (c) in order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorised by the Council.
- (d) in order to enhance the rural amenity of the land in areas the Council considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the Council.
- (e) any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the Council. With the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a special rural zone, the Council may take any action which in the opinion of the Council is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the Council in taking such action shall be recoverable by the Council from the landowner.

##### 4.13.4.2 In considering an application for planning approval for a proposed development (including additions and alterations to existing development) the Council shall have regard to the following:

- (a) the colour and texture of external building materials;
- (b) building size, height, bulk, roof pitch;

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

#### **4.14 Rural Enterprise Zone**

##### **4.14.1 Objective**

To provide for the establishment of land uses which are complementary to the economic, social and environmental characteristics of the town of Narembeen and the region, which promote and facilitate investment opportunities, and encourage research into matters such as agronomy, salinisation of soil and water, noxious weeds and animal breeding.

##### **4.14.2 Land Uses in the Zone**

Notwithstanding anything contained in the Scheme, the Council will support land uses which are appropriate for the Rural Enterprise Zone and which are considered to be of economic benefit to the district as well as having a component of environmental benefit. Without limiting the generality of this sub-clause the land uses may include:

- Farm forestry or agroforestry, for
  - eucalyptus oil production
  - specialty timber products
  - other tree products
- Special Rural development, subject to separation from incompatible land uses
- Educational camp or activity centre or education centre with dormitory accommodation for school groups and tourists
- Research related activities
  - community agriculture centre
  - Indian Hemp for industrial purposes
  - Skeleton weed
- Intensive animal industry
  - sheep feedlots
  - piggery
- Storage facilities for hazardous chemicals used for weed control and for light industrial purposes. Parts of the zone which are suitable for this use are:
  - free from flood risk
  - have suitably impermeable subsoils
  - have greater separation from the watertable, and
  - have areas for expansion.

##### **4.14.3 Applications for Planning Approval**

In dealing with applications for planning approval in the Rural Enterprise Zone the Council will have regard for the following criteria in addition to any other matter the Council considers appropriate. The Council may require additional studies to support the proposed development.

- Separation of incompatible land uses.
- Relevant guidelines and/or Codes of Practice prepared by the Environmental Protection Authority.
- Land Capability and other studies prepared for the Rural Enterprise Zone.
- Sustainable water supply for the proposed land use(s).
- Effluent disposal requirements, and capability.
- Off site impacts

#### **4.15 Farming Zone**

##### **4.15.1 Objectives**

- (a) to ensure the continuation of broad-hectare farming as the principal land use in the District and encourage where appropriate the retention and expansion of agricultural activities.
- (b) to consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment.
- (c) to allow for facilities for tourists and travellers, and for recreation uses.

##### **4.15.2 Site Requirements:**

The following minimum building setbacks shall apply:

Front: 20.0m  
Rear: 15.0m  
Side: 15.0m

##### **4.15.3 Development Requirements:**

Except for:

- (a) establishment of a firebreak required to comply with a regulation or by-law, or
- (b) provision of access to a building site, or



- (c) the area of building, or
- (d) cash crops, or
- (e) establishment of a low fuel zone around dwellings;

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

#### 4.15.4 Subdivision:

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

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

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

#### **5.1 Purpose and Intent:**

The purpose and intent of the heritage provisions are:

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

#### **5.2 Heritage List**

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

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

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

#### **5.3 Designation of Heritage Precincts**

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

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

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

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

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

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

5.3.5 The Council may modify or may cancel a Heritage Precinct or any policy statement which relates to it by following the procedure set out in sub-clause 5.3.4.

#### **5.4 Applications for Planning Approval**

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

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

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

### 5.5 Formalities of Application

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

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

### 5.6 Variations to Scheme Provisions

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

- (a) consult the affected parties by following one or more of the provisions dealing with advertising pursuant to sub-clause 6.3.3; and
- (b) have regard to any expressed views prior to making its decision to grant the variation.

5.6.2 In granting variations under sub-clause 5.6.1 the Council may enter into a heritage agreement under Part 4 of the *Heritage of Western Australia Act 1990* (as amended) with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

## PART 6—USE AND DEVELOPMENT OF LAND

### 6.1 Requirements for Planning Approval:

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

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

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

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

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

## **6.2 Application for Planning Approval**

6.2.1 Every application for planning approval shall be made in the form prescribed in Schedule 5 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

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

- (a) a plan or plans to a scale of not less than 1:500 showing:
  - (i) street names, Lot number(s), north point and the dimensions of the site;
  - (ii) the location and proposed use of the site, including any existing building to be retained and proposed buildings to be erected on the site;
  - (iii) 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 those areas;
  - (vi) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop those areas; and
  - (vii) the nature and extent of any open space and landscaping proposed for the site.
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain; and
- (c) any other plan or information that the Council may reasonably require to enable the application to be determined.

## **6.3 Advertising of Applications**

6.3.1 Where an application is made for planning approval to commence or carry out development which involves an "SA" use the Council shall not grant planning approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause 6.3.3.

6.3.2 Where an application is made for planning approval to commence or carry out development which involves an "AA" use, or for any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 6.3.3.

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

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

6.3.4 The notice referred to in sub-clause 6.3.3 paragraphs (a) and (b) shall be in the form contained in Schedule 6 with such modifications as circumstances require.

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

## **6.4 Consultations with Other Authorities**

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

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

## **6.5 Matters to be Considered by the Council**

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

- (a) the provisions of the Scheme and any other relevant town planning scheme operating within the district;

- (b) any relevant proposed 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 the 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 received on the application.

## **6.6 Determination of Applications**

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

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

6.6.2 The Council shall convey its decision to the applicant in the form prescribed in Schedule 7 to the Scheme.

6.6.3 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.

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

## **6.7 Deemed Refusal**

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

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

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

## **6.8 Approval Subject to Later Approval of Details**

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

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

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

## **6.9 Approval of Existing Development**

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

6.9.2 The application to the Council for approval under sub-clause 6.8.1 shall be made on the form prescribed in Schedule 5.

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

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

## PART 7—NON-CONFORMING USES

### 7.1 Non-conforming Use Rights:

Except as otherwise provided in this Part, no provision of the Scheme shall prevent:

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

### 7.2 Extension of Non-conforming Use:

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

### 7.3 Change of Non-conforming Use:

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

### 7.4 Discontinuance of Non-conforming Use

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

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

### 7.5 Destruction of Buildings:

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

## PART 8—ADMINISTRATION

### 8.1 Powers of the Scheme:

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

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

### 8.2 Offences

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

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

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

### 8.3 Notice for Removal of Certain Buildings

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

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

#### **8.4 Compensation**

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

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

#### **8.5 Election to Purchase and Valuation**

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

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

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

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

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

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

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

#### **8.6 Rights of Appeal:**

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

#### **8.7 Planning Policies**

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

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

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

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

- (a) the Council having prepared and having resolved to adopt a draft policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the Scheme area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than twenty-one days) submissions may be made to the Council.
- (b) a policy which the Council considers may be inconsistent with other provisions of the Scheme or with State or regional planning policies is to be submitted to the Commission for consideration and advice.
- (c) the Council shall review the draft policy in the light of any submissions made and shall then decide to finally adopt the draft policy with or without amendment, or to not proceed with the draft policy.
- (d) following final adoption of a policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme area.

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

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

8.7.5 A policy may be rescinded by:

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

8.7.6 A policy shall not bind the Council in respect of any application for planning approval but before making its decision the Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve.

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

### **8.8 Delegation**

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

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

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

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

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

8.8.5 The performance of the function by a delegate under sub-clause 8.8.1 shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.

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

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

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

### **8.9 Amendments to the Scheme**

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

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

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

8.9.4 The Council shall take into consideration any comments or submissions received in respect of a proposed amendment 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.

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## SCHEDULE 1—DEFINITIONS

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

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

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

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

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

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

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

- battle-axe lot:** means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.
- building envelope:** means an area of land within a lot marked on a plan within which all buildings on the lot must be contained.
- camping area:** means land used for the lodging of persons in tents or other temporary shelter.
- caravan park:** means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.
- caretaker's dwelling:** means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.
- civic building:** means a building designed, used or intended to be used by a public authority or the Council as offices or for administrative or other like purpose.
- civic use:** means land and buildings used by a public authority or the Council, for administrative, recreational or other purpose.
- club premises:** means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the *Liquor Licensing Act, 1988* (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.
- Commission:** means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act 1985* (as amended).
- conservation:** means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will:
- (a) enable the cultural heritage significance of that place or precinct to be retained; and
  - (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting.
- constructed road:** means a track which has been graded and stabilised within a dedicated road reserve.
- consulting rooms:** means a building (other than a hospital or medical centre) used by practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors or persons ordinarily associated with a practitioner in the prevention or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.
- cultural heritage significance:** means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.
- development:** shall have the same meaning given to it in and for the purposes of the Act but shall also include in relation to any building, object, structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that:
- (a) is likely to change the character of the place or the external appearance of any building; or
  - (b) would constitute an irreversible alteration to the fabric of any building.
- District:** means the Municipal District of the Shire of Narembeen.
- dog kennels:** means land and buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.
- education establishment:** means a school or other educational centre, but does not include a reformatory.
- fuel depot:** means any land or building used for the storage and sale in bulk of solid, liquid, or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises.
- gazettal date:** means the date of which notice of the Minister's approval of this Scheme is published in the *Government Gazette*.
- heritage precinct:** means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.
- hobby farm:** means the use of land for the agistment of horses, the growing of vegetables, fruit and flowers and the keeping of domestic poultry for private use only and not for commercial purposes or sale and shall include any buildings normally associated therewith.
- home occupation:** means a business or activity carried out within a dwelling or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling to which it is appurtenant that:
- (a) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;
  - (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
  - (c) does not detract from the residential appearance of the dwelling or domestic outbuilding;
  - (d) does not entail employment of any person not a member of the occupier's household;



- (e) does not occupy an area greater than 20m<sup>2</sup>;
- (f) does not display a sign exceeding 0.2m<sup>2</sup> in area;
- (g) in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put;
- (h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- (i) does not entail the presence, parking, and garaging of a vehicle of more than two (2) tonnes tare weight.

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

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

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

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

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

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

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

industry—extractive: means an industry which involves:

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

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

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

industry—light: means an industry:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- place: means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes:
- (a) an area of land situated in the bed of any watercourse or lake;
  - (b) any works or buildings situated there, their contents relevant to the purpose of the Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
  - (c) as much of the land beneath the place as is required for the purposes of its conservation.
- plant nursery: means any land or buildings used for the propagation, rearing, and sale of plants and the storage and sale of products associated with horticultural and garden decor.
- potable water: means water in which the level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in "International Standards for Drinking Water" published by the World Health Organisation.
- poultry farm: means any land or buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the *Health Act, 1911* (as amended).
- private recreation: means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.
- produce store: means any land or buildings wherein fodders, fertilisers and grain are displayed and offered for sale.
- public amusement: means land and buildings used for the amusement or entertainment of the public, with or without charge.
- public authority: shall have the same meaning given to it in and for the purposes of the Act.
- public recreation: means land used for a public park, public gardens, playground or other grounds for recreation which are normally open to the public without charge.
- public utility: means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.
- public worship: means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential training institution.
- restaurant: means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant.
- restoration: means any work or process on at or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.
- rural pursuit: means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:
- (a) the rearing or agistment of goats, sheep, cattle, or beasts of burden;
  - (b) the stabling, agistment or training of horses;
  - (c) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial, or industrial gardens;
  - (d) the sale of produce grown solely on the lot;
- but does not include intensive agriculture.
- schedule: means a schedule to the Scheme.
- service station: means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating, spray painting, major repair to motor vehicles, or wrecking of vehicles.
- shop: means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in the Scheme.
- showroom: means a building wherein goods are displayed and may be offered for sale by wholesale and/or by retail, excluding the sale by retail of: foodstuffs, liquor or beverages; items of clothing or apparel, magazines, books or paper products; medical or pharmaceutical products; china, glassware or domestic hardware; and items of personal adornment.
- tavern: means land and buildings the subject of a Tavern Licence granted under the provisions of the *Liquor Licensing Act, 1988* (as amended).
- transport depot: means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.
- veterinary hospital: means a building used in connection with the treatment of sick animals and includes the care and accommodation of animals during or after such treatment.
- zone: means a portion of the Scheme area shown on the Scheme Map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land, but does not include reserved land.

SCHEDULE 2—ADDITIONAL USES

| No | Land Particulars | Additional Uses | Development Requirements |
|----|------------------|-----------------|--------------------------|
| 1  |                  |                 |                          |

SCHEDULE 3—SPECIAL USE ZONE

| Particulars of Land  | Special Use                                     |
|--|---|
| Portions Lots 43 Thomas/Wilfred Streets and Connelly Land, Narembeen                                       | Club Premises                                   |
| Lot 63, 64, 79, 80 and adjacent ROW Thomas / Doreen / Wilfred Streets, Narembeen                           | Private Recreation—bowling greens               |
| Reserve 28235, part of Reserve 20378, and portion Location 18164 Currall Street and Latham Road, Narembeen | Caravan Park, Motel, Camping Area               |
| Lot 2 Latham Road, Narembeen   | Seed Cleaning                                   |
| Lot 3 Latham Road, Narembeen   | Bulk Grain Handling and Storage                 |
| Lot 1 Northmore Street, Narembeen  | Panel beating, service station, and residential |

SCHEDULE 4—SPECIAL RURAL ZONE

| Particulars of Land | Use |
|---------------------|-----|
|                     |     |

SCHEDULE 5

APPLICATION FOR APPROVAL

Please tick which approval is being sought and fill out the appropriate sections of this form.

- |   |   |
|---|---|
| <input type="checkbox"/> PLANNING APPROVAL  | <input type="checkbox"/> BUILDING LICENCE |
| <input type="checkbox"/> DEMOLITION LICENCE | <input type="checkbox"/> SIGN LICENCE     |

PROPERTY DETAILS:

Lot No. .... House/ Street No. .... Location No. .... Diagram or Plan No. ....  
 Certificate of Title No. .... Folio ..... Lot Area (m<sup>2</sup>) .....  
 Title Encumbrances (eg, easements, restrictive covenants) .....  
 Street Name ..... Suburb .....  
 Nearest Intersection ..... Assessment No. (Property rate no.) .....

OWNER DETAILS:

Name: .....  
 Address: ..... Post Code: .....  
 Phone (work) ..... (home) ..... Fax .....  
 Contact Person .....  
 Signature ..... Date .....  
 Signature ..... Date .....  
 Signature ..... Date .....

The signature of the landowners is required for all applications. This application will not proceed without that signature.

APPLICANT DETAILS:

Name .....  
 Address ..... Post Code .....  
 Phone (work) ..... (home) ..... Fax .....  
 Contact Person .....  
 Signature ..... Date .....

PLANNING APPROVAL

Existing Building/ Land Use .....  
Approx. Cost of Development ..... Est Date of Completion .....  
Description of Development of Proposed Use .....  
Is the land affected by a Restrictive Covenant? .....

BUILDING LICENCE

BUILDER'S DETAILS:

Name: .....  
Address: ..... Post Code .....  
Registration No. .... Phone ..... Fax .....  
Signature .....

BUILDING DETAILS:

Type of Work:

New Buildings; number of storeys ..... Alterations and Additions; please describe .....  
Refurbishment, please describe ..... Relocation; please describe .....  
Outbuildings; please describe .....

Type of building:

- House
- Single House
- Kit House
- Transportable
- Outbuildings; please describe: .....
- Non-residential Building; please describe .....
- Other Residential Building: No. of dwelling units: .....
- Group Dwelling, Terrace House or Townhouse
- Flat, Unit or Apartment in Building
- Other, please describe: .....

TYPES OF MATERIALS

Materials:

Floor: Concrete ..... Walls: Double Brick .....  
Other; please describe ..... Other, please describe .....  
Roof: Tiles ..... Frame: Please describe .....  
New/Second Hand ..... Area (m<sup>2</sup>) ..... Outbuildings (m<sup>2</sup>) .....  
Contract Value ..... Building Height .....

DEMOLITION LICENCE

Type of structure: .....  
Type/ Date Laid: .....  
Whole or Part Demolition—  
Details: .....

SIGN LICENCE

Type of sign: .....  
Position: .....  
Dimensions: ..... Materials: .....  
Illumination—Internal/External: .....  
Wording/ Illustration (Plan/Design attached): .....

OFFICE USE ONLY

Acceptance Officer's Initials: ..... Date Received: .....  
Council Reference No: .....  
Collector District: ..... Checking Inspector: .....  
Permit/ Licence No: ..... Approval Date: .....

SCHEDULE 6  
SHIRE OF NAREMBEEN  
TOWN PLANNING SCHEME NO. 2

NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL

It is HEREBY NOTIFIED for public information and comment that the Council has received an application to develop land for the purpose described hereunder.

LAND DESCRIPTION

LOT NO. .... STREET .....

PROPOSAL .....

Details of the proposal are available for inspection at the Council office. Comments on the proposal may be submitted to the Council in writing on or before the ..... day of .....

CHIEF EXECUTIVE OFFICER

DATE

SCHEDULE 7  
SHIRE OF NAREMBEEN  
TOWN PLANNING SCHEME NO. 2  
DECISION ON APPLICATION FOR PLANNING APPROVAL

The Council having considered the application.

Dated .....

Submitted by .....

On behalf of .....

hereby advises that it has decided to:

REFUSE/GRANT APPROVAL—TO COMMENCE DEVELOPMENT

subject to the conditions/for the following reasons:

CHIEF EXECUTIVE OFFICER

DATE

**NOTE: Should the owners be aggrieved by this decision a right of appeal may exist under the provisions of the Scheme.**

ADOPTION

Adopted by Resolution of the Council of the Shire of Narembeeen at the meeting of the Council held on the 21st day of June 1995.

H. W. COWAN, President.  
A. B. WRIGHT, Chief Executive Officer.

FINAL APPROVAL

1. Adopted by Resolution of the Council of the Shire of Narembeeen at the meeting of the Council held on the 18th day of November 1998 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

H. W. COWAN, President.  
A. B. WRIGHT, Chief Executive Officer.

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

2. RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

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

Date: 21st December 1998.

3. FINAL APPROVAL GRANTED

G. D. KIERATH, Minister for Planning.

Date: 23 December 1998.

PD411\*

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

Ref: 853/5/16/2.

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 Wagin Town Planning Scheme No 2 on 23 December, 1998—the Scheme Text of which is published as a Schedule annexed hereto.

J. M. NALDER, President.  
 M. A. PARKER, Chief Executive Officer.

SCHEDULE  
 SHIRE OF WAGIN  
 TOWN PLANNING SCHEME No. 2.  
 DISTRICT ZONING SCHEME

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

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## PART I—PRELIMINARY

**1.1 CITATION**

This Town Planning Scheme may be cited as the Shire of Wagin Scheme No 2 (hereinafter called 'the Scheme') and shall come into operation on the publication of the Scheme in the *Government Gazette*.

**1.2 RESPONSIBLE AUTHORITY**

The authority responsible for implementing the Scheme is the Council of the Shire of Wagin (hereinafter called 'the Council').

**1.3 SCHEME AREA**

The Scheme applies to the municipal district of the Shire of Wagin as generally shown by the Scheme area boundary on the Scheme Map by the broken black border. The Scheme applies to the entire Shire, including rural areas and townships.

**1.4 CONTENTS OF SCHEME**

The Scheme comprises—

- (a) This Scheme Text
- (b) The Scheme Map (Sheets 1-4)

**1.5 ARRANGEMENT OF SCHEME TEXT**

The Scheme Text is divided into the following parts—

- Part 1 Preliminary
- Part 2 Reserves
- Part 3 Zones
- Part 4 General Development Requirements
- Part 5 Special Controls
- Part 6 Use and Development of Land
- Part 7 Non-Conforming Uses
- Part 8 Administration

**1.6 SCHEME OBJECTIVES**

The objective of the Scheme is to direct and control development in the Scheme area in such a way as to promote and safeguard health, safety, convenience and economic and general welfare of its inhabitants and the amenities of the area.

**1.7 REVOCATION OF EXISTING SCHEME**

The Shire of Wagin Town Planning Scheme No 1, published in the Government Gazette on 14 April 1972, and all amendments thereto are 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 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 I, 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 land shown as Scheme Reserves on the Scheme Map, hereinafter called 'Local Reserves' are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder—

- (i) Recreation
- (ii) Public Purposes
- (iii) Railway

## PART III—ZONES

**3.1 CLASSIFICATION**

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

(i) Residential Zone

The Residential Zone is to be used primarily for single houses on separate lots. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the residential environment and where Council is satisfied that they will benefit the community and not result in being a nuisance.

(ii) Commercial Zone

The Commercial Zone is to be used for retail shopping, sales, hotels, offices, professional suites, restaurants and other business oriented uses. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the commercial environment and where Council is satisfied that they will benefit the community and not result in being a nuisance.

(iii) Industrial Zone

The Industrial Zone is to be used primarily for the manufacture of goods or allied uses such as fuel storage, fuel sales, vehicle repairs, public utilities and showrooms for bulky goods. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the industrial environment and where Council is satisfied that they will benefit the community and not result in being a nuisance.

(iv) Special Use Zone

The Special Use Zone is to be used in accordance with special development standards or conditions permitted by Council and noted in Appendix No 3 of this Town Planning Scheme. Special Use Zones are generally used for more complex developments that require several special development standards or conditions.

(v) Rural Zone

The Rural Zone is to be used predominantly for agricultural, single residential and public recreation uses. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the rural environment and where Council is satisfied that they will benefit the community and not result in being a nuisance.

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

**3.2 ZONING TABLE**

3.2.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

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

'P'—means that the use is permitted by the Scheme.

'AA'—means that the use is not permitted unless the Council has granted planning approval.

'SA'—means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 6.3.

3.2.3 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.

3.2.4 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.

3.2.5 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—

- (a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
- (b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the 'SA' procedures of Clause 6.3 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

TABLE 1 ZONING TABLE

| USE CLASSES                           | Zones       |            |            |             |       |
|---------------------------------------|-------------|------------|------------|-------------|-------|
|                                       | Residential | Commercial | Industrial | Special Use | Rural |
| 1 Ancillary Accommodation             | AA          |            |            |             | AA    |
| 2 Aged & Dependent Persons Dwelling   | AA          |            |            |             |       |
| 3 Caravan Park                        |             |            |            |             |       |
| 4 Caretaker's Dwelling                | P           | AA         | AA         |             | AA    |
| 5 Car Park                            | AA          | AA         | AA         |             | AA    |
| 6 Car Sales                           |             | P          | AA         |             |       |
| 7 Cemeteries/Crematoria               |             |            |            |             | AA    |
| 8 Civic Building                      |             | AA         |            |             |       |
| 9 Consulting Room                     | SA          | AA         |            |             | AA    |
| 10 Dog Kennels                        |             |            |            |             | AA    |
| 11 Dry Cleaning Premises              |             | AA         | AA         |             |       |
| 12 Educational Establishment          |             |            |            |             |       |
| 13 Fast Food Outlet                   |             | AA         | SA         |             |       |
| 14 Fish Shop                          |             | AA         | AA         |             |       |
| 15 Fuel Depot                         |             |            | AA         |             |       |
| 16 Funeral Parlour                    |             | AA         | AA         |             |       |
| 17 General Store                      |             | P          |            |             | AA    |
| 18 Health Centre                      |             | P          |            |             |       |
| 19 Home Occupation                    | AA          | AA         |            |             | AA    |
| 20 Hospital                           |             |            |            |             |       |
| 21 Hotel/Tavern                       |             | AA         |            |             |       |
| 22 Industry Cottage                   | SA          | P          | P          |             | AA    |
| 23 Industry Extractive                |             |            | SA         |             | SA    |
| 24 Industry General                   |             |            | AA         |             |       |
| 25 Industry Hazardous                 |             |            |            |             |       |
| 26 Industry Light                     |             |            | P          |             | AA    |
| 27 Industry Noxious                   |             |            |            |             | SA    |
| 28 Industry Rural                     |             |            | AA         |             | AA    |
| 29 Industry Service                   |             | SA         | P          |             |       |
| 30 Intensive Agriculture              |             |            |            |             | AA    |
| 31 Milk Depot                         |             | AA         | AA         |             | AA    |
| 32 Motel                              |             | AA         |            |             |       |
| 33 Motor Repair Station               |             | AA         | P          |             |       |
| 34 Office                             |             | P          | AA         |             |       |
| 35 Petrol Filling Station             |             | AA         | P          |             |       |
| 36 Public Amusement                   |             | P          |            |             | AA    |
| 37 Public Recreation                  | P           | P          | P          |             | P     |
| 38 Public Utility                     | AA          | AA         | P          |             | AA    |
| 39 Public Worship                     | SA          |            |            |             | AA    |
| 40 Radio/TV. Installation             | SA          | AA         | AA         |             | AA    |
| 41 Reception Centre                   |             | P          |            |             | AA    |
| 42 Residential                        |             |            |            |             |       |
| Single House                          | P           | AA         |            |             | P     |
| Grouped Dwelling                      | AA          | AA         |            |             |       |
| Multiple Dwelling                     | AA          | AA         |            |             |       |
| 43 Restaurant                         | SA          | P          |            |             | AA    |
| 44 Rural Pursuit                      |             |            |            |             | P     |
| 45 Service Station                    |             | AA         | P          |             |       |
| 46 Shop                               | SA          | P          |            |             |       |
| 47 Showroom                           |             | P          | P          |             |       |
| 48 Sportsground                       |             |            |            |             | AA    |
| 49 Stables                            | SA          |            |            |             | P     |
| 50 Trade Display                      |             | AA         | AA         |             |       |
| 51 Transport Depot                    |             | SA         | AA         |             | AA    |
| 52 Veterinary Clinic/Consulting Rooms |             | AA         | AA         |             | AA    |
| 53 Zoological Gardens                 |             |            |            |             | AA    |

### 3.3 ADDITIONAL USES

Notwithstanding anything contained within the Zoning Table, the land specified in Appendix 2 may, subject to compliance with any condition specified in the appendix with respect to the land, be used for the purpose set against that land. The use so specified is in addition to the other uses permitted in the zone in which the land is situated unless any of those uses are excluded or modified by a condition specified in that appendix.

### 3.4 SPECIAL USE ZONES

No person shall use any land, or any building or structure thereon in a Special Use Zone, except for the purpose set against that land in Appendix 3 and subject to compliance with any conditions specified in the Appendix with respect to the land.

## PART IV—GENERAL DEVELOPMENT REQUIREMENTS

### 4.1 RESIDENTIAL PLANNING CODES

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

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

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

4.1.4 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.

### 4.2 SITE AND DEVELOPMENT REQUIREMENTS

Any development that is permitted under the provisions of Part II and Part III of this Scheme shall conform to the requirements for that use as specified in Table II—Development Table, or in the Residential Planning Codes for residential development.

### 4.3 RETENTION/PROTECTION OF VEGETATION AND REVEGETATION

Where Council considers it would help mitigate against land degradation (e.g. salinity), protect a waterway or improve the visual appearance of a development, Council may impose conditions on development requiring the retention and protection of existing vegetation (e.g. through fencing) and/or the planting of additional vegetation.

### 4.4 RESTRICTIVE COVENANTS

4.4.1 Subject to the provisions of sub-clause 4.4.2, a restrictive covenant affecting any land in the Scheme Area whereby or the effect of which is that the number of residential units that may be constructed on the land is limited or restricted to a number less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Planning Codes which apply under this Scheme.

4.4.2 Where sub-clause 4.4.1 operates to extinguish or vary a restrictive covenant the Council shall not grant planning approval to the development of the land which would but for the operation of sub-clause 4.4.1 have been prohibited unless the application has been dealt with as an ‘SA’ use and has complied with all of the advertising requirements of sub-clause 6.3.3.

### 4.5 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

4.5.1 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 II—DEVELOPMENT TABLE

| Controls<br>Use              | Minimum Boundary<br>Setback (metres) |                 |       | Maximum<br>Plot Ratio               | Minimum<br>Landscape<br>Area % | Minimum<br>Number of<br>Car Parking<br>Bays                                       |
|------------------------------|--------------------------------------|-----------------|-------|-------------------------------------|--------------------------------|---|
|                              | Front                                | Rear<br>Average | Sides |                                     |                                |   |
| Club                         | *                                    | *               | *     | 0.5                                 | *                              | 1 for every 45msq of gross floor area.  |
| Consulting Room              | *                                    | *               | *     | 0.4 in Res<br>Zone<br>0.5 elsewhere | 30 in Res<br>Zone              | 1 for every 30msq of gross floor area, plus<br>1 for each person employed.        |
| Day Care Centre              | 7.5                                  | 7.5             | *     | *                                   | *                              | 1 for every employee.   |
| Educational<br>Establishment | 9.0                                  | 7.5             | 5.0   | *                                   | 30                             | 1 per full time employee, plus bays for<br>students as determined by the Council. |
| Fast Food Outlet             | *                                    | *               | *     | *                                   | *                              | *   |
| Funeral Parlour              | *                                    | *               | *     | *                                   | 10                             | As determined by the Council (minimum 6).   |
| Hall                         | *                                    | *               | *     | *                                   | 10                             | 1 to every 4 persons whom the building is<br>designed to accommodate.             |
| Hospital                     | 9.0                                  | 7.5             | 5.0   | 0.5                                 | 20                             | 1 per 4 beds and 1 per employee.  |
| Hostel                       | 7.5                                  | 7.5             | *     | *                                   | 30                             | 1 per dwelling.   |
| Hotel/Tavern                 | *                                    | *               | *     | *                                   | 10                             | 1 for every bedroom plus 1 per 4 msq bar and<br>lounge area.                      |

TABLE II—DEVELOPMENT TABLE—*continued*

| Controls<br>Use                | Minimum Boundary<br>Setback (metres) |                 |                 | Maximum<br>Plot Ratio | Minimum<br>Landscape<br>Area % | Minimum<br>Number of<br>Car Parking<br>Bays  |
|--------------------------------|--------------------------------------|-----------------|-----------------|-----------------------|--------------------------------|--|
|                                | Front                                | Rear<br>Average | Sides           |                       |                                |  |
| Industrial Service             | 7.5                                  | 7.5             | *               | *                     | 10                             | 1 per 2 employees.   |
| Industrial Light               | 7.5                                  | 7.5             | *               | *                     | 10                             | 1 per 2 employees.   |
| Industrial General             | 7.5                                  | 7.5             | *               | *                     | 15                             | 1 per 2 employees  |
| Motel                          | 9.0                                  | 7.5             | 3 per<br>storey | 1.0                   | 30                             | 1 per unit, plus 1 space per 25msq of service area.  |
| Office                         | *                                    | *               | *               | *                     | *                              | 1 for every 30msq plot ratio area.   |
| Professional Office            | *                                    | *               | *               | 0.5                   | *                              | 1 for every 30msq plot ratio area.   |
| Reception Centre               | *                                    | *               | *               | 0.5                   | 30                             | 1 for every 4 persons whom the building is designed to accommodate.                              |
| Restaurant                     | *                                    | *               | *               | *                     | *                              | 1 for every 10msq of gross floor area or 1 for every 4 seats provided, whichever is the greater. |
| Service Station                | 7.5                                  | 7.5             | *               | *                     | 5                              | 1 for every working bay, plus 1 for each person employed on site.                                |
| Shop                           | *                                    | *               | *               | *                     | *                              | 1 for every 15msq of gross floor area.   |
| Showroom                       | *                                    | *               | *               | *                     | 10                             | 1 for every 100msq of gross floor area.  |
| Vehicle Sales                  | *                                    | *               | *               | *                     | 5                              | 1 for every 250msq of sales area, plus 1 for every person employed on site.                      |
| Veterinary Consulting<br>Rooms | *                                    | *               | *               | *                     | 30                             | 1 for every 10msq gross floor area, plus 1 for each person employed.                             |

## NOTES

- (i) \* means 'to be determined by the Council' in each particular case.
- (ii) Landscaping to be generally at street frontage.

## PART V—SPECIAL CONTROLS

**5.1 HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE.****5.1.1 Purpose and Intent**

5.1.1.1 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.

**5.1.2 Heritage List**

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

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

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

**5.1.3 Designation of Heritage Precincts**

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

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

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

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

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

- (a) the Council shall notify in writing each owner of land affected by the proposal;
- (b) the Council shall advertise the proposal by way of a notice in a newspaper circulating in the district, by the erection of a sign in a prominent location in the area affected by the 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.

5.1.3.5 The Council may modify or may cancel a heritage precinct or any policy statement which relates to it by following the procedure set out in sub-clause 5.1.3.4 above.

#### **5.1.4 Applications for Planning Approval**

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

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

5.1.4.3 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.

5.1.4.4 For the purposes of sub-clause 6.1.1 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.

#### **5.1.5 Formalities of Application**

5.1.5.1 In addition to the application formalities prescribed in sub-clause 5.1.4 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 the subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;
- (c) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
- (d) any other information which the Council indicates that it considers relevant.

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

5.1.6.1 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 6.3; and
- (b) have regard to any expressed views prior to making its decision to grant the variation.

5.1.6.2 In granting variations under sub-clause 5.1.6.1 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 Title.

### **5.2 CONTROL OF ADVERTISEMENTS**

#### **5.2.1 Power to Control Advertisements**

5.2.1.1 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.

5.2.1.2 Applications for Council's planning approval pursuant to this Part shall be submitted in accordance with the provisions of Clause 6.2 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.

#### **5.2.2 Existing Advertisements**

5.2.2.1 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.

### **5.2.3 Consideration of Applications**

5.2.3.1 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.

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

5.2.4.1 Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of sub-clause 5.2.1.1, the Council's prior planning approval is not required in respect of those advertisements listed in Appendix 8 which for the purpose of this Clause are referred to as 'exempted advertisements'. The exemptions listed in Appendix 8 do not apply to land, buildings, objects, structures and places included on the Heritage List or within a heritage precinct established or designated under Clause 5.1 of the Scheme.

### **5.2.5 Discontinuance**

5.2.5.1 Notwithstanding the Scheme objectives and sub-clause 5.2.4, 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.

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

5.2.6.1 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.

### **5.2.7 Notices**

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

5.2.7.2 Any notice served in exceptional circumstances pursuant to sub-clause 5.2.5 or 5.2.6 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.

5.2.7.3 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.

### **5.2.8 Scheme to Prevail**

5.2.8.1 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.

### **5.2.9 Enforcement and Penalties**

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

## **5.3 TRANSPORTABLE DWELLINGS**

5.3.1 Subject to the provisions of this clause, a Transportable Dwelling may not be transported to and placed on a lot within the District and thereafter occupied as a residential dwelling whether in whole or in part.

5.3.2 Notwithstanding the provisions of Sub-Clause 5.3.1, Council may permit a Transportable Dwelling to be placed on a lot within the District and used as a residential dwelling if, in the opinion of Council, the Transportable Dwelling—

- (i) complies with all applicable statutes, by-laws and regulations relating to dwelling houses applicable both to the Transportable Dwelling and the lot upon which it is to be situate following transportation and will not detrimentally affect the amenity of the locality in which the Transportable dwelling is to be situate; or
- (ii) has been constructed of new materials and has been designed and built specifically to be capable of being dismantled, transported and reconstructed.

5.3.3 The approval to be obtained from Council pursuant to Sub-clause 5.3.2 may be granted on condition, which conditions may include a condition requiring the applicant to provide a bond to Council as surety for the completion of the Transportable Dwelling to a standard of presentation acceptable to Council within such period of time as Council may deem fit.

5.3.4 If Council has required a bond pursuant to Sub-clause 5.3.3 and the applicant fails to complete the Transportable Dwelling to a standard of presentation acceptable to Council within such period of time as has been specified by Council, or if no period has been specified within six months from the date of approval, then the bond is forfeited by the applicant and Council may deal with the bond in such manner as it deems fit, including but not limited to—

- (i) keeping the bond;
- (ii) applying such amount as may be necessary from the bond to complete the Transportable Dwelling to a standard of presentation acceptable to Council;
- (iii) applying such amount as may be necessary from the bond to demolish the Transportable Dwelling;
- (iv) applying such amount as may be necessary from the bond to remove the Transportable Dwelling from the applicant's property and to place it elsewhere;
- (v) applying such amount as may be necessary from the bond in respect of administrative costs incurred by Council on the applicant's failure to complete the Transportable Dwelling;
- (vi) returning such amount of the bond as Council deems fit to the applicant.

5.3.5 Where Council applies a bond in accordance with Sub-clause 5.3.4 (ii), (iii) or (iv)—

- (i) Council may give at least 1 month's written notice to the applicant of its intention to complete, demolish or remove the Transportable Dwelling;
- (ii) Council need not complete the Transportable Dwelling in accordance with the licence conditions and the applicant's plans which were approved by Council, but may complete it to such standard and in such manner as it deems fit;
- (iii) Council's employees, agents and contractors, with or without vehicles, machinery, plant, tools and the like may enter upon the applicant's land to complete, demolish or remove the Transportable Dwelling;
- (iv) the applicant must pay to the Council on demand the amount by which the cost of completing, demolishing or removing the Transportable Dwelling exceeds the bond; and
- (v) Council will not be liable for any loss or damage to the applicant or the applicant's property as a result of the completion, demolition or removal of the Transportable Dwelling.

## PART VI—USE AND DEVELOPMENT OF LAND

### 6.1 REQUIREMENT FOR PLANNING APPROVAL

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

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

- (a) The use of land in a reserve, where such land is held by the Council or vested in a public authority—
  - (i) for the purpose for which the land is reserved under the Scheme; or
  - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.
- (b) The use of land which is a permitted ("P") use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works.
- (c) The erection of a boundary fence.
- (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.

6.1.3 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 planning consent, apply in writing to Council, seeking Council's approval for the variation.

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

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

### 6.2 APPLICATION FOR PLANNING APPROVAL

6.2.1 Every application for planning approval shall be made in the form prescribed in Appendix 4 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

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

- (a) a plan or plans to a scale of not less than 1:500 showing—
  - (i) street names, Lot number(s), north point and the dimensions of the site;

- (ii) the location and proposed use of the site, including any existing building to be retained and proposed buildings to be erected on the site;
  - (iii) 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 those areas;
  - (vi) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
  - (vii) the nature and extent of any open space and landscaping proposed for the site.
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain; and
- (c) any other plan or information that the Council may reasonably require to enable the application to be determined.

### **6.3 ADVERTISING OF APPLICATIONS**

6.3.1 Where an application is made for planning approval to commence or carry out development which involves an 'SA' use, the Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause 6.3.3.

6.3.2 Where an application is made for planning approval to commence or carry out development which involves an 'AA' use, or any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 6.3.3.

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

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

6.3.4 The notice referred to in sub clause 6.3.3 (a) and (b) shall be in the form contained in Appendix 6 with such modifications as circumstances require.

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

### **6.4 CONSULTATIONS WITH OTHER AUTHORITIES**

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

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

### **6.5 MATTERS TO BE CONSIDERED BY COUNCIL**

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

- (a) the provisions of this Scheme and any other relevant town planning scheme operating within the district including the Metropolitan Region Scheme;
- (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 8.6 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 objectives received on the application.



**6.6 DETERMINATION OF APPLICATIONS**

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

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

6.6.2 The Council shall convey its decision to the applicant in the form prescribed in Appendix 7 to the Scheme.

6.6.3 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.

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

**6.7 DEEMED REFUSAL**

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

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

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

**6.8 APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS**

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

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

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

**6.9 APPROVAL OF EXISTING DEVELOPMENTS**

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

6.9.2 The application to the Council for approval under sub-clause 6.9.1 shall be made on the form prescribed in Appendix 4.

6.9.3 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 VII—NON-CONFORMING USES****7.1 NON-CONFORMING USE RIGHTS**

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

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

**7.2 EXTENSION OF NON-CONFORMING USE**

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

**7.3 CHANGE OF NON-CONFORMING USE**

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

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

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

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

#### **7.5 DESTRUCTION OF BUILDINGS**

7.5.1 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 VIII—ADMINISTRATION**

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

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

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

#### **8.2 OFFENCES**

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

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

8.2.2 Any person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to such penalties as are prescribed by section 10 of the Act.

#### **8.3 COMPENSATION**

8.3.1 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.

8.3.2 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.

#### **8.4 ELECTION TO PURCHASE AND VALUATION**

8.4.1 Where compensation for injurious affection is claimed pursuant to either subclauses 8.3.1 or 8.3.2, the Council may, at its option elect to acquire the land so affected instead of paying compensation.

8.4.2 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.

8.4.3 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.

8.4.4 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.

8.4.5 The Council may deal with or dispose of land acquired for a Local Reserve or pursuant to the preceding sub-clause 8.4.4 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.

### **8.5 RIGHTS OF APPEAL**

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

### **8.6 PLANNING POLICIES**

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

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

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

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

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

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

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

8.6.5 A Policy may be rescinded by—

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

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

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

### **8.7 DELEGATION**

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

- (a) a member of the Council being the Chairman of the committee required at the direction of Council to consider and report upon all applications for planning approval within its municipal district, and being qualified by experience with the work of any such committee; and/or
- (b) that officer of the Council, holding or eligible to hold a Municipal Town Planners Certificate, appointed to the position of Town Planner for the purpose of the Local Government Act with overall responsibility for the planning functions of the Council or appointed by the Council to supervise the development control functions of the Council,

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

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

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

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

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

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

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

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

### **8.8 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.

### **8.9 NOTICE FOR REMOVAL OF CERTAIN BUILDINGS**

8.9.1 Twenty eight (28) days written notice is hereby prescribed as the notice to be given pursuant to section 10 of the Act for the removal of certain buildings.

8.9.2 Council may recover expenses under section 10(2) of the Act in a court of competent jurisdiction.

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## APPENDIX NO. 1 INTERPRETATIONS

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

absolute majority—has the same meaning as given to it in the Local Government Act 1960.

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.

aged or dependent persons dwellings—means a dwelling designed for the accommodation of aged or dependent persons and may incorporate appropriate provisions for the special needs of their prospective occupants.

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 accommodation—means self contained living accommodation on the same site as a single house and may be attached or detached from the single house existing on the lot.

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.
- 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.
- 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 m<sup>2</sup> 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.
- cemeteries—means an area of land set aside for the burial of the bodies of deceased people.
- child day care centre—means any land or buildings used for the daily or occasional care of children in accordance with the Child Care Regulations 1968 (as amended) but does not include a Child Family Care Centre.
- child family care centre—means a Child Minding Centre conducted in a private dwelling where children are received for care but does not include a Child Day Care Centre.
- cinema/theatre—means any land or building where the public may view a motion picture or theatrical production.
- 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 State 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;
- 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 used for the storage of contractor's plant and equipment, including prefabricated or transportable buildings and materials.
- convenience store—means any land and/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 300 m<sup>2</sup> 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 100 m<sup>2</sup>, attached to a dwelling in residential zones and which is operated as an additional use thereto by the permanent tenants of the dwelling.
- Council—means the executive body of the Shire of Wagin.
- crematoria—means an area of land set aside for cremation of deceased people.
- 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—shall have the same meaning given to it in and for the purposes of the Act but shall also include—  
“in relation to any building, object structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that—  
(a) is likely to change the character of the place or the external appearance of any building; or  
(b) would constitute an irreversible alteration to the fabric of any building”.
- display home centre—means a group of two or more dwellings which are intended to be open for public inspection.
- District—means the Municipal District of the Shire of Wagin
- 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.
- dry cleaning premises—means any land or buildings used for the cleaning of garments and other fabrics by chemical processes.
- educational establishment—means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory.
- 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.
- fast food outlet—means a place, usually in a commercial or retail area where food such as chicken, chips, hamburgers and sandwiches are prepared and sold with a minimum of delay.
- 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).
- 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.
- general store—means any building or part of a building wherein only those goods required to serve the basic day to day needs of people in the locality are displayed and offered for sale by retail.
- 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.
- grouped dwelling—means a dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise.
- 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 paramedicals.
- 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 20 m<sup>2</sup>;
  - (f) does not display a sign exceeding 0.2 m<sup>2</sup> in area.
  - (g) in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put;
  - (h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
  - (i) does not entail the presence, parking and garaging of a vehicle of more than two (2) tonnes tare weight;
- 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 boarding house the subject of a limited hotel licence or other licence granted under that Act.

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

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

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

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

industry—cottage—means a business, professional service, trade or light industry producing arts and craft goods which cannot be carried out under the provisions relating to a “home occupation” and which, in the opinion of 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 50 m<sup>2</sup>;
- (e) does not display a sign exceeding 0.2 m<sup>2</sup> in area.

industry—extractive—means an industry which involves—

- (a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also 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 a cottage, extractive, hazardous, light, noxious, rural or service industry.

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

industry—light—means an industry;

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, 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 the Department of Agriculture 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 9am and 4pm 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;

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.

multiple dwelling means a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other.

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.

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

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

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

poultry farm—means any land or buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act 1911-1990 (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, fast food outlet or general store.
- 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 limiting 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 of 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.
- single house—means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.
- 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.
- sportsground—means a place, usually a grassed area or oval, where sporting activities are pursued such as cricket, hockey and football.
- 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.
- structure plan—means a plan which indicates broad land use options for the development and subdivision of an area and provides a policy framework for such future subdivision and development.

- 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/consulting rooms—means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight, 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 building wherein goods are stored and may be offered for sale by wholesale.
- waterway—shall have the same meaning given to it in and for the purposes of the Act.
- 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 use and development 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.

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APPENDIX No. 2  
ADDITIONAL USES  
PERMITTED USES

| <u>NO</u> | <u>LAND PARTICULARS</u> | <u>PERMITTED USES</u> | <u>DEVELOPMENT<br/>STANDARDS/<br/>CONDITIONS</u> |
|-----------|-------------------------|-----------------------|--|
|-----------|-------------------------|-----------------------|--|

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APPENDIX No. 3  
SPECIAL USE ZONE  
PERMITTED USES

| <u>NO</u> | <u>LAND PARTICULARS</u> | <u>PERMITTED USES</u> | <u>DEVELOPMENT<br/>STANDARDS/<br/>CONDITIONS</u> |
|-----------|-------------------------|-----------------------|--|
|-----------|-------------------------|-----------------------|--|

APPENDIX No. 4
TOWN PLANNING AND DEVELOPMENT ACT, 1928 (AS AMENDED)
SHIRE OF WAGIN
APPLICATION FOR PLANNING APPROVAL

- 1. Surname of Applicant, Given Names, Full Address, Postcode
2. Surname of Land Owner (if different from above), Given Names
3. Submitted by
4. Address for Correspondence, Telephone Number, Fax Number
5. Locality of Development
6. Title Details of Land
7. Name of Road Serving Property
8. Description of Development, Nature and size of all buildings proposed, Materials to be used on external surfaces of building, General treatment of open portions of the site, Details of car parking and landscaping proposals, Approximate cost of proposed development, Estimated time for completion

Signature of Owner, Signature of Applicant or Agent
(Both signatures are required if applicant is not the owner)

Date, Date

APPENDIX No. 5
CONTROL OF ADVERTISEMENTS
ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL
(to be completed in addition to Application for Planning Approval)

- 1. Name of Advertiser (if different from owner):
2. Address in full:
3. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property—
4. Details of Proposed Sign— Height, Width, Depth, Colours to be used, Height above ground level— (to top of advertisement), (to underside)

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

5. State period of time for which advertisement is required—  
.....

6. Details of signs, if any, to be removed if this application is approved—  
.....  
.....  
.....

NB. This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6. above,

Signature of Advertiser(s):.....

(if different from land owners)

Date:.....

APPENDIX No. 6

SHIRE OF WAGIN

TOWN PLANNING SCHEME No. 2

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

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

LAND DESCRIPTION

LOT NO ..... STREET .....

PROPOSAL .....

Details of the proposal are available for inspection at the Council office. Comments on the proposal may be submitted to the Council in writing on or before the.....day of ..... 19.....

.....  
CHIEF EXECUTIVE OFFICER

.....  
DATE

APPENDIX No. 7

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

SHIRE OF WAGIN

DECISION ON APPLICATION FOR PLANNING APPROVAL

TOWN PLANNING SCHEME No. 2

The Council having considered the application

Dated .....

Submitted by .....

On behalf of .....

hereby advise that it has decided to—

REFUSE/GRANT APPROVAL— TO COMMENCE DEVELOPMENT  
TO DISPLAY AN ADVERTISEMENT

subject to the following conditions/for the following reasons.

.....  
CHIEF EXECUTIVE OFFICER

DATE .....

APPENDIX No. 8  
EXEMPTED ADVERTISEMENTS SCHEDULE

| LAND USE AND/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 <sup>2</sup>  |
| Home Occupation   | One advertisement describing the nature of the home occupation.  | 0.2m <sup>2</sup>  |
| Places of Worship, Meeting Halls and Places of Public Assembly                                    | One advertisement detailing the function and/or the activities of the institution concerned.   | 0.2m <sup>2</sup>  |
| Cinemas, Theatres and Drive-In Theatres   | Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.  | Each advertisement sign not to exceed 5m <sup>2</sup>  |
| Shops, Showrooms and other uses appropriate to a Shopping Area                                    | All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.   | Not applicable.  |
| Industrial and Warehouse Premises   | A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.<br><br>A maximum of two free standing advertisement signs not exceeding 5m in height above ground level.   | Total area of any such advertisements shall not exceed 15m.<br><br>Maximum permissible total area, shall not exceed 10m <sup>2</sup> and individual advertisement signs shall not exceed 6m <sup>2</sup> |
| Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes. | All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.   | n/a  |
| Public Places and Reserves  | a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and<br><br>b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a municipality, and<br><br>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<br><br>n/a<br><br>n/a  |
| Railway Property and Reserve  | Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.   | No sign shall exceed 2m <sup>2</sup> in area.  |

APPENDIX No. 8—*continued*  
EXEMPTED ADVERTISEMENTS SCHEDULE

| LAND USE AND/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 |
|--|---|-------------------------------|
| Advertisements within Buildings                            | All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.   | n/a                           |
| All classes of buildings other than single family dwelling | One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof. | 0.2m <sup>2</sup>             |

ADOPTION

Adopted by resolution of the Council of the Shire of Wagin at the meeting of the Council held on the 19th day of August 1997.

Dated 16th September 1997

J. M. NALDER, Shire President.  
M. A. PARKER, Chief Executive Officer.

FINAL APPROVAL

1. Adopted by resolution of the Council of the Shire of Wagin at the meeting of the Council held on the 21st day of July 1998 and the seal of the Municipality was pursuant to that resolution hereto affixed in the presence of—

J. M. NALDER, Shire President.  
M. A. PARKER, Chief Executive Officer.

2. Recommended/submitted for final approval by the Western Australian Planning Commission.  
Dated 21st December 1998.

EUGENE FERRARO, for Chairperson, Western Australian Planning Commission.

3. Final approval granted  
Dated 23rd December 1998.

G. KIERATH, Minister for Planning.

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## POLICE

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### PE501

#### POLICE ACT 1892

#### 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 30th January at 9.00 am.

The auction is to be conducted by Mr Frank Lee.

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



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## RACING, GAMING AND LIQUOR

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RA401

**LIQUOR LICENSING ACT 1988**

## SUMMARY OF LIQUOR LICENSING APPLICATIONS

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

| App. No.  | Applicant                                     | Nature of Application   | Last Date for Objections |
|---|---|---|--------------------------|
| <b>APPLICATIONS FOR THE GRANT OF LICENCE</b>                            |   |   |                          |
| 1521/98   | Bradley William Beaumont & Lisa Anne Beaumont | Application for the grant of a Wholesaler licence in respect of premises situated in Karratha and known as Beaumont Distributors.                                       | 11/2/99                  |
| 1528/98   | Loi's Eastern Supermart Pty Ltd               | Application for the grant of a Special Facility licence in respect of premises situated in Northbridge and known as Lion Oriental Foods Co.                             | 10/2/99                  |
| 1529/98   | Stewart Vincent Moss                          | Application for the grant of a Restaurant licence in respect of premises situated in Perth and known as Country Road Cafe.  | 10/2/99                  |
| 1530/98   | Edith Cowan University                        | Application for the grant of a Special Facility licence in respect of premises situated in Joondalup and known as ECU Sports Centre.                                    | 10/2/99                  |
| <b>APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS</b> |   |   |                          |
| 1056/98   | ALH Group Pty Ltd                             | Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Lynwood and known as Lynwood Arms Hotel.             | 25/1/99                  |
| 1057/98   | Kalgoorlie Country Club                       | Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Kalgoorlie and known as Kalgoorlie Country Club.     | 27/1/99                  |
| 1058/98   | Whitemark Pty Ltd                             | Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Busselton and known as The Geographe Bayview Resort. | 1/2/99                   |
| 1059/98   | Kelreef Pty Ltd                               | Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Byford and known as Byford Liquor Store.             | 1/2/99                   |
| <b>APPLICATIONS FOR APPROVAL TO ALTER/REDEFINE THE LICENSED PREMISE</b> |   |   |                          |
| 1590/98   | Arkbay Holdings Pty Ltd                       | Application for approval to alter/redefine the Tavern licence in respect of premises situated in Fremantle and known as Sea View Tavern.                                | 27/1/99                  |

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

G. B. AVES, Director of Liquor Licensing.

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## TRANSPORT

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**TR401****GERALDTON PORT AUTHORITY ACT 1968**

Office of the Minister for Transport,  
Perth.

It is hereby notified for general information that His Excellency the Governor, in Executive Council has approved—

- the reappointment of Mr Robert Ramage as Chairman of the Geraldton Port Authority for a period to expire on 31 December 2000; and
- the reappointment of Mr Kim Halbert as a Member of the Geraldton Port Authority for a period to expire on 31 December 2000.

These appointments are in accordance with the Geraldton Port Authority Act 1968.

MURRAY CRIDDLE, Minister for Transport.

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## WATER

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**WA401****WATERWAYS CONSERVATION ACT 1976**

For the purpose of making appointments to the Waterways Management Authorities, His Excellency the Governor acting pursuant to the powers conferred by Section 14 of the *Waterways Conservation Act 1976* as amended and on the recommendation of the Minister for Water Resources has been pleased on the 15th day of December 1998 to appoint:

Mr Brian HUDSON (Deputy Chairman)

Mrs Doreen A. LYON

Dr David J. PANNELL

Dr Julia M. FRY

Mr Steven E. PORRITT (Deputy Member)

**to the Albany Waterways Management Authority**

Mr Alan GELMI

Mrs Glenice M. BATCHELOR

Mr Laurence A. DON

Ms Linda LEONARD

Dr William M. PORTER (Deputy Member)

Mr John CARTER

Mr John LLOYD (Deputy Member)

**to the Avon River Management Authority**

Mr Graeme C. EDWARDS (Chairman)

Mr Roger P. LANE-GLOVER (Deputy Chairman)

Mr Donald STRANG

Mrs Rae McPHERSON

Mr Michael T. O'CONNOR

Mr Peter MORRIS (Deputy Member)

**to the Leschenault Inlet Management Authority**

for a term expiring 30 June 2001, except Mr L. Don whose appointment is for a term expiring 30 June 1999 and Mrs R. McPherson and Mr M. T. O'Connor whose appointments are for a term expiring 30 June 2000.

M. C. WAUCHOPE, Clerk of the Council.

**WA402****WATERWAYS CONSERVATION ACT 1976**

For the purpose of making appointments to the Peel Inlet Management Authority His Excellency The Governor acting pursuant to the powers conferred by Section 14 of the *Waterways Conservation Act 1976* as amended and on the recommendation of the Minister for Water Resources has been pleased on the 15th day of December 1998 to appoint:

Dr John HAMBLIN (Chairman)  
 Mr John Hughes (Deputy Chairman)  
 Mrs Beryl FRANCIS  
 Mr Murray LOVE (CALM)  
 Mr Stephen RAPER (Deputy for M Love)

**to the Peel Inlet Management Authority for a term expiring 30 June 2001, except Mr J E Hughes whose appointment is for a term expiring 30 June 2000.**

M. C. WAUCHOPE, Clerk of the Council.

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**PUBLIC NOTICES**


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

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

Dated at Perth the 8th day of January 1999.

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

| Name of Deceased                                  | Address       | Date of Death                 | Date Election Filed |
|---|---------------|-------------------------------|---------------------|
| Stok, Giovanni<br>(DEC 312871 DG4)                | Carlisle      | 31/7/98                       | 9/12/98             |
| Orriss, Kenneth Eric<br>(DEC 314539 DL4)          | Como          | 26/9/98                       | 9/12/98             |
| Rudd, Marjorie<br>(DEC 310084 DS4)                | Shenton Park  | 6/6/97                        | 14/12/98            |
| Blankendaal, Martinus Petrus<br>(DEC 311905 DS4)  | Hamilton Hill | 5/4/98                        | 14/12/98            |
| Medhurst, Ernest<br>(DEC 314410 DG4)              | Rockingham    | 27/9/98                       | 16/12/98            |
| Finn, John<br>(DEC 315092 DC4)                    | Roleystone    | 1/11/98                       | 18/12/98            |
| Haddleton, Trevour Rodney<br>(DEC 311558 DA3)     | Redcliffe     | 15/6/98                       | 18/12/98            |
| Penman, Colin Thomas<br>(DEC 309088 DL4)          | Busselton     | Between 28/2/98<br>and 6/3/98 | 24/12/98            |
| Bould, Phyllis Lillian Dimond<br>(DEC 315565 DS4) | Bicton        | 11/9/98                       | 24/12/98            |
| Meldrum, Mabel Earl<br>(DEC 315056 DC4)           | Waroona       | 3/10/98                       | 29/12/98            |

**ZZ102****TRUSTEES ACT 1962**

## Notice to Creditors and Claimants

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 15th February 1999, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bagley, Laurence, late of Belvedere Caravan Park, 153 Mandurah Terrace, Mandurah, died 2/8/98.  
 (DEC 312845 DA3)

Brown, Mabel Constance, late of 6 Munyard Way, Morley, died 28/12/98 (DEC 316179 DG4)

- Brown, Samuel Donald, late of Illawong Hostel, 1 Rodd Place, Hamilton Hill, died 26/2/98. (DEC 316204 DC2)
- Bruse, Michael, late of 37 Myles Road, Swan View, died 9/8/98. (DEC 315767 DS3)
- Earley, Stanley Henry, late of Peel Lodge, 2 MacLaggan Turn, Mandurah, formerly of 47 Coolibah Avenue, Mandurah, died 25/12/98. (DEC 316153 DS3)
- Grant, Raymond John, late of Mt Henry Hospital, Cloisters Avenue, Como, died 17/12/97. (DEC 306964 DC4)
- Grigson, Arthur Edgar, late of Mandurah Nursing Home, 1 Hungerford Avenue, Mandurah, died 5/12/98. (DEC 315886 DA3)
- Harper, Catherine Amelia, late of 34/125 Alfred Road, Mt Claremont, formerly of 62 Minora Road, Dalkeith, died 9/12/98. (DEC 316214 DS2)
- Jackson, Arthur Edwin Stewart, late of 16 Pullman Place, Willetton, died 23/12/98. (DEC 316181 DP3)
- Jones, Cecelia Annie, late of Yulanya Hospital, Port Hedland, died 15/12/98. (DEC 316122 DC4)
- Jones, Marjorie Lavinia, late of Freeman Nursing Home, cnr Webb & Bull Creek Roads, Rossmoyne, died 16/12/98. (DEC 316264 DG4)
- Langley, Nancy Muriel, late of 96 Sydenham Road, Doubleview, died 17/12/98. (DEC 316154 DG4)
- Malyszko, Czeslaw, also known as Malyozko, Czeslaw, late of 224 Swan Street, Guildford, died 22/11/98. (DEC 315329 DC4)
- Moses, Evelyn Mrtle, late of Brightwater Nursing Home, 125 Thomas Street, Subiaco, died 17/8/98. (DEC 314285 DS3)
- Pavel, Gertrude, late of 8 Fifth Street, Bicton, died 6/11/98. (DEC 316174 DG3)
- Rawlings, Gordon Maxwell, late of Unit 419 Waminda Hostel, Adie Court, Bentley, died 3/8/98. (DEC 312809 DS2)
- Smith, Albert Roger Richard, late of 4 Dalkeith Road, Nedlands, died 21/12/98. (DEC 316145 DL3)

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

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**ZZ201****TRUSTEES ACT 1962**

Thecla Isabel Evans late of Brightwater, Subiaco: Creditors and other persons having claims (to which Section 63 of the Trustees Act, 1962 relates) in respect of the estate of the deceased, who died on the 1st day of October 1998 are required by the Trustee Alan Harold Boys of care of Preuss Feinauer & Associates of Suite 22, 88 Broadway, Nedlands, Western Australia to send particulars of their claim to the Trustee by Monday the 15th day of February 1999 after which date of the Trustee may convey or distribute the assets, having regard only to the claims of which the Trustee then has notice.

DEIDRE SPRINGFORD.

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

In the matter of the Estate of Angelina Ursula Barrett late of 9 Hennessy Way, Rockingham in the State of Western Australia, Homes Duties, deceased.

Creditors and other persons having claims to which section 63 of the Trustees Act 1962 relates in respect of the Estate of the deceased, who died on the 1st day of July 1998 are required by the Trustee James Pearse Herbert of Gwendolyn Mine Via Menzies Western Australia, to send particulars of their claims to the said James Pearse Herbert within one month after the date of publication hereof, after which date he may convey or distribute the assets, having regard only to the claims of which he then has notice.

Dated 11 January 1998.

FRANKLYN SIMON, Solicitor.

**ZZ203****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 Estate of the undermentioned deceased persons, are required by Perpetual Trustees WA Ltd of 89 St George's Terrace Perth, to send particulars of their claims to the Company, by the undermentioned date, after which date the said Company may convey or distribute the assets, having regard only to the claims of which the Company then has notice.

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

P. M. PRINDABLE, Senior Manager, Private Clients.

Dated this 13th day of January 1999.

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Cook, Mabel Kathleen late of Tuohy Nursing Home, Morrison Road, Midland WA 6065. Retired Shop Proprietor, died 9/12/98.

Emms, Rena Winifred late of Unit 4, 5 Fauntleroy Street, Guildford WA 6055. Widow died 7/12/98.

Lawn, James Edward late of 500 Bailup Road, Woorlolo WA 6558. Retired Wool Clerk, died 26/12/98.

McKinlay, Steven late of Unit 39, Halls Head Village, 10 Hungerford Avenue, Halls Head WA 6210, died 28/12/98.

Polini, Dion Ernest late of 8 Hilda Road, Waikiki WA 6169. Process Co-ordinator died 14/12/98.

Roberts, Violet May late of Midland Nursing Home, 44 John Street, Midland WA 6065. Retired Orchardist, died 9/12/98.

Williamson, Enid May late of 4A Cheddar Place, Karrinyup WA 6018, died 29/12/98.

**ZZ401****DISPOSAL OF UNCOLLECTED GOODS ACT 1970**

## NOTICE UNDER PART VI OF INTENTION TO APPLY TO COURT FOR AN ORDER TO SELL OR OTHERWISE DISPOSE OF GOODS VALUED IN EXCESS OF \$300

To Joanne Clarke of 22 Garonne Turn, Port Kennedy, Bailor.

1. You were given notice on 6th of July 1998 that the following goods: Ford Station Wagon, Engine No. JG23TCS7691C situated at Unit 2, 7 Savery Way, Rockingham were ready for redelivery.

2. A dispute relating to the goods was determined on 6/7/98 in the following manner: Owner has failed to take delivery of vehicle with monies still outstanding.

3. Unless not more than one month after the date of the giving of this notice you either take redelivery of the goods or give directions for their redelivery, Kevross Auto Repairs of Unit 2, 7 Savery Way, Rockingham bailee, intends making an application to the Court for an order to sell or otherwise dispose of them in accordance with the act.

Dated 11/1/99.

(Signed) L. WATERS, Bailee.

**ZZ402****DISPOSAL OF UNCOLLECTED GOODS ACT 1970**

## NOTICE UNDER PART VI OF INTENTION TO APPLY TO COURT FOR AN ORDER TO SELL OR OTHERWISE DISPOSE OF GOODS VALUED IN EXCESS OF \$300

To Debbie Boon of 22 Safety Bay Road, Rockingham, Bailor.

1. You were given notice on 19th of March 1998 that the following goods: Camira Station Wagon, Engine No. 16JHX25046485 situated at Unit 2, 7 Savery Way, Rockingham were ready for redelivery.

2. A dispute relating to the goods was determined on 19/3/98 in the following manner: Owner has failed to take delivery of vehicle with monies still outstanding.

3. Unless not more than one month after the date of the giving of this notice you either take redelivery of the goods or give directions for their redelivery, Kevross Auto Repairs of Unit 2, 7 Savery Way, Rockingham bailee, intends making an application to the Court for an order to sell or otherwise dispose of them in accordance with the act.

Dated 11/1/99.

(Signed) L. WATERS, Bailee.

## WESTERN AUSTRALIA

**NURSES ACT 1992**

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

**NURSES RULES 1993**

\*Price: \$6.70 Counter Sales  
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\* Prices subject to change on addition of amendments.

## CLAIMS FOR MISSING ISSUES (SUBSCRIPTION ITEMS)

For a claim to be recognised as valid, written notification must be lodged at State Law Publisher, 10 William Street, Perth 6000 within 28 days of publication of the missing item.

Claims lodged after this date will attract payment in full.

## STATE LAW PUBLISHER SUBSCRIPTION CHARGES 1999

All subscriptions run from 1 January to 31 December 1999. Our policy is that no refunds or credits will be given if a subscription is cancelled during the year. The prices quoted include postage by surface mail unless stated otherwise.

**GOVERNMENT GAZETTE**

*Government Gazettes* are published on Tuesday and Friday of each week, unless disrupted by public holidays or unforeseen circumstances.

*Special Government Gazettes* are published periodically.

Subscriptions have been changed this year to enable clients to subscribe to either General or Special Gazettes, or to all Gazettes published.

|                                      |        |
|--------------------------------------|--------|
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*Industrial Gazette* is published monthly.

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*Hansard* is printed and distributed weekly during parliamentary sessions.

|                                    |        |
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CUSTOMER  
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WESTERN AUSTRALIA

## New Publication - Now Available!

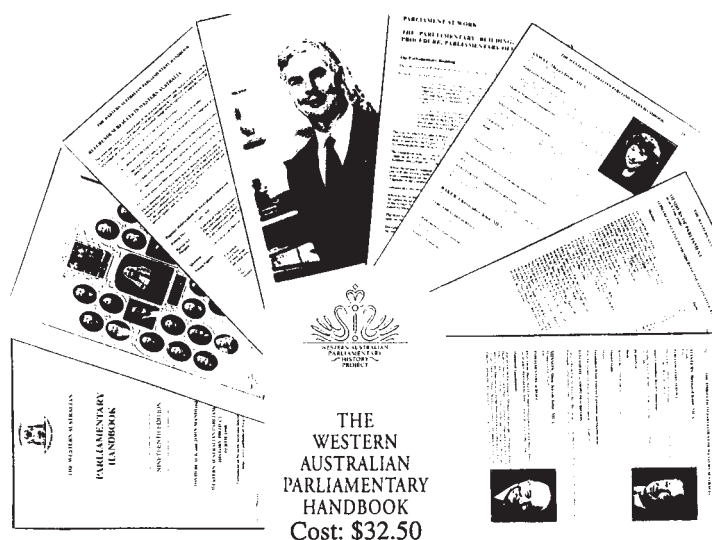
# The Western Australian Parliamentary Handbook 1998

This volume has been available through 19 editions for over three-quarters of a century and the effective reworking of its contents and presentation which was achieved in the centenary edition has now been greatly enhanced by the addition of a number of "user friendly" aspects. Use of colour coding and the addition of a comprehensive index make the information much more accessible than in the past.

Clear and logical presentation of information which covers not only biographical details of current Members and Officers of Parliament, but also a comprehensive historical record presented chronologically of Members of the Legislative Assembly from 1832 until the present day helps us all.

In addition to that general information, there are a number of small but extremely useful sections which deal with questions often asked about the Parliament, such as the youngest and oldest members ever to occupy various offices, statistics relating to women members of the Western Australian Parliament, slightly quirky information related to Members of Parliament who have been close relations, as well as concise and valuable information relating to changes of total membership and new membership following general elections and information on referendums

This volume is recommended as an invaluable reference tool for schools, researchers, private business organisations, government departments and authorities and local community libraries.



For further information please contact:

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