

WESTERN AUSTRALIAN GOVERNMENT Gazette



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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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PUBLISHING DETAILS

The Western Australian *Government Gazette* is published by State Law Publisher for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances (changes to this arrangement will be advertised beforehand on the inside cover).

Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*.

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
- Copy should be received by the Manager (Sales and Editorial), State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

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- Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.

If it is necessary through isolation or urgency to fax copy, confirmation is not required by post. *If original copy is forwarded later and published, the cost will be borne by the advertiser.*

ADVERTISING RATES AND PAYMENTS

EFFECTIVE FROM 1 JULY 1999.

Deceased Estate notices, (per estate)—\$17.80

Real Estate and Business Agents and Finance Brokers Licences, (per notice)—\$41.50

Other articles in Public Notices Section—\$41.50 (except items of an exceptionally large nature. In these instances arrangements will be made for pricing the notice at time of lodging).

All other Notices

Per Column Centimetre—\$8.20

Bulk Notices—\$154.00 per page

Clients who have an account will be invoiced for advertising charges.

Clients without an account will need to pay at time of lodging the notice.

PUBLISHING ALTERATIONS

Periodically the normal *Gazette* publishing times need to be altered to cater for disruption caused by public holidays.

- Easter and Christmas holidays cause disruption each year.
- Australia Day and Anzac Day cause disruption when they fall on a Tuesday or Friday.

In these instances, notices warning of the change are generally published on page 2 for approximately 4 weeks prior to the date.

Readers are urged to check *Gazettes* accordingly, prior to contacting State Law Publisher.

JOHN A. STRIJK, Government Printer.

— PART 1 —

AGRICULTURE

AG301*

Alteration of Statutory Designations Act 1974

Alteration of Statutory Designations Order 1999

Made by the Governor in Executive Council.

1. Citation

This order may be cited as the *Alteration of Statutory Designations Order 1999*.

2. References to “Manager, Surveillance and Preparedness, Industry Resource Protection Program” altered

It is directed that a reference contained in —

- (a) any law; or
- (b) any instrument, contract or legal proceedings made or commenced before the coming into operation of this order,

to the office designated “Manager, Surveillance and Preparedness, Industry Resource Protection Program” in the department of the Public Service designated as “Agriculture Western Australia” is to be read and construed as a reference to the office designated “Manager, Animal Industry Protection, Animal Protection Program” in that department.

By Command of the Governor,

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

ENVIRONMENTAL PROTECTION

EP301*

Environmental Protection Act 1986

**Environmental Protection (Kalgoorlie
Consolidated Gold Mines Pty Ltd, Mt Charlotte
Gold Mine Noise Emissions) Approval
Notice 1999**

Made by the Minister under regulation 17 of the *Environmental Protection (Noise) Regulations 1997*.

1. Citation

This notice may be cited as the *Environmental Protection (Kalgoorlie Consolidated Gold Mines Pty Ltd, Mt Charlotte Gold Mine Noise Emissions) Approval Notice 1999*.

2. Interpretation

In this notice —

“**haul road**” means that portion of the road between the Reward Orebody Pit and the Fimiston Mill from the Reward Orebody Pit to a point 1 500 m south of the Williamstown Road;

“**Kalgoorlie CBD**” means —

- (a) that part of the City of Kalgoorlie-Boulder which is not more than 1 200 m from Hannan Street and west of the Eastern Bypass Road; and
- (b) that part of the City of Kalgoorlie-Boulder which is not more than 75 m south of the Williamstown Road between the Eastern Bypass Road and the Mt Charlotte to Fimiston Mill Conveyor;

“**Mt Charlotte Gold Mine**” means the open pits for the Reward Orebody and the Northern Orebody of the Mt Charlotte Gold Mine at Kalgoorlie and the road between the Reward Orebody Pit and the Northern Orebody Pit;

“**Williamstown**” means the suburb of the City of Kalgoorlie-Boulder known as Williamstown other than the area referred to in paragraph (b) of the definition of “Kalgoorlie CBD”, and

unless the contrary intention appears, other words and expressions have the same respective definitions as they have in the *Environmental Protection (Noise) Regulations 1997*.

3. Approval

- (1) The Minister approves the emission of noise from —
- (a) the Mt Charlotte Gold Mine at Kalgoorlie operated by Kalgoorlie Consolidated Gold Mines Pty Ltd; and
 - (b) the haul road, which noise is caused by haul trucks operating on that road,
- that exceeds or varies from the standard prescribed under regulation 8 of the *Environmental Protection (Noise) Regulations 1997* —
- (c) for the period specified in subclause (2); and
 - (d) subject to the condition or restriction specified in subclause (3) in relation to the Kalgoorlie CBD.
- (2) The period referred to in subclause (1)(c) is 12 months commencing on the day on which earth in the Mt Charlotte Gold Mine above or within 200 metres of the perimeter of the Northern Orebody Crown Pillar or the Reward Orebody Crown Pillar is moved or removed.
- (3) The condition or restriction referred to in subclause (1)(d) is that for the purposes of the *Environmental Protection (Noise) Regulations 1997* the assigned level is not to be determined by reference to the Table to regulation 8(2) of those regulations but by reference to the following Table —

Types of premises receiving noise	Time of day	Assigned level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises at locations within 15 m of a building associated with a noise sensitive use in the Kalgoorlie CBD	0700 hours to 1700 hours Monday to Friday, other than a day that is a public holiday	65	75	80
	0700 hours to 1700 hours Saturday	55	65	75
	1700 hours to 1900 hours Monday to Saturday	55	65	75
	0900 hours to 1900 hours Sunday and a public holiday	50	60	75
	1900 hours to 2200 hours all days	50	60	75
	2200 hours on any day to 0700 hours Monday to Saturday and to 0900 hours Sunday and a public holiday	45	55	65
Noise sensitive premises at locations further than 15 m from a building associated with a noise sensitive use in the Kalgoorlie CBD	All hours	65	75	80

Types of premises receiving noise	Time of day	Assigned level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Commercial premises in the Kalgoorlie CBD	All hours	65	75	80
Industrial and utility premises in the Kalgoorlie CBD	All hours	65	80	90

- (4) The Minister approves the emission of noise caused by haul trucks operating on the haul road that exceeds or varies from the standard prescribed under regulation 8 of the *Environmental Protection (Noise) Regulations 1997* —
- (a) for the period specified in subclause (2); and
 - (b) subject to the conditions or restrictions specified in subclause (5), (6) and (7) in relation to Williamstown.
- (5) A condition or restriction referred to in subclause (4)(b) is that for the purposes of the *Environmental Protection (Noise) Regulations 1997* the assigned level is not to be determined by reference to the Table to regulation 8(2) of those regulations but by reference to the following Table —

Types of premises receiving noise	Time of day	Assigned level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises at locations within 15 m of a building associated with a noise sensitive use in Williamstown	0700 hours to 1700 hours Monday to Friday, other than a day that is a public holiday	55	-	80
	0700 hours to 1700 hours Saturday	55	65	75
	1700 hours to 1900 hours Monday to Saturday	55	65	75
	0900 hours to 1900 hours Sunday and a public holiday	50	60	75
	1900 hours to 2200 hours all days	50	60	75
	2200 hours on any day to 0700 hours Monday to Saturday and to 0900 hours Sunday and a public holiday	45	55	65
Noise sensitive premises at locations further than 15 m from a building associated with a noise sensitive use in Williamstown	All hours	65	75	80

Types of premises receiving noise	Time of day	Assigned level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Commercial premises in Williamstown	All hours	65	75	80
Industrial and utility premises in Williamstown	All hours	65	80	90

- (6) A condition or restriction referred to in subclause (4)(b) is that if noise barriers have not been constructed on the eastern side of the haul road between the points 6597356.3 mN and 354680.8 mE, 6597262.9 mN and 354800.5 mE, and 6597170.2 mN and 354903.1 mE, and between the points 6597467.2 mN and 354607.3 mE, 6597421.8 mN and 354620.1 mE, 6597393.4 mN and 354642.4 mE, and 6597378.6 mN and 354651.8 mE the number of haul trucks passing any point on the haul road is not to exceed 4 in any hour.
- (7) If the noise barriers referred to in subclause (6) have been constructed, a condition or restriction referred to in subclause (4)(b) is that the number of haul trucks passing any point on the portion of the haul road between Williamstown Road and a point 1500 metres south of the Williamstown Road is not to exceed 22 in any hour.
- (8) The Minister approves the emission of noise caused by mining operations from the Mt Charlotte Gold Mine that exceeds or varies from the standard prescribed under regulation 8 of the *Environmental Protection (Noise) Regulations 1997* —
- (a) for the period specified in subclause (2); and
 - (b) subject to the condition or restriction specified in subclause (9) in relation to Williamstown.
- (9) The condition or restriction referred to in subclause(8)(b) is that for the purposes of the *Environmental Protection (Noise) Regulations 1997* the assigned level is not to be determined by reference to the Table to regulation 8(2) of those regulations but by reference to the following Table —

Types of premises receiving noise	Time of day	Assigned level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises at locations within 15 m of a building associated with a noise sensitive use in Williamstown	0700 hours to 1700 hours Monday to Friday, other than a day that is a public holiday	55	65	75
	0700 hours to 1700 hours Saturday	55	65	75
	1700 hours to 1900 hours Monday to Saturday	55	65	75

Types of premises receiving noise	Time of day	Assigned level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
	0900 hours to 1900 hours Sunday and a public holiday	50	60	75
	1900 hours to 2200 hours all days	50	60	75
	2200 hours on any day to 0700 hours Monday to Saturday and to 0900 hours Sunday and a public holiday	45	55	65
Noise sensitive premises at locations further than 15 m from a building associated with a noise sensitive use in Williamstown	All hours	65	75	80
Commercial premises in Williamstown	All hours	65	75	80
Industrial and utility premises in Williamstown	All hours	65	80	90

CHERYL EDWARDES, Minister for the Environment.

FAIR TRADING

FT301*

Real Estate and Business Agents Act 1978

Real Estate and Business Agents (General) Amendment Regulations 1999

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Real Estate and Business Agents (General) Amendment Regulations 1999*.

2. Regulation 6 amended

Regulation 6 of the *Real Estate and Business Agents (General) Regulations 1979** is amended as follows:

- (a) after paragraph (b) by deleting “or”;

- (b) after paragraph (c)(iii) by deleting the full stop and inserting —

“

; or

- (d) the examinations required to be passed for the conferring of a Diploma of Business Management (Real Estate) by The Real Estate Institute of Western Australia.

”.

[* Reprinted as at 28 November 1997.

For amendments to 7 September 1999 see 1998 Index to Legislation of Western Australia, Table 4, pp. 253-4.]

By Command of the Governor,

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

HEALTH

HE301*

HEALTH ACT 1911

HEALTH (DANGEROUS INFECTIOUS DISEASES) AUTHORIZATION 1999

Given by the Minister for Health under section 251 of the Act.

Citation

1. This authorization may be cited as the *Health (Dangerous Infectious Diseases) Authorization 1999*.

Duration

2. This authorization is effective for the period commencing on 1 November 1999 and ending on 31 October 2000.

Authorization

3. The Executive Director, Public Health and Scientific Support Services, is authorized to exercise and delegate to any public health official the special powers conferred by section 251 of the Act within or with respect to any district for the purpose of more effectually checking or preventing the spread of any dangerous infectious disease.

Dated this 28th day of September 1999.

JOHN DAY, Minister for Health.

HE302*

Poisons Act 1964

Poisons (Appendix A Amendment) Order 1999

Made by the Minister under section 21 of the Act.

1. Citation

This order may be cited as the *Poisons (Appendix A Amendment) Order 1999*.

2. Appendix A amended

Appendix A to the *Poisons Act 1964** is amended as follows:

(a) by deleting clause 1(1) and inserting instead —

“

(1) In this Appendix, “**SUSDP**” means the current Poisons Standard as defined in section 52A of the *Therapeutic Goods Act 1989* of the Commonwealth.

”;

(b) in Schedule 8 by inserting after “**SUSDP**” —

“

, subject to the following modification —

The following substance is added to Schedule 8 to the SUSDP —

* 11-NOR-9-CARBOXY TETRAHYDROCANNABINOL when used for analytical chemical analysis.

”.

[* Reprinted as at 22 January 1999.

For subsequent amendments see Act No. 26 of 1999.]

JOHN DAY, Minister for Health.

HE303*

Tobacco Control Act 1990

Tobacco Control (Exemption) Notice 1999

Made by the Minister under section 14 of the Act after consultation with the Minister for Sport and Recreation.

1. Citation

This notice may be cited as the *Tobacco Control (Exemption) Notice 1999*.

2. Definitions

In this notice —

“**associated statement**” means the statement “Government Health Warning”;

“**driver**” means a driver or co-driver competing in the Event —

- (a) who has been nominated to score points in the Event by a registered team; or
- (b) who has competed in at least 5 rounds of the 1999 World Rally Championship within 12 months before the start of the Event;

“**external surfaces**”, in relation to a rally car, means the external surfaces of the rally car when its doors, windows, bonnet and boot are closed;

“**health warning**” means the statement “SMOKING KILLS”;

“**photograph**” includes a photograph reproduced in any printed material;

“**publisher**” means a person who produces, sells, supplies or distributes printed material;

“**rally car**” means a motor vehicle driven by a driver for the purposes of competing in the Event;

“**registered team**” means a team —

- (a) that is registered to compete in the 1999 World Rally Championship, the 1999 Two Litre World Cup or the 1999 FIA Teams Championship; or
- (b) that has competed in at least 5 rounds of the 1999 World Rally Championship within 12 months before the start of the Event;

“**the Event**” means the Rally Australia motor racing event to be held on 4, 5, 6 and 7 November 1999 in Western Australia;

“**the Organizer**” means the Western Australian Tourism Commission established under section 4 of the *Western Australian Tourism Commission Act 1983*;

“**the 2000 Event**” means the Rally Australia motor racing event to be held in 2000 in Western Australia.

3. Exemptions

- (1) This clause has effect subject to clauses 4 and 5.
- (2) A driver is exempted from the operation of sections 5 and 8 of the Act in respect of the Event.
- (3) The Organizer is exempted from the operation of section 5 of the Act in respect of the Event.
- (4) A publisher is exempted from the operation of section 5 of the Act in respect of the Event.

4. Conditions relating to drivers

- (1) An exemption under clause 3(2) (“**the exemption**”) is subject to the conditions to which subclauses (2), (3) and (4) apply.
- (2) This subclause applies to the condition that any tobacco advertisement in relation to which the exemption has effect must be displayed only in accordance with a contract or arrangement for a sponsorship of a driver or of a registered team and only on —
 - (a) the uniform of a driver; or
 - (b) the external surfaces of a rally car.

- (3) This subclause applies to the condition that any tobacco advertisement in relation to which the exemption has effect must be displayed —
 - (a) only if accompanied by the health warning and the associated statement; and
 - (b) only while the Event is in progress, during official events listed in the 1999 Rally Australia Program or while the rally cars are driven directly to or from the Event or those events.
- (4) This subclause applies to the condition that the health warning and associated statement that accompany any tobacco advertisement in relation to which the exemption has effect —
 - (a) must be in the format specified for a warning message or explanatory message in regulation 9 of the *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 1985* of the Commonwealth;
 - (b) must occupy at least 30% of the area devoted to the display of the tobacco advertisement; and
 - (c) must, if the tobacco advertisement has certain characteristics under certain conditions (such as being luminous in artificial light), have those characteristics under those conditions.

5. Condition relating to Organizer and publishers

- (1) An exemption under clause 3(3) or (4) is subject to the condition that any tobacco advertisement in relation to which the exemption has effect —
 - (a) must be only incidentally or accidentally present in a photograph used for the purposes of reporting on, publicizing or promoting the Event or the 2000 Event; and
 - (b) must comply with subclause (2).
- (2) A tobacco advertisement in a photograph complies with this subclause if —
 - (a) when the photograph was taken, the tobacco advertisement was displayed in accordance with clause 4(2) and (3); and
 - (b) the tobacco advertisement is accompanied in the photograph by the health warning and associated statement in accordance with clause 4(4).

HE304*

Hospitals and Health Services Act 1927

Hospitals and Health Services (Warren Blackwood Health Service Board) By-laws 1999

Made by the Warren Blackwood Health Service Board under section 22 of the Act.

1. Citation

These by-laws may be cited as the *Hospitals and Health Services (Warren Blackwood Health Service Board) By-laws 1999*.

2. Interpretation

In these by-laws —

“**Board**” means the hospital board assigned the corporate name “Warren Blackwood Health Service Board” under clause 4 of the *Hospitals and Health Services (Re-organization of Hospital Boards) Notice 1999*.

3. Local health service councils to be established

The Board is to establish a local health service council for each public hospital, or, at the discretion of the Board, group of public hospitals, under the control of the Board.

4. Constitution of local health service councils

A local health service council is to consist of not less than 3 persons or more than 9 persons appointed by the Board of whom —

- (a) at least 2 are Board members; and
- (b) all other persons are appointed from persons nominated to the Board in accordance with procedures determined by the Board and approved by the Minister.

5. Chairperson

The members of a local health service council are to elect a member, who is also a Board member, to be the chairperson of the council.

6. Constitutional provisions

- (1) Subject to sub-by-law (2), the Schedule to the Act has effect in relation to the constitutional provisions that apply to a local health service council.

- (2) For the purposes of sub-bylaw (1) —
- (a) a reference in the Schedule to the Act —
 - (i) to the Governor or the Minister is to be taken to be a reference to the Board; or
 - (ii) to the Chairman is to be taken to be a reference to the chairperson;
 - (b) clauses 3 and 12 of that Schedule do not apply; and
 - (c) the reference in clause 14 of that Schedule to “this Act” is to be taken to be a reference to “any directions given by the Board”.

7. Functions of local health service council

The functions of a local health service council established for a public hospital are, in accordance with such guidelines, if any, as are approved by the Board —

- (a) to supervise, and provide advice and recommendations to the Board in relation to, the management of the public hospital;
- (b) in association with the Board, to select the person to be employed by the public hospital as its senior employee;
- (c) to manage, and provide advice and recommendations to the Board in relation to the management of the funds available to the Board for distribution to the public hospital;
- (d) to participate in business and strategic planning processes in relation to the public hospital;
- (e) to supervise, and provide advice and recommendations to the Board in relation to, contracts or arrangements entered into for the purposes of services provided by the public hospital; and
- (f) to perform any other functions as directed by the Board.

8. Board may give directions to local health service councils

The Board may give directions to a local health service council in relation to the performance of the council’s functions, and the council is to comply with any direction so given.

Passed by a resolution of the Warren Blackwood Health Service Board at its meeting held on 9th September 1999.

The common seal of the Warren
Blackwood Health Service Board
was at the time of that resolution
affixed by order and in the
presence of —

GLEN NORRIS, Chairperson.
ANNE SEPKUS, Member.

LOCAL GOVERNMENT

LG301***LOCAL GOVERNMENT ACT 1995***Shire of East Pilbara*

Standing Orders Local Law 1999

Under the powers conferred by the Local Government Act 1995, the Council of the Shire of East Pilbara resolved on the twenty third day of September 1999, to adopt the Standing Orders Local Law published in the *Government Gazette* on 3 April, 1998, with such modifications as are here set out.

Part 1

1.1 Delete clause 1.4.

Part 2

2.1. Delete the whole of Part 2.

Part 3

3.1 In subclause 3.2(1), delete paragraphs (a) to (p) and substitute —

- “(a) Declaration of opening/Announcement of visitors
- (b) Record of attendance/Apologies/Leave of absence (previously approved)
- (c) Response to previous public questions taken on notice
- (d) Public question time
- (e) Petitions/Deputations/Presentations
- (f) Applications for Leave of Absence
- (g) Confirmation of and business arising from the minutes of the previous meeting
- (h) Members Reports
- (i) Matters for which meeting may be closed
- (j) Reports
- (k) Motions of which previous notice has been given
- (l) New business of an urgent nature introduced by a decision of Council
- (m) General Business
- (n) Matters behind closed doors
- (o) Date of next meeting
- (p) Closure.”

3.2. Delete clause 3.8.

3.3. In subclause 3.9(2), delete “four (4)” and substitute “seven (7).”

3.4. In subclause 3.10(1), delete “four (4)” and substitute “seven (7).”

A. In clause 3.11 —

1. After the heading, delete “In” and substitute —
 - “(1) Subject to subclauses (2) and (3), in ”; and
2. Insert the following subclauses —
 - “(2) Before a matter may be raised under subclause (1) the person presiding or a member otherwise seeking to raise the matter is to state why the matter is considered to be of extreme urgency or other special circumstance.
 - (3) If a member of the Council or committee as the case requires, objects to a matter being raised without notice, any decision of the Council or committee in regard to that matter does not have effect unless it has been made by an absolute majority.”

Part 5

4.1. Delete the whole of Part 5.

Part 9

5.1. In clause 9.1, delete the heading “9.1 Members to Rise” and substitute “9.1 Members Wishing to Speak”, and delete the whole of the second sentence;

Part 10

6.1 In clause 10.16, in the last sentence, delete “rises to explain” and substitute “makes a personal explanation.”

Part 14

7.1. Delete the whole of Part 14.

Part 15

8.1. In clause 15.3, delete "and be seated".

8.2. Delete clause 15.8.

Part 17

9.1. In clause 17.6, delete paragraph (b).

Part 19

10.1. Delete subclause 19.1(4).

Renumbering

11.1 Renumber Parts 3 and 4 to 2 and 3 respectively; and clauses 3.1 to 3.7 to 2.1 to 2.7 respectively; 3.9 to 3.12 to 2.8 to 2.11 respectively; and 4.1 and 4.2 to 3.1 and 3.2 respectively.

11.2 Renumber Parts 6 to 13 to 4 to 11 respectively; and clauses 6.1 and 6.2 to 4.1 and 4.2 respectively; 7.1 and 7.2 to 5.1 and 5.2 respectively; 8.1 to 8.7 to 6.1 to 6.7 respectively; 9.1 to 9.9 to 7.1 to 7.9 respectively; 10.1 to 10.20 to 8.1 to 8.20 respectively; 11.1 to 11.4 to 9.1 to 9.4 respectively; 12.1 to 12.7 to 10.1 to 10.7 respectively; 13.1 and 13.2 to 11.1 and 11.2 respectively.

11.3 Renumber parts 15 to 19 to 12 to 16 respectively; and clauses 15.1 to 15.7 to 12.1 to 12.7 respectively; 15.9 to 12.8; 16.1 to 16.5 to 13.1 to 13.5 respectively; 17.1 to 17.6 to 14.1 to 14.6 respectively; 14.6 (c) to 14.6 (b); 18.1 and 18.2 to 15.1 and 15.2 respectively; 19.1 to 16.1; 16.1 (5) to 16.1 (4).

Dated this 30th day of September, 1999.

The Common Seal of the Shire of East Pilbara was affixed in the presence of:

M. LEE, President.
A. COOPER, Chief Executive Officer.

LG302***HEALTH ACT 1911****CITY OF BUNBURY HEALTH AMENDMENT LOCAL LAWS 1999**

Made by the Council of the City of Bunbury under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Part 3 of the *Local Government Act 1995*.

Citation

1. These local laws may be cited as the *City of Bunbury Health Amendment Local Laws 1999*.

Principal local laws

2. In these local laws, the *City of Bunbury Health Local Laws 1996* made under the *Health Act 1911* and passed by the Council of the City of Bunbury on 10 June 1996, by notice published in the *Government Gazette* on 23 August 1996, are referred to as the principal local laws.

Clause 17 amended

3. The principal local laws are amended in Part 2, Division 2, by deleting subclause 17(5) and substituting the following —

- (5) Where mechanical extraction is provided in a kitchen, the exhaust air shall be —
- (a) carried to the outside air as directly as practicable; and
 - (b) boxed throughout.

Passed at a meeting of the Council of the City of Bunbury held on 31 August, 1999.
The Common Seal of the City of Bunbury was placed here in the presence of:

G. M. CASTRILLI, Mayor.
M. WHITTAKER, Chief Executive Officer.

on this 2nd day of September 1999.

Consented to —

Dr VIVIENNE P. DAWES, delegate of Executive Director, Public Health.
Dated this 21st day of September 1999.

RACING, GAMING AND LIQUOR

RA301***WESTERN AUSTRALIAN TROTTING ASSOCIATION****RULES OF HARNESS RACING 1999**

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 21st day of September 1999 it was resolved by an absolute majority of the members of the Committee that the Rules of Harness Racing 1999 be amended as follows:

Include local rule 163

LR163 Handing up the lead

- 1) The driver of a horse leading a race shall surrender the lead if the driver's horse is headed by a neck or more of another horse which is challenging for the lead.
- 2) This local rule shall only apply:
 - a) after the first 200 metres from the start of the race;
 - b) prior to the final 800 metres of a race; and
 - c) to races conducted by the Golden Mile Trotting Club Inc at its Kalgoorlie course.

G. PAPADOPOULOS, President.

— PART 2 —

FAMILY AND CHILDRENS SERVICES

FA401**ADOPTION ACT 1994**

I, Rhonda Parker, Minister for Family and Children's Services issue the following person with a licence to act as a Contact and Mediation Agency under section 105 and 106 of the Adoption Act 1994 and subject to the Adoption Regulations and Code of Practice 1995—

Ruth Libby Gilovitz, 143 Samson Street, White Gum Valley WA 6162

Dated this 16th day of September 1999.

RHONDA PARKER, Minister for Family and Children's Services.

FA402**ADOPTION ACT 1994**

I, Rhonda Parker, Minister for Family and Children's Services issue the following person with a licence to act as a Contact and Mediation Agency under section 105 and 106 of the Adoption Act 1994 and subject to the Adoption Regulations and Code of Practice 1995—

Eunice Merlene Schultz, 34 Araluen Street, Morley WA 6062

Dated this 16th day of September 1999.

RHONDA PARKER, Minister for Family and Children's Services.

HEALTH

HE401**HEALTH ACT 1911**

Health Department of WA,
Perth, 30 September 1999.

In accordance with the provisions of section 28 of the Health Act 1911, the appointment of the following persons as Environmental Health Officers is approved.

Environmental Health Officer	Date Effective	Local Government
John Leslie McCleary	10 August 1999	Shire of Wongan-Ballidu
Charles John Ricciardi	30 August 1999	Shire of Chapman Valley
David Ruxton Hadden	30 August 1999	Shire of Chapman Valley
Jonathan Michael Smith	23 August to 24 September 1999	City of Gosnells
Paul Scott Anderson	18 October 1999	Shire of Greenough
Tanya Doncon	27 August 1999	City of Wanneroo
Ramon M. Christiansen	26 August to 1 October 1999	City of Stirling

PAUL PSAILA-SAVONA, Executive Director, Public Health.

HE402**HEALTH ACT 1911**

Health Department of WA,
Perth, 30 September 1999.

In accordance with the provisions of section 28 of the Health Act 1911, the appointment of the following persons as Environmental Health Officers (Meat) is approved.

Environmental Health Officer	Date Effective	Local Government
Raymond Munro	18 October to 12 November 1999	Shire of Gingin

PAUL PSAILA-SAVONA, Executive Director, Public Health.

LOCAL GOVERNMENT

LG401**BUSH FIRES ACT 1954***Shire of Mt Marshall***BUSH FIRE CONTROL OFFICERS 1999/2000**

The following persons have been appointed Bush Fire Control Officers for the 1999/2000 fire season—

Chief Bush Fire Control Officer	A. J. Gracie	9685 1226
Deputy Chief Bush Fire Control Officer	B. Ingleton	9686 1004
T. J. Gobbart	9684 8042	Gabbin
W. E. Clark	9048 6012	North Wialki
L. W. O'Neil	9048 4032	South Wialki
M. J. Hegarty	9048 4015	South Wialki
A. Hele	9667 1039	North of Fence
J. F. Dunne	9686 1045	Beacon
J. King	9686 4041	Tampu
G. A. James	9686 6027	Cleary
B. G. Walker	9686 2030	Welbungin
Chief Executive Officer	9685 1202	Shire
J. A. Walker	9685 1202	Shire
D. R. Gobbart	9685 1202	Shire

Fire Weather Officers—

- A. J. Grace—South
- B. Ingleton—North

Each Fire Weather Officer is Deputy to the other. All previous appointments are hereby cancelled.

G. K. MARTIN, Acting Chief Executive Officer.

LG402**BUSH FIRES ACT 1954***City of Mandurah***APPOINTMENT OF AUTHORISED OFFICER**

It is hereby notified for public information that Jody Victoria Somers has been appointed Bush Fire Control Officer within the district of Mandurah, with all the associated powers under the provisions of the Bush Fires Act 1954.

STEPHEN GOODE, Chief Executive Officer

LG403**LOCAL GOVERNMENT ACT 1995****SHIRE OF WILUNA (DECLARATION OF VACANCIES AND APPOINTMENT OF COMMISSIONER) ORDER 1999**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under section 2.37.

1. Citation

This order may be cited as the *Shire of Wiluna (Declaration of Vacancies and Appointment of Commissioner) Order 1999*.

2. Offices of members declared vacant

More than 1/2 of the offices of the members of the council of the Shire of Wiluna being vacant, all the remaining offices of members of that council are declared to be vacant with effect on and from the date on which this order is published in the *Government Gazette*.

3. Commissioner appointed

(1) Mr Ronald Stanley Yuryevich, 81 Ward Street, Kalgoorlie being eligible to be appointed as such, is appointed to be commissioner of the Shire of Wiluna.

(2) this appointment is to be for the period beginning on the date on which this order is published in the *Government Gazette* and ending on the date when the offices of members of the council are filled and the newly elected council holds its first meeting.

4. Polling day set

The day for any poll needed for the election of members to fill the vacant offices of the Council is to be 25 March 2000.

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

M. C. WAUCHOPE, Clerk of the Council.

LG501**BUSH FIRES ACT 1954**

Shire of Mt Marshall

FIREBREAK ORDER

Notice is hereby given that all owners and/or occupiers of land within the Shire of Mt Marshall must prepare firebreaks, complying with the following schedule, on or before 1 October 1999 for croplands and maintain such firebreaks in a condition unable to carry a fire until 15 March 2000.

1. Agricultural Lands

Breaks of not less than three (3) metres in width must be provided immediately within the property boundary or as close as possible. (A three (3) metre break is required for burning off in accordance with the Bush Fires Act).

2. Town Sites

All town site lots within the Shire of Mt Marshall shall be cleared of all debris of an inflammable nature and be maintained free of such material.

3. Fuel Ramps and Depots

All grass and similar inflammable material to be cleared from areas where drum ramps or bulk fuel are located and where drums, full or empty, are stored and such areas be maintained clear of grass and similar inflammable materials.

4. It is considered to be impracticable for any reason to clear firebreaks or remove inflammable material from land as required by the notice you may apply to Council or its duly authorised officer for permission to provide firebreaks in alternative positions. If permission is not granted by Council or its duly authorised officer, you shall comply with the requirements of this notice.

5. Failure to comply with this notice shall subject the offender to the penalties prescribed in the Bush Fires Act 1954.

6. If the requirements of this notice are carried out by burning, such burning must be in accordance with the relevant provision of the Bush Fires Act 1954.

G. K. MARTIN, Acting Chief Executive Officer.

LG502**BUSH FIRES ACT 1954**

Shire of Dundas

Notice to all Owners and Occupiers of Land

Requirement to Clear Firebreaks

Pursuant to the powers contained in Section 33(1) of the Bush Fires Act you are hereby required to plough, cultivate, scarify, burn or otherwise clear firebreaks on all land owned or occupied by you by 14th day of November 1999 and thereafter to keep these firebreaks clear of all flammable material until 1st day of March 2000.

Firebreaks are required in locations and to the specifications detailed below—

1. Land within Townsites

1.1 On land not exceeding 2.023 square metres in area, all flammable material shall be moved.

1.2 On land exceeding 2.023 square metres in area, a firebreak 3 metres wide shall be constructed inside and immediately adjoining all external boundaries.

1.3 Fire breaks 3 metres wide shall be constructed immediately surrounding all buildings.

1.4 Haystacks must not be located closer than 20 metres to an external boundary. They shall be surrounded by a 10 metre wide firebreak situated between 10 and 20 metres distant from the stack.

1.5 Stored fuel, oil and flammable materials shall be protected from fire as prescribed in the Explosives and Dangerous Goods Act 1961 and the Flammable Liquids Regulations 1967.

2. Land outside Townsite

2.1 All buildings on land which are outside townsites shall be surrounded by two firebreaks not less than 2 metres wide cleared of all flammable material, the inner firebreak to be not more than twenty metres from the perimeter of the building or group of buildings and the outer firebreak no less than 200 metres from the inner firebreak.

2.2 To remove flammable material from the whole of the land between the firebreaks required in paragraph 2.1 above.

General

If for any reason it is considered by the owner or occupier of land that it is impractical to comply with the requirements of this notice a request may be made to the Council to approve alternative fire protection measures. Such application shall be accompanied by a sketch or drawing of the proposed variations and should be lodged at the Council Offices not later than 31st October 1999.

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

The penalty for non-compliance with this notice is a maximum of \$1000 and notwithstanding prosecution, Council may enter on land and carryout requisite works at the owner/occupiers expense. The prohibited burning period for this Shire is 15th November 1999 to 28th February 2000.

Dated: Friday, 1 October 1999.

T. A. HARTMAN, Deputy Chief Executive Officer.

LG503***BUSH FIRES ACT 1954**

Shire of Wagin

FIREBREAK NOTICE

Notice to all Owners and/Occupiers of Land in the Shire of Wagin

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

(1) RURAL LAND

- (a) Firebreaks at least 2.5 metres wide shall be cleared of all inflammable material to a distance of 20 metres from the perimeter of all buildings and haystacks, or groups of building and haystacks and shall completely encircle such buildings and haystacks; and
- (b) The area between the buildings and haystacks and the firebreak mentioned in (a) above, shall be cleared of all inflammable material by the 15th December.
- (c) The land within a perimeter of 6 metres outside the external boundary of the land normally occupied by any drums or tanks used for the storage of fuel, or the foundations or supports of any structure supporting such drums or tanks, whether containing fuel or not, shall be cleared of all inflammable material.

(d) FIRE FIGHTING EQUIPMENT

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

(e) PLANTATIONS

The Shire of Wagin has adopted the Guidelines for Plantation Fire Protection as its requirements for plantations. Copies of which are available at the Shire.

The following minimum firebreak standards apply for plantations—

- **Boundaries**—Firebreaks constructed 15 metres wide on the boundaries of plantations or on such other location as they be agreed between Council and the plantation owner.
- **Compartment Break**—Internal firebreaks between compartments up to 30 hectares must be a minimum of 6 metres wide and for compartments over 30 hectares a minimum of 10 metres wide. In all cases a 5 metre running surface should be maintained to allow access by firefighting appliances.
- **Public Roads**—Firebreaks adjoining public roads must be constructed to a width of 15 metres.
- All fire breaks must be maintained in a trafficable condition and trees on both sides of breaks progressively pruned to a minimum height of four (4) metres to allow unrestricted access of maintenance and fire fighting equipment and so as to maintain an effective width of firebreak.
- Where powerlines pass through the plantation areas firebreaks as per Western Power specification must be provided.

For plantations up to 50 hectares in size the standard Shire requirements for equipment apply otherwise the minimum equipment standards are—

Plantation Area (ha)	Fast Attack	2.4 M/Duty	3.4 H/Duty
50-100 ha	1	—	—
100-1000 ha	—	1	—
More than 1000 ha	—	—	1

Definitions

- *Fast attack relate to a 1 tonne 4x4 vehicle carrying minimum of 450 litres of water.*
- *2.4 Medium Duty relates to a 4x4 truck carrying 2000 litres of water*
- *3.4 Heavy Duty relates to a 4x4 truck carrying 3000 litres of water.*

Plantation—any area of planted pines and Eucalyptus species other than windbreaks, within gazetted townsites exceeding 3 hectares and elsewhere exceeding 10 hectares.

(f) HARVESTING

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

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

(g) HARVEST BANS AND OTHER BANS

(i) DEFINITIONS

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

Laneway/Roadway (non gazetted)

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

Yard

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

Mobile Fire Fighting Unit

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

Harvest Ban

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

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

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

(ii) PERMITTED ACTIVITIES

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

(iii) CHRISTMAS DAY

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

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

(2) TOWN LAND

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

GENERAL

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

If permission is not granted by the Council or its duly authorised officer you shall comply with the requirements of this notice.

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

The penalty for failing to comply with this notice is a fine of not more than \$1000, or a penalty of \$80 may be incurred by issue of an infringement notice, and a person in default is also liable, whether prosecuted or not to pay the cost of performing the work directed in this notice if it is not carried out by the owner or occupier by the date required by this notice.

If the requirements of this notice are carried out by burning, such burning must be in accordance with the relevant provisions of the Bush Fires Act. A permit to burn is required during the restricted burning period from an authorised officer. Permits are not valid on Sundays or public holidays.

By Order of the Council,

M. A. PARKER, Chief Executive Officer.

PROHIBITED AND RESTRICTED BURNING PERIODS

Restricted Burning Times (Permit required)

19th September 1999-31st October 1999

15th February 2000-31st March 2000

Prohibited Burning Times

1st November 1999-14th February 2000

Fire Control Officers

Chief Fire Control Officer	R. Goldsmith	9861 1529
Deputy Fire Control Officer	T. Booth	9861 1798
Base Radio Officer	C. Goldsmith	9861 1529
Geoff Abbott	South West Brigade	9862 6081
Ian McDougall	South West Brigade	9862 6098
Greg Brockway	South East Brigade	9861 1113
Bruce Johnson	South East Brigade	9861 1198
Glen Ward	South East No. 2 Brigade	9861 1180
Allan Thompson	North West Brigade	9861 1021
Carol Goldsmith	Base	9861 1529
Ross Goldsmith	Piesseville (Sub-base)	9861 1529
Trevor Booth	North East Brigade	9861 1798
Malcolm Edward	North East Brigade	9861 1024
Steven Angwin	North East Brigade	9861 6053
Michael Parker	Shire	9861 1177
Ken Turnor	Town	9861 1347
Kevin Marley	Town (Fire and Rescue Captain)	9861 2345

Wagin Base will operate on UHF emergency channel 5. When attending a fire brigade members are asked to switch to this channel.

On a harvest ban day Wagin Base will announce results of weather checks at twenty minutes past the hour of the check on this channel.

Harvest Ban Information Line

Council has a free call phone line which will provide a current harvest ban status within the Shire.

Call 1800 001 110

LG504***BUSH FIRES ACT 1954**

Town of Northam

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

FIREBREAK NOTICE 1999-2000

It is hereby notified for public information—

Burning Permits are required between 19th September to 14th November (inclusive)

Burning is prohibited between 15th November to 14th February

Burning Permits are required between 15th February to 27th March (inclusive)

Permits are free of charge and available from the Northam Fire Station, Wellington Street, Northam, Phone 9622 1071.

If you have any queries, please contact a Bush Fire Control Officer on 9622 1071.

Townsite Land—Restrictions

Before 15th November or within fourteen (14) days of the date of you becoming owner or occupier, should this be after 15th November, 1999, you are required to undertake the following—

- (a) Where the area of land is 2,024 square metres or less, material on the land shall be reduced to a height not exceeding 100mm from the ground and all excess material removed from the whole of the land;
- (b) Where the land exceeds 2,024 square metres in area, firebreaks at least four (4) metres wide must be cleared of all inflammable material immediately inside all external boundaries of the land and also immediately surrounding all buildings situated on the land;
- (c) Firebreaks to a width of at least fifteen (15) metres around any fuel dump or liquid fuel container.

Rural Land—Restrictions

Before 15th November or within fourteen (14) days of you becoming owner or occupier, should this be after 15th November, you are required to undertake the following :-

- (a) Firebreaks at least four (4) metres in width immediately inside and along all external boundaries of the land;
- (b) Firebreaks at least four (4) metres in width within one hundred (100) metres of the perimeter of all buildings and/or haystacks or groups of buildings and or haystacks in such a manner as to completely encircle the buildings and/or haystacks;
- (c) Firebreaks of at least four (4) metres wide immediately inside all boundaries contiguous with any Railway Reserve on which Railway traffic operates.

If it is considered to be impracticable or undesirable to provide firebreaks as required by Council's Local Laws Relating to Firebreaks, the approval of the Council or its duly authorised officer must be obtained in writing for any variations. Approval will only be granted up to and before 29th October in any year. If permission is not granted by the Council or its duly authorised officer, then the owner/occupier shall comply with the requirements of Council's Local Laws Relating to Firebreaks.

Inspections of all properties will be carried out immediately after 15th November and detailed photographs taken as evidence of land which does not comply with the stipulations—Penalty up to \$1,000 fine.

The prohibited burning period will be from 15th November, 1999 to 14th February, 2000.

D. S. BURNETT, Chief Executive Officer.

MINERALS AND ENERGY

MN404

MINING ACT 1978

NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Minerals and Energy,
Mt Magnet, 21st September 1999.

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

J. PACKINGTON, Warden.

To be heard in the Warden's Court, Mt Magnet on the 16th November 1999.

MURCHISON MINERAL FIELD

Day Dawn District

P 21/533—Castle Hill Resources NL
P 21/595—Miley, Peter John William

Mt Magnet District

P 58/1064—Le Fevre, Demis George
P 58/1065—Le Fevre, Demis George
P 58/1066—Le Fevre, Demis George
P 58/1067—Le Fevre, Demis George

YALGOO MINERAL FIELD

P 591406—Ruane, Michael
P 59/1443—Burge, David John; Burge, Joan

MN401Western Australian
MINING ACT 1978

INSTRUMENT OF EXEMPTION OF RESERVED LAND

The Minister for Mines pursuant to the powers conferred on him by Section 19 of the Mining Act 1978, hereby exempts all the areas of land described in the schedule hereunder (not being land that is the subject of a mining tenement or an application therefore) from Divisions 1-5 of part IV of the Mining Act 1978.

Schedule

Water Supply Reserve 15515
 Parking and Picnic Reserve 27610
 Harvey Quindanning Road No. 9324

Dated this 23rd day of September 1999.

NORMAN MOORE, Minister for Mines.

MN402**MINING ACT 1978**

NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Minerals and Energy.

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

(SGD.), Warden.

To be heard in the Warden's Court, Marble Bar on the 28 October 1999.

PILBARA MINERAL FIELD—NULLAGINE DISTRICT

L46/21—Erlistoun Gold NL
 P46/1136—Troy, Pascal Leo

WEST PILBARA MINERAL FIELD

P47/1096—Maloney, Terrence Anthony; Gordon, John Douglas; Pember, John Bradley; Nazzari, Bradley John

MN403**MINING ACT 1978**

Department of Minerals and Energy,
 Perth WA 6000.

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

NORMAN MOORE, Minister for Mines.

Number	Holder	Mineral Field
EXPLORATION LICENCES		
08/1033	Johnson, Lionel Gordon; Shanks, Helen Janette	Ashburton
38/1036	Carter, Jeremy	Mount Margaret
46/401	Jonellen Pty Ltd	Pilbara
46/402	Jonellen Pty Ltd	Pilbara
59/734	Aarex Resources NL	Yalgoo
80/1887	Gardner, Robert Charles	Kimberley
MINING LEASES		
59/390	Yinnex NL	Yalgoo
59/393	Seivwright, Daniel Kevin	Yalgoo

PLANNING

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

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF STIRLING

DISTRICT PLANNING SCHEME NO 2—AMENDMENT NO 355

Ref: 853/2/20/34 Pt 355

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Stirling Town Planning Scheme Amendment on 29 September, 1999 for the purpose of rezoning Lots 375 & 376, HNs 690 & 692 Beaufort Street, Mt Lawley from "Residential R60" to "Special Use Zone—Personal Services/Offices".

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

PD401**TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF ALBANY

TOWN PLANNING SCHEME NO 3—AMENDMENT NO 165

Ref: 853/5/4/5 Pt 165

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Albany Town Planning Scheme Amendment on 16 September, 1999 for the purpose of:

1. Introducing under part 3—Zones of the Scheme Text, two new zones '12b Service Industry', and '18. Landscape Protection', with the following broad objectives—

- 12.b. Service Industry—

to provide sites for a diverse range of light industries requiring larger lots primarily aimed at the provision of maintenance, sales and service to the primary industry sector which can be accommodated in reasonable proximity to urban areas without disturbing the amenity of the area, and:

- are low impact and require medium to large areas
- are rural orientated
- perform as 'dry industries'
- do not have special or significant effluent disposal requirements

- 18 Landscape Protection—

To protect areas of natural beauty or significance from further development.

To provide a mechanism to shield development of any type from major highways, roads, vantage and viewing points or from existing or future urban areas.

To assist in the protection and maintenance of the amenity of a locality.

2. Introducing under part 1—Preliminary, the following definitions under Clause 1.6—

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

Dry Industry means any industrial use permitted by this scheme where it can be demonstrated that the quality and volume of waste water to be disposed of on-site can be successfully disposed of, without adverse environmental or health effects, utilising effluent disposal systems or other means approved by the Health Department of Western Australia, the Department of Environmental Protection or other relevant body.

- 3.1 Amending Table 1 to include the new zones, Service Industry and Landscape Protection, and the new use classes, Garden Centre and Dry Industry, with the following classifications:

	"A" uses	"AA" uses	"IP" uses
Service Industry	Garden Centre Industry—Light Industry—Rural Industry—Service Motor Repair Station Rural Storage Yard Showroom Public Utility	Industry—General Warehouse Caretakers House	Car Park Office Trade Display Petrol Filling Station
Landscape Protection	Public Utility		

- 3.2 Other uses that may be permitted within the Light Industry, General Industry or Rural Zones as defined by Table 1 of the Scheme may be permitted within the Service Industry Zone as provided that the proposed use would not conflict with Clause 5.19 of the Scheme nor the intent of the Service Industry Zone.
- 3.3 All other uses are not permitted—"X" uses
- 3.4 Inserting into Table 1 the new use classes. Dry Industry between "Dry Cleaning Premises" and "Educational Establishments", and Garden Centre between "Funeral Parlor" and "Health Centre" with the following classifications:

	Places of Public Assembly	Private Clubs and Institutions	Residential	Residential Development	Motel	Tavern	Commercial	Local Shopping	Service Station	Light Industry	General Industry	Noxious Industry	Rural	Special Rural	Special Industry (Elizabeth St.)	Special Industry (Down Rd.)	Special Residential	Conservation
Dry Industry	X	X	X	X	X	X	X	X	X	AA	A	A	X		A	A		
Garden Centre	X	X	X	X	X	X	AA	AA	X	A	A	AA	AA	See Schedule 1	AA	X	See Schedule 4	Refer to Schedule 5

4. Introducing under Part 5—General Provisions, a new Clause 5.19, which states:

5.19 Service Industry Zone:

- (i) Council shall not permit an industrial use unless it can be demonstrated that by application of buffer standards in place at the time the industry can be accommodated without detrimental impact upon surrounding land uses and that the industry will perform as a "Dry Industry".
 - (ii) The landowner will be required to demonstrate that prospective industries will be able to meet environmental guidelines in terms of risk, noise, dust, emissions or other potential nuisance and be able to be accommodated on the site without the need for a buffer distance of greater than 50m.
 - (iii) The landowner shall be required to plant and maintain suitable revegetation areas to maintain visual amenity of the site and to assist in nutrient assimilation. Council may require additional plantings as a condition of Planning Scheme Consent or allow a variation to any revegetation plan if an area of the same or greater extent is planted elsewhere within the site to Councils satisfaction. The choice of species shall be the responsibility of the landowner but at least 50% of the trees must be capable of growing to a height of 3m within 5 years, with preference given to species endemic to the region.
 - (iv) Applications for Planning Scheme Consent shall be required for all uses as listed in Table 1 for the Service Industry Zone and any change of use. The Application for Planning Scheme Consent shall require the submission of a completed "Application for Planning Scheme Consent", three copies of the plan showing the exact location of any buildings or displays proposed and three copies of scaled elevation plans for any buildings or displays showing colours and materials to be used.
 - (v) Uses not specifically listed in Table 1 may be permitted if, in the opinion of Council, they will fulfil the objectives of the zone. Such uses will be regarded as "AA" uses for the purposes of public consultation and advertising. Any additional requirements for individual areas are to be listed in Schedule 6—Service Industry zone.
5. Rezoning part of Portion Plantagenet Location 392, Chester Pass and Mercer Roads, Albany from the "Rural" zone to the "Service Industry" and "Landscape Protection" zones, a portion of Lot 5 of Plantagenet Location 392 to the "Parks and Recreation (non restricted)" Reserve, and a portion of Lot 5 of Plantagenet Location 392 from the "Rural" zone to the "Civic and Cultural" Reserve.
6. Amending the Scheme Maps accordingly.

7. Introducing a new Schedule "Schedule VI" into the Scheme Text

Service Industry Zone

Code	Land Particulars	Special Provisions
1	Pt Plantagenet Location 392, Chester Pass Road, Walmsley "Ardess Service Industry Estate"	<ul style="list-style-type: none"> <li data-bbox="783 342 1334 645">(i) Council may permit a maximum of 16 dry industries on the lot (average density = 1.62a per industry). The area allotted to each industry will be dependant upon individual industry requirements in terms of area, internal buffers and land capability. Any requests by the landowners to increase the maximum number of industries shall be made in the manner of Scheme Policy or Scheme Amendment to be decided upon by Council and dependant upon the scale and nature of the proposed changes. <li data-bbox="783 651 1334 902">(ii) All buildings and structures shall be set back a minimum of 20 metres from the internal road and 10 metres from any revegetation area. The 20m setback from the internal road can be used for landscaping, carparking or trade display in a similar manner to the standards set by provisions 5.7 to 5.9 inclusive or any alterations to these provisions by way of a Town Planning Scheme Policy or Amendment. <li data-bbox="783 909 1334 1115">(iii) Council may vary the setback requirements for any setback if the landowner can demonstrate that it will not adversely impact upon adjoining industries, revegetation or access for firefighting purposes and may require further screening within the reduced setback area to compensate for any perceived or actual loss of amenity. <li data-bbox="783 1122 1334 1171">(iv) All entrance to the estate will be via a single entry onto Chester Pass Road. <li data-bbox="783 1178 1334 1330">(v) Advertising signs for individual businesses shall not be visible from Chester Pass Road although a sign stack approved by and to the specifications of the Main Roads Department may be erected upon Chester Pass Road at the entry statement. <li data-bbox="783 1337 1334 1440">(vi) A single entry statement may be erected at the Chester Pass Road entrance subject to advice and approval from Council and the Main Roads Department. <li data-bbox="783 1447 1334 1675">(vii) All internal roads and crossovers will be required to be sealed to the satisfaction of Council. The minimum standard proposed is for the main internal road to have a pavement width of 10m with 2m shoulders to allow the passage of two passing vehicles past a further vehicle parked on the verge. Minor roads are to be constructed to at least 5m pavement width. <li data-bbox="783 1682 1334 1910">(viii) Council will require stormwater disposal measures to be taken to ensure that maximum retention and infiltration occurs on site through the use of individual soakwells, retention basins or other measures as deemed necessary. Oil and grease traps are to be provided within each building site to the satisfaction of Council to ensure that nutrient export off the site is kept to a minimum. <li data-bbox="783 1917 1334 2119">(ix) On site effluent disposal shall utilise amended soil systems unless the proponent can provide advice to Council that soil conditions are conducive to the operation of septic tanks and leach drains and will not result in unacceptable loss of nutrients to surrounding waterways, or risk to public health.

Code	Land Particulars	Special Provisions
		(x) The landowner shall be directly responsible for the maintenance of amenity in those areas surrounding individual industries and shall take necessary means to rectify unsightly displays or unkempt land as directed by Council.
		(xi) Carparking bays shall be provided in accordance with relevant standards as directed by Council.
		(xii) The landowner shall provide a copy of these Special provisions to prospective tenants and provision shall be made to the satisfaction of Council to prove that this has occurred and that the prospective tenant has read and understood their content

8. Introducing under Part 5—General Provisions, a new Clause 5.21, which states:

5.21 Landscape Protection Zone:

- (i) Council shall not permit any use on the site other than Public Utility or to provide ingress/egress for emergency or maintenance purposes.
- (ii) The landowner shall be required to plant and maintain suitable revegetation areas to maintain visual amenity of the site and to assist in nutrient assimilation. The choice of species shall be the responsibility of the landowner but at least 50% of the trees must be capable of growing to a height of 3m within 5 years, with preference given to species endemic to the region. The use of mass plantings of plantation species is not acceptable.
- (iii) The landowner will be required to remove any noxious weeds and maintain the revegetation areas in a low fire hazard risk as directed by Council or other relevant authority.

A. GOODE, Mayor.

R. W. JEFFERIES, Acting Chief Executive Officer.

PD403*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF CARNARVON

TOWN PLANNING SCHEME NO 10—AMENDMENT NO 35

Ref: 853/10/2/12 Pt 35

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 Carnarvon Town Planning Scheme Amendment on 29 September, 1999 for the purpose of rezoning Lots 1324—1327 and Lot 1323 (Reserve 2515) Olivia Terrace, Carnarvon from “Public Purposes” reserve to “Commercial”.

D. A. MILLS, President.

B. G. WALKER, Chief Executive Officer.

PD404

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF CHITTERING

TOWN PLANNING SCHEME NO 5—AMENDMENT NO 59

Ref: 853/3/4/5 Pt 59

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Chittering Town Planning Scheme Amendment on 29 September, 1999 for the purpose of:

- (a) Rezoning Lot 12 Morley Road, Lower Chittering, from Rural 1—Landscape Protection Zone to Rural Living Zone A.

(b) Adding to Schedule 5 the following—

(a) Specified Areas or Localities	(b) Special Provisions to refer to Special Rural Zones
Lot 12 Morley Road, Chittering	<p>(1) Development Plan Prior to subdivision or development, a Development Plan shall be submitted for consideration by the Council and the Western Australian Planning Commission. Subdivision and development should generally be in accordance with the Development Plan approved by the Council and the Western Australian Planning Commission.</p> <p>(2) Lot Sizes Lot sizes shall be generally in accordance with the approved Development Plan. The minimum lot size shall be one hectare. The average lot size should conform to the recommendations of the Shire of the Chittering Rural Strategy.</p> <p>(3) Tree Preservation Areas Tree Preservation areas shall be depicted on the Development Plan. In the areas identified for the preservation of trees, no clearing shall be permitted or undertaken outside the designated building envelope on the Development Plan. Council may require a landowner, as a condition of building approval, to commence tree planting to its specification, and to maintain those trees for a period of not less than two summer seasons;</p> <p>(4) Building Envelopes Building envelope shall be defined on the Development Plan. Clearing of land for any structure within the building envelope shall not exceed 2000 m² without prior approval of the Council and on the advice of the Bush Fires Services W.A.;</p> <p>(5) Fencing No side or rear boundary fences shall be permitted in tree preservation areas. Fencing for stocking areas identified on the Development Plan shall be required prior to Planning Consent being granted for the keeping of any grazing animals;</p> <p>(6) Domestic Water Supplies All habitable buildings shall be provided with a potable water supply Dwellings on lots below 2ha shall be provided with Water Corporation reticulated water or otherwise with a water supply consistent with Western Australian Planning Commission policy.</p> <p>(7) Land Management The advice of Agriculture Western Australia shall be required for any land remedial land care or drainage earthworks. All owners or occupiers shall maintain the land, including any water courses or drainage swales, in a manner which prevents degradation of the land or any vegetation thereon.</p> <p>(8) Dams and Water Courses The construction of dams and/or the extraction of surface water is not permitted without the approval of the Council and Waters and Rivers Commission;</p>

(a) Specified Areas or Localities	(b) Special Provisions to refer to Special Rural Zones
	<p>(9) Fire Management</p> <p>Council shall adopt a Bush Fire Management Plan for the subject land which shall be prepared in consultation with the Bush Fires Service of Western Australia. Council may amend the plan where it considers this to be necessary. All owners of affected land shall manage their properties in accordance with the plan. Development which would conflict with or impede bush fire management in accordance with the plan shall not be permitted or undertaken.</p>
	<p>(10) Effluent Disposal</p> <p>The Development Plan shall depict areas where conventional septic tanks may not be suitable. In these areas, on-site effluent disposal systems areas shall be limited to high performance environmental systems acceptable to the Council and the Health Department;</p>
	<p>(11) Permitted Uses:</p> <p style="padding-left: 40px;">Single Dwelling Additional Accommodation Recreation Home Occupation Bed and Breakfast</p> <p>The following uses may be permitted with the Consent of Council:</p> <p style="padding-left: 40px;">Rural Pursuit No more than one single dwelling per lot shall be permitted.</p>
	<p>(12) Livestock Management</p> <p>The development Plan shall depict areas for grazing. No grazing shall be permitted or undertaken outside the areas identified on the plan for this purpose. Within areas identified for grazing, the keeping of livestock shall not be permitted or undertaken without approval in writing from the Council.</p> <p>In considering any applications for keeping livestock, the Council will have regard to advice from Agriculture Western Australia.</p> <p>Notwithstanding the above, in cases where approval to keep livestock has been given but environmental or land degradation problems develop, the Council may take action to exclude or restrict the number of animals either permanently or until remedial works have been completed to the satisfaction of the Council.</p>
	<p>(13) Drainage Easements</p> <p>Where an easement for land drainage traverses a lot, the owner/occupier of that lot shall maintain that drainage line in accordance with the requirements of the Council.</p>
	<p>(14) Buffer Areas</p> <p>Memorials on title shall be required for each lot affected by the 500 metre buffer area stating that "this land lies within an existing clay extraction pit buffer and may be subject to some loss of amenity through noise and dust."</p>
	<p>(15) Vendor Responsibility</p> <p>The developer/vendor shall inform prospective purchasers of the lots, in writing, of the provisions of the Council's Town Planning Scheme relating to the management of the land.</p>

PD701*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME
TOWN OF MOSMAN PARK
CONSOLIDATED TOWN PLANNING SCHEME NO 2

Ref: 853/2/18/5

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Town of Mosman Park Town Planning Scheme No 2 on 9 September, 1999—the Scheme Text of which is published as a Schedule annexed hereto.

B. H. MOORE, Mayor.
T. J. HARKEN, Chief Executive Officer.

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TOWN PLANNING AND DEVELOPMENT ACT 1928

TOWN OF MOSMAN PARK TOWN PLANNING SCHEME NO. 2

SCHEME TEXT

The Council of the Town of Mosman Park under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act, 1928 (as amended) (hereinafter referred to as the “Act”) and the Metropolitan Region Town Planning Scheme Act, 1959 (as amended) hereby makes the following Town Planning Scheme for the purpose of:

- (a) setting aside land for future public use as reserves;
- (b) controlling land development; and,
- (c) other matters authorised by the Act.

PART I—PRELIMINARY

1.1 Scheme Title

This Town Planning Scheme may be cited as the Town of Mosman Park Town Planning Scheme No. 2 hereinafter called the Scheme and shall come into operation on the publication of notice of the Minister's final approval thereof in the Government Gazette.

1.2 Scheme Area

The Scheme applies to the municipal district of the Town of Mosman Park as generally shown by the Scheme area boundary on the Scheme Maps.

1.3 Relationship To Metropolitan Region Scheme

The Scheme is complementary to, and is not a substitute for the Metropolitan Region Scheme, and the provisions of the Metropolitan Region Scheme continue to have effect. The authority responsible for implementing the Metropolitan Region Scheme is the Western Australian Planning Commission (hereinafter called 'the Commission').

1.4 General Intent

The intent of this Scheme is to direct and control the development of the Scheme Area (hereinafter referred to as the District) in such a way as shall promote and safeguard the health, safety and convenience, economic and general welfare of its inhabitants and the amenities of every part of the District and more specifically:

- To consolidate commercial activities and prevent commercial ribbon development along Stirling Highway.
- To insulate residential areas from further non-residential uses and encourage existing non-residential uses out of residential areas.
- To enhance the amenity of residential areas and maintain the lifestyle enjoyed by Mosman Park residents.
- To encourage the development of aged persons housing in suitable locations within the District.
- To encourage the re-development of existing multi-storey flats buildings to lower profile residential buildings.
- To preserve and enhance places of natural beauty, historic buildings and objects of historical and scientific interest.
- To maintain and enhance the amenity and quality of streetscapes throughout the District.
- To control the orderly and proper planning of undeveloped areas within the District with regard to:
 - (i) the environmental or historic qualities of the site
 - (ii) the health, safety and convenience, economic and general welfare of its inhabitants and the amenities of every part of the District.
 - (iii) the existing or proposed land uses in the surrounding locality and the intensities of such land uses.
 - (iv) the needs of the residents of Mosman Park.

1.5 Revocation Of Town Planning Scheme

The Town of Mosman Park Town Planning Scheme as amended which came into operation by publication in the Government Gazettes on 23rd June 1972 and all amendments thereto is hereby revoked.

1.6 Responsible Authority

The Responsible Authority for carrying out the Scheme is the Council of the Town of Mosman Park hereinafter referred to as the Council, except that where land is reserved and is shown on the Scheme Map marked "MRS" the responsible Authority is deemed to be the West Australian Planning Commission and the provisions of the Metropolitan Region Scheme shall apply to such reservations.

1.7 Arrangement Of The Scheme

The Scheme Text is divided into the following parts:

- PART I—Preliminary
- PART II—Reserved Land
- PART III—Zones
- PART IV—Non-Conforming Use Of Land
- PART V—General Provisions
- PART VI—Conservation and Preservation
- PART VII—Finance and Administration

The remaining documents of the Scheme are as follows:

- 1 Land Use Map
- 2 Scheme Map
- 3 Development Guide Map

The scheme is supported by the data and policies contained in the Scheme Report, although the Scheme Report, is not included as a statutory Scheme document.

1.8 General Obligations

Subject to the provisions of the Act and all Regulations made thereunder and to Part IV of this Scheme, no person shall depart or permit or suffer any departure from the requirements and provisions of the

Scheme, nor shall any person use or permit the use of any land or building or undertake any new work or permit any new work to be undertaken if the use, new work, reconstruction, alteration or modification, does not conform with the Scheme or would tend to delay the effective operation of the Scheme.

1.9 Relationship Of Scheme To Local Laws

The provisions of the Scheme shall have effect, notwithstanding any Local Laws for the time being in force in the District, and where the provisions of the Scheme are inconsistent with the provisions of any Local Laws, the provisions of the Scheme shall prevail.

1.10 Control Of Defence Areas Regulations

Notwithstanding any other provisions of the Scheme, all buildings erected within the District shall be subject to the requirements of the "Control of Defence Areas Regulations" as promulgated by the Department of the Army of the Commonwealth of Australia from time to time.

1.11 Interpretation

Words and expressions used in the Scheme shall have the respective meanings given to them in Appendix A or elsewhere in the Scheme and the Residential Planning Codes.

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

Words and expressions used in the Scheme but not defined in Appendix A, elsewhere in the Scheme or in the Residential Planning Codes shall have their normal and common meanings.

PART II—RESERVED LAND

2.1 Metropolitan Region Scheme Reserves

The Land shown as "Metropolitan Region Scheme Reserves" or "Regional Reserves" on the Scheme Maps is land reserved under the Metropolitan Region Scheme and is shown on the Scheme Maps in order to comply with the Metropolitan Region Town Planning Scheme Act 1959, as amended. That land is not reserved by this Scheme. The provisions of the Metropolitan Region Scheme continue to apply to such reserves.

2.1.1 Scheme Reserves

The land shown as Scheme Reserves on the Scheme Map, hereinafter called 'Local Reserves' is land reserved under the Scheme for the purposes of Parks and Recreation, and Public Purposes.

2.2 Development On Reserved Land

Except as otherwise provided in this Part, a person shall not carry out any development on land reserved under this Scheme other than the erection of a boundary fence, without first applying for and obtaining the written approval of the Council.

2.3 Approval Of Development On Reserved Land

In considering any application for approval of development on reserved land, the Council shall have regard to the ultimate purpose intended for the reserve, and shall in the case of land reserved for the purpose of a Public Authority, confer with that Authority before giving its approval.

2.4 Existing Use Rights On Reserved Land

No provision of this Part shall prevent the continued use of land for any purpose for which it was being lawfully used immediately prior to the Scheme having the force of law, or repair and maintenance of buildings or works lawfully existing on the land.

2.5 Compensation For Injurious Affection

Where the Council refuses approval for the development of land reserved under the Scheme on the ground that the land is reserved for public purposes, or grants approval subject to conditions that are unacceptable to the applicant, the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

2.6 Compensation Claim Procedure

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

2.7 Council May Purchase

In lieu of paying compensation the Council may purchase the land affected by the decision of the Council at a price not exceeding the value of the land at the time of refusal of approval, or of the granting of approval subject to conditions that are unacceptable to the applicant.

PART III—ZONES

3.1 Relationship With The Metropolitan Region Scheme

Notwithstanding anything to the contrary in this Scheme and without affecting the generality of Clause 1.6 of Part 1 the Council may, with the consent of the Minister (or when required by the West Australian Planning Commission so to do, shall) require that the development of any land within the District, however zoned, shall be subject to the provisions of Clauses 10, 24 and 30 of the Metropolitan Region Scheme.

3.2 Zones Specified In Scheme

The following use zonings are specified and described in this Scheme and more particularly in Table No. 1—Zoning Table.

- 1 Residential
- 2 Business
- 3 Service Station
- 4 Place of Public Assembly
- 5 Private Clubs and Institutions
- 6 Special Office—Residential
- 7 Development

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

3.3 Land Use Classification

Table No 1—Zoning Table indicates the several uses permitted by this Scheme in various Zones, such uses being determined by cross reference between the list of 'Use Classes' on the left-hand side of the table and the list of 'Zones' on top of the table. The symbols used in Table 1 have the following meanings:

- P A use that is permitted under this Scheme
- AA A use that is not permitted unless the Council has granted planning approval.
- IP A use that is not permitted unless such use is incidental to the predominant use as decided and approved by Council.
- X A use that is not permitted.

3.3.1 Definition Of Land Use

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.

3.3.2 Consideration Of Uses Not Listed

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 may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of the Scheme
or
- b) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted.

3.4 Additional Uses

Notwithstanding anything contained within the Zoning Table, the land specified in Appendix B 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.

TABLE I—ZONING TABLE

Use Classes	ZONES						
	Residential	Business	Service Station	Place of Public Assembly	Private Clubs and Institutions	Development	Special Office—Residential
1 Aged Persons Housing	AA	X	X	X	X	AA	AA
2 Caravan Parks	X	X	X	X	X	X	X
3 Caretaker's	IP	IP	X	IP	X	AA	X
4 Car Sales Premises	X	X	X	X	X	X	X
5 Car Park	IP	IP	X	IP	IP	AA	IP
6 Cemeteries and Crematoria	X	X	X	X	X	X	X
7 Child Day Care Facility	AA	AA	X	X	X	X	X
8 Civic Buildings	AA	AA	X	X	X	AA	AA
9 Education Establishments	X	AA	X	X	P	X	AA
10 Extractive Industry	X	X	X	X	X	X	X
11 Fish Shops/Dry Cleaners	X	AA	X	X	X	X	X
12 Fuel Depot	X	X	X	X	X	X	X
13 Funeral Parlour	X	X	X	X	X	X	X
14 General Industry	X	X	X	X	X	X	X
15 Grouped Dwelling	P	X	X	X	X	AA	P
16 Hazardous Industry	X	X	X	X	X	X	X

TABLE I—ZONING TABLE—*continued*

Use Classes	ZONES						
	Residential	Business	Service Station	Place of Public Assembly	Private Clubs and Institutions	Development	Special Office—Residential
17 Health Centre/Consulting Rooms	X	AA	X	X	X	X	AA
18 Home Occupation	AA	X	X	X	X	AA	AA
19 Hospitals	X	X	X	X	X	X	AA
20 Hotels/Taverns	X	AA	X	X	X	X	X
21 Light Industry	X	X	X	X	X	X	X
22 Marine Filling Station	X	X	X	X	X	X	X
23 Motels	X	AA	X	X	X	X	X
24 Motor Repair Station	X	IP	IP	X	X	X	X
25 Multiple Dwelling	X	X	X	X	X	X	X
26 Noxious Industry	X	X	X	X	X	X	X
27 Office	X	AA	X	X	X	X	AA
28 Parks and Recreation	AA	X	X	X	IP	AA	X
29 Petrol Filling Station	X	X	P	X	X	X	X
30 Professional Office	X	AA	X	X	X	X	AA
31 Public Amusement	X	X	X	X	X	X	X
32 Public Assembly	X	AA	X	P	AA	X	AA
33 Public Worship	X	X	X	AA	AA	X	AA
34 Reformatory Institutions	X	X	X	X	X	X	X
35 Residential Buildings	AA	X	X	X	AA	AA	AA
36 Restaurant	X	AA	X	X	X	X	X
37 Restrictive Premises	X	AA	X	X	X	X	X
38 Service Station	X	X	P	X	X	X	X
39 Service Industry	X	AA	X	X	X	X	X
40 Shops	X	AA	X	X	X	X	X
41 Showrooms	X	AA	X	X	X	X	X
42 Single House	P	AA	X	IP	X	P	P
43 Takeaway Food Shop	X	AA	X	X	X	X	X
44 Trade Display	X	AA	X	X	X	X	X
45 Utility Installations	AA	AA	AA	AA	AA	AA	AA
46 Veterinary Clinic	X	AA	X	X	X	X	X

3.5 Business Zone

The maximum permissible plot ratio shall be 0.8 and in considering development applications, Council will be guided by the height and bulk of buildings in adjoining areas and the amenity and parking provisions of Part V—General Provisions of the Scheme. Council shall have regard to the policies for the Zone.

Notwithstanding the provisions of the Zoning Table, residential development at a density of Residential R80 may be approved by the Council, subject to the advertising procedures and the residential development controls of the Scheme within the Business zoned land identified as those lots adjacent to the St. Leonard's Street/Stirling Highway, Glyde Street/Stirling Highway, and Stuart Street/Stirling Highway intersections.

Elsewhere within the Business zone, residential development at a density of up to Residential R50 may be permitted, subject to the advertising procedures and residential development controls of the Scheme.

3.6 Residential Zone

3.6.1 Intent

The intent of the Residential Zone is to promote a high quality residential environment taking account of the existing development pattern and landform of the district. Development will be guided by the Development Guide Map, the Residential Planning Codes and the variations thereto, the amenity provisions contained in Part V—General Provisions of the Scheme and the Zone Provisions hereunder.

3.6.2 Land Abutting Riverside Drive

Development of land in this area should make provision, through appropriate building setbacks, for the eventual intended widening of the Riverside Drive road reserve by 2.5m on its north-west (landward) side.

3.6.3 Dual Coded Areas Adjacent To Stirling Highway

In the area of R20/50 dual coding, development to the higher density shall only be permitted if the development proposal:

- (i) causes a rationalisation and reduction in opportunity for direct vehicle access to Stirling Highway, and
- (ii) incorporates the amalgamation of lots to a minimum area of 1400m².

3.6.4 Lots With Dual Frontage To Eastbourne And Glanville Streets

In the area of dual coding (R20/40) between Eastbourne and Glanville Streets, development to the higher density may only be permitted where an application proposes the frontage of dwellings to both streets.

3.6.5 Lots With Dual Frontage To Baring And Solomon Streets

In the area of dual coding (R15/25) between Solomon and Baring Streets, development to the higher density may only be permitted where an application proposes the frontage of dwellings to both streets.

3.6.6 R35 Zone Between Fairlight And Victoria Streets

Other than for the development of a single house, proposals for development within this area should make provision for separate vehicle access from Public Ways wherever possible. In doing so, provision should be made, at the Councils discretion, for Public Ways to be widened wherever possible.

3.6.7 R 50 Zone Between Fairlight And St Leonards Streets

Development to the R50 density shall be subject to the availability of vehicle access from Public Ways or streets other than Stirling Highway. In its consideration of applications Council will consider the standard of construction and width of abutting Public Ways and may impose conditions relating to access ways.

3.6.8 Redevelopment Of Buildings That Currently Exceed Building Height Limitations

Council may permit an increase in residential densities for the redevelopment of any site containing blocks of flats 4 storeys and over that will conform with Council's Building Height Policy.

3.6.9 R20/40 Zone, Willis Street

In the area of dual coding (R20/40) covering Lots 11, 12, 13 and 14 Willis Street development at the higher density may only be permitted where the existing character house on Lot 14 is preserved and new development compliments the existing residence in terms of height, scale, bulk, colour, design and use of materials.

3.7 Service Station And Place Of Public Assembly Zones

Within the Service Station and Place of Public Assembly Zones the maximum permissible plot ratio shall be 0.5. In considering development applications within these Zones Council shall be guided by the height and boundary setbacks of buildings in adjoining areas and the amenity and parking provisions of Part V—General Provisions of the Scheme.

3.8 Private Clubs And Institutions

Within the Private Clubs and Institutions Zone, the maximum permissible plot ratio shall be 0.4 and the maximum site cover shall be 0.25. In considering development applications within this zone, Council shall be guided by the height and boundary setbacks of buildings in adjoining areas and the amenity and parking provisions of Part V—General Provisions of the Scheme.

3.9 Special Office—Residential Zone

The Council intends to direct and control development within this zone in a manner which will upgrade the appearance and function of land included within the zone consistent with Council's intention that the area should accommodate a mixture of residential and special commercial (non-retail) uses, while encouraging the preservation of character houses. The bulk and location of professional offices, health centres or consulting rooms shall be controlled as if the buildings were residential. No building to be used as professional offices, health centres or consulting rooms shall be more than 1 storey in height unless no less than half of the development is used for residential purposes. Car parking shall be provided in accordance with the provisions of Table 2—Vehicle Parking Requirements.

Council shall have regard to any Policy Plans or Policies for the area and may have regard to:

- (i) the integration of buildings, parking areas, vehicular access, services and pedestrian and planting areas throughout the whole of the zone to achieve high standards of safety, appearance, convenience and service
- (ii) the preservation of existing character houses
- (iii) the traffic and parking impact of any development on surrounding areas
- (iv) the enhancement of the streetscape to emphasise Glyde Street as the main entrance to the Town

New development shall complement existing character houses in terms of height, scale, bulk, colour, design and use of materials and shall maintain the residential appearance of the area.

3.10 Development Zone

3.10.1 Intent

Council encourages the residential development of the Development Zone. Development of this zone shall provide for:

- (i) an open space connection between the Parks and Recreation reserve abutting the Swan River, the Parks and Recreation reserve on Buckland Hill and the Parks and Recreation reserves to the west of the Buckland Hill reservoir, including preservation of the Hillock on the CSBP site as part of the open space. This open space shall be reserved for Parks and Recreation under the Metropolitan Region Scheme
- (ii) the subdivision of each superlot within the zone shall be designed to achieve a mix of residential densities. The maximum R-Code density shall be R15 except that Council may permit development to a maximum of R40 in accordance with an adopted outline development plan

- (iii) the restriction of private domestic bores
- (iv) Incorporation of urban design features that reduce per capita water consumption and increase water retention and groundwater recharge
- (v) integration with surrounding developments

Council shall only permit development of the CSBP site to the south of McCabe Street where the site has been rehabilitated or all contaminants have been removed from the site to the satisfaction of the Council. Density concessions may be offered to achieve this.

PART IV—NON-CONFORMING USES

4.1 Non-Conforming Use Rights

No provision of the Scheme shall prevent:

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the 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.

4.2 Extension Of Non-conforming Use

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

4.3 Change Of Non-conforming Use

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

4.4 Discontinuance Of Non-conforming Use

Notwithstanding the preceding provisions of this Part, when any land or building which has to that time been classified as having a non-conforming use has not been utilised for that use for a period of 6 consecutive calendar months such land or building shall not thereafter be used other than in conformity with the provisions of the Scheme.

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

4.5 Destruction of Buildings

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

PART V—GENERAL PROVISIONS

5.1 Amenity

5.1.1 Building Height

- 5.1.1 (a) Council's guidelines for development within the district limits building to no more than two storeys in height so as to maintain privacy, views and general amenity. In exercising this control Council will not regard undercroft space used for lift shafts, stairways or meter rooms, bathrooms, shower rooms, laundries, water closets or other sanitary compartments or the parking of vehicles where that space is not higher than a datum being one metre above the crown of the road measured directly opposite the centre of the site boundary abutting the road. In the case of lots with multiple street frontages the datum shall be determined from the crown of the high(est) road. Council may vary this control where natural ground forms indicate that a variation is warranted, provided that it is satisfied that the amenity of neighbouring areas will not be adversely affected as determined if the regular standards of the Scheme were imposed.

- 5.1.1 (b) Measurement of Building Height - For the purpose of measuring 'storey' and hence 'building height', Council shall generally follow the following formula, except in particular cases where natural ground forms indicate that a variation is warranted provided that the amenity of neighbouring areas is not unreasonably diminished.

The maximum height of a building shall not exceed 8.5m above natural ground level.

Notwithstanding clause 5.1.1 (c) below, the maximum building height of any building shall be measured from the highest point of the building to a point at natural ground level immediately beneath that highest point. In determining natural ground level Council shall utilise AHD contours for the district at 1 metre intervals unless it can be proven by licensed survey to the Council's satisfaction, that such contours are not appropriate in a particular instance.

Variations to the above heights may be permitted in the case of extensions to existing buildings.

5.1.1 (c) The Development Zone and CSR Site- Building Height Restrictions.

Due to the need to re-contour and rehabilitate landholdings within the Development Zone and CSR Site (Downey Drive), Council acknowledges that re-contouring of the land at subdivision application stage may be incorporated.

Following adoption of ground levels as part of a subdivision approval for land in the Development Zone and CSR Site, those adopted levels (defined in relation to the Australian Height Datum) shall be considered natural ground level for the purpose of calculating building height.

5.1.2 General Amenity Considerations

Notwithstanding the specific provisions of this Scheme in considering a proposed development, Council may have regard to and impose conditions relating to the following:

- (i) the need for limitation of height or location of buildings to preserve or enhance views;
- (ii) the need for preservation of existing trees or areas or buildings of architectural or historical interest;
- (iii) the choice of building materials and finishes where these relate to the preservation of local character and the amenity of the area generally;
- (iv) the dispersal of building bulk into two or more separate buildings on a lot in order to minimise the effect of building bulk;
- (v) an increase in building setbacks where the adjoining land is controlled under a lower Residential density Code in order to ensure adequate protection for adjoining residents;
- (vi) the location and orientation of a building or buildings on a lot in order to achieve higher standards of daylighting, sunshine or privacy or to avoid visual monotony in the street scene as a whole;
- (vii) the maintenance of fresh air in the locality through the control of building bulk and the control of odours, gaseous and particulate emissions;
- (viii) the impact of balconies, verandas and large viewing windows in floor levels above ground floor level on the amenity of abutting properties.
- (ix) the quiet of the locality in general including the impact of the nature of the proposed use, the likely times of activity, likely traffic generation, particularly concerning the location and impact of plant including air conditioners, plant rooms and other machinery proposed to be located on a site and the position of parking bays and driveways in relation to neighbouring developments. In order to preserve the quiet of residential areas, Council may impose conditions on development approvals restricting the hours and seasons of work on a development site;
- (x) the impact of a development on the penetration of natural light to neighbouring developments or the likely interference caused by a development on the use of solar energy on neighbouring properties;
- (xi) the Council may refuse approval to any development if more than 50% of an adjoining lot would as a result of that development, be calculated by Council to be in shadow at noon on the 21st June;
- (xii) the visual effect of the development as viewed from the Swan River;
- (xiii) the retention of the natural landform and the provision of landscaping on properties adjoining river foreshore reserves and the effect on the amenity of those reserves;
- (xiv) the maximisation of groundwater recharge, the effect on groundwater and the restriction of private domestic bores;
- (xv) the trees and shrubs to be planted and retained and the landscaping to be carried out;
- (xvi) the position, design and size of advertising;
- (xvii) the extent to which the natural contours of the land are altered;
- (xviii) the provision of appropriate bicycle facilities.

5.2 Residential Development

5.2.1 Residential Planning Codes

- (a) For the purpose of this Scheme 'Residential Planning Codes' means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto.
- (b) A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.
- (c) 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.
- (d) The Residential Planning Codes density applicable to land within the Scheme Area shall be determined by reference to the Residential Planning Codes density numbers superimposed on the particular areas shown on the Development Guide Map as being contained within the outer edges of the black borders or when such an area abuts another area having a different Residential Planning Code density, as being contained within the centrelines of those borders.

5.2.2 Residential Planning Codes—Variations And Exclusions

- (a) Notwithstanding the provisions of the Residential Planning Codes the following variations and exclusions apply to all residential developments within the Scheme Area.

- (b) For land with density codings of R20 or less no residence or part of a residence other than the eaves of the residence shall be constructed in front of a building line 7.5 metres back from the front boundary (as determined by Council) except:
 - (i) when it can be shown that the standard setback along a street alignment or part of a street alignment is less than that stipulated, Council may permit a reduced setback consistent with the street.
- (c) Consideration of an application for "Ancillary Accommodation" shall be assessed in accordance with the adopted policies of Council (which prescribes building form and siting) and the following provisions.
 - (i) no person other than a member of the family of the occupier of the main dwelling shall reside in the additional self-contained unit and then only whilst there is a current annual permit granted by the Council in respect of that use. Ancillary Accommodation shall be registered and a permit obtained from 1 July each year. The permit will expire on 30 June each year and an annual permit fee shall be paid of an amount as determined by Council and amended from time to time.
 - (ii) within 3 months or within such further time as the Council shall in its absolute discretion decide of the Ancillary Accommodation ceasing to be occupied in accordance with the provisions of sub-paragraph (i) or if the Council fails to renew the annual permit for that use of the residence, the owner of the residence shall effect such modifications to the building as shall restore it to a single tenement residence.
 - (iii) The site clearances for side, front and/or rear boundaries shall be as prescribed in the Code pertaining to the zoning of the subject land and the site cover and plot ratio of the total development shall not exceed the figures laid down within the Codes.
 - (iv) All additional dwellings shall have deep sewerage connection.
 - (v) All requirements of the Building Code of Australia pertaining to structural requirements shall apply.

5.3 Combined Residential/Business Development

Council may approve combined residential/business developments on appropriately zoned land subject to the following conditions.

- (a) the residential component of the building shall be built in accordance with the provisions of the Residential Planning Codes and this Scheme.
- (b) the business component of the development shall be built in accordance with the development standards of this Scheme.

5.4 Vehicle Parking And Loading

The purpose of this clause is to secure the provisions of off-street parking and loading facilities in relation to the use of land so as to reduce or prevent the congestion of traffic on any road or public place. Every owner or occupier who constructs or who substantially reconstructs, alters or adds to a building on any site or changes the use of any land or building shall make provision in accordance with the requirements of Table II for vehicles used in conjunction with the site (whether by occupiers, their employees or invitees and other persons) to stand on or, in the opinion of the Council, sufficiently close to the site but not on a street while being loaded or unloaded or awaiting use.

5.4.1 Size And Location Of Car Spaces And Loading Facilities

The minimum dimensions of car parking spaces and access drives shall generally be in accordance with Appendix C. When considering any applications Council shall have regard to and may impose conditions on the details of locating and designing the required car parking spaces and loading facilities. In particular, the Council shall take into account, and may impose conditions concerning:

- (a) the number of spaces to be roofed or covered;
- (b) the number of spaces to be below natural ground level;
- (c) the means of access to each space and the adequacy of any manoeuvring area;
- (d) the location of the spaces on the site and their effect on the amenity of adjoining development, including the potential effect if spaces should later be roofed or covered;
- (e) the adequacy of proposed screening or planting;
- (f) the extent to which spaces are located within required setback areas; and,
- (g) the location of proposed footpaths and the effect on traffic movement and safety.

5.4.2 Number Of Parking And Loading Spaces To Be Provided

Except where discretion exists to vary parking requirements in other parts of the Scheme, the number of spaces to be provided in respect of any particular site shall be determined by Council, having regard to the nature of the use and the known or likely value of goods, materials or people moving to and from the site and, where the use is stipulated, not less than the spaces set down in Table II unless otherwise provided for in the Scheme.

In the case of development proposing multiple land uses, Council may consider reciprocal parking, and complementary land use arrangements to determine on-site parking requirements which may be a lesser figure than if the uses formed part of separate applications to the Council.

TABLE II—CAR PARKING REQUIREMENTS

USE	NUMBER OF PARKING SPACES
1 Grouped Dwellings, Multiple Dwellings and Single Houses	In accordance with the Residential Planning Codes.
2 Child Day Care Facility	1 per employee or staff member plus 1 per 4 children allowed under maximum occupancy.
3 Other Residential Buildings	1 space to each room used as a bedroom plus 1 space to each 25 sq. metres of gross floor area of service buildings.
4 Motels	1 space to each room used as a bedroom plus 1 space to each 25 sq. metres of gross floor area of service buildings.
5 Licensed Hotels and Taverns	1 space to every bedroom, 1 space to every 2 sq. metres of floor or ground area open to the public for consumption of liquor provided that in the case of areas used as lounges and beer gardens and used solely for seated customers, the ratio may be reduced to 1 additional space for every 4 sq. metres of floor or ground area. If provision is made for holding conventions or functions, an additional space for every 4 sq. metres that the convention/function room is designed to accommodate shall be provided.
6 Hospitals	1 space to every 4 patients; beds plus 1 space per employee on duty.
7 Theatres, cinemas, halls and non-residential clubs	1 space to every 4 persons the building is designed to accommodate.
8 Churches	1 space to every 4 persons the building is designed to accommodate.
9 Educational Establishments	3 spaces for every classroom, library and gymnasium.
10 Motor Repair Station and Service Station	1 space to each working bay plus 1 space to each person employed on the site.
11 Warehouses, showrooms, storage yards and carriers depots including incidental offices on premises used for such purposes	1 space to each 100 sq. metres of open space and 1 space to each 100 metres gross floor area.
12 Industry	1 space to every 50 sq. metres gross floor area.
13 Restaurant	1 space per 10m ² of floor area and in any event a minimum of 6.
14 Shops	1 space to every 12.5 sq metres of gross floor area.
15 Administrative, commercial and professional offices	1 space to each 40 sq metres of floor area

5.4.3 Cash Payment In Lieu Of Providing Parking Spaces

Where it is not practicable for an owner to comply with the requirements of Table 2 Council may agree to accept a cash payment in lieu of the provision of paved car parking spaces subject to:

- (a) The cash-in-lieu payment being not less than the estimated cost to the owner of providing and constructing the parking spaces required by the Scheme, plus the value, as estimated by a licensed valuer appointed by the Council, of that area of his land which would have been occupied by the parking spaces and manoeuvring area.
- (b) Payments under this clause being paid into a special fund to be used to provide public parking stations.
- (c) Council keeping records and a register of details of developments approved, including the use of land and gross space so used, as well as details of parking provided on-site and parking met by way of cash-in-lieu payment.
- (d) All costs incurred in obtaining the valuation and estimate being borne by the applicant for planning approval.

5.5 Appearance Of Buildings

All buildings shall be maintained by the owner and occupier thereof so as to preserve the amenities of the locality and their harmony with the exterior designs of neighbouring buildings.

5.6 Prohibition Of Unsightly Objects

No persons shall cause, allow or permit to be placed on any building or part of a building or on a building lot, any article, object or thing which shall be visible from any street, way or public place or from any other land or building or any part thereof, and which is, in the opinion of the Council, offensive, unsightly or otherwise considered to be detrimental to the amenities of the neighbourhood.

No person shall:

- (a) store a disused motor vehicle, an old motor vehicle body or any old machinery; or
- (b) dismantle or break up a disused motor vehicle, an old motor vehicle or any old machinery, except at a place approved by the Council for that purpose or inside an enclosed garage and no premises shall be used for the service, repair or spray paint of any motor vehicle.

5.7 Development Standards for Non-Residential Buildings

All buildings not under the control of the Residential Planning Codes shall have setbacks from boundaries as determined by Council. Where non-residential buildings are located next to a residential building or buildings in a residential zone the setbacks specified for the adjacent residential zone may influence the setback requirements to be applied.

The site shall provide landscaped areas in such a way and to such an extent as approved by Council, in order to complement the aesthetics of the development and/or provide buffers between land uses. Subsequent to obtaining Council's approval, landscaped areas shall be installed and thereafter maintained to the Council's satisfaction.

5.8 Land Liable To Flooding

Council may specify minimum floor and fill levels on any property in order to prevent the flooding or inundation of properties.

5.9 Outbuildings

Council may allow outbuildings where they do not affect the amenity of surrounding areas and shall have regard to location, height, bulk, floor area, design and materials used for the outbuilding.

Proposals for construction of outbuildings will be considered in accordance with Council's policy.

5.10 Control Of Advertising

The erection, placement and display of advertising shall be in conformity with Councils' policies, and by-laws.

5.11 Variation Of Scheme Provisions

Council may by absolute majority vary the provisions of the Scheme with the exception of those provisions under Part III to allow for development on land that does not affect the amenity of the area, provided that it conforms with:

- i) the General Intent of the Scheme (shown at Clause 1.4).
- ii) any policy of the Council

and shall, in considering any application requiring a variation under this clause, require part or all of the advertising procedures of Clause 7.1.5 to be carried out.

5.12 Planning Policies

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

- (a) generally or in a particular class of matter or in particular classes of matters; and
 - (b) throughout the Scheme Area or in one or more parts of the Scheme Area
- and may amend or add to or rescind a Policy so prepared.

5.12.2 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.

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

5.12.4 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 5.12.2.

5.12.5 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.

5.12.6 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.

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

5.13 Display Homes

Council will permit, without a requirement for formal planning approval, a newly constructed residential dwelling to be used for display home purposes provided Council is satisfied that at all times the use of the home for that purpose will not prejudicially affect traffic movement or the residential amenity of the locality.

Where a display centre consisting of two or more display homes is proposed, provision shall be made for off-street parking with paving to a standard approved by the Council.

Display Home advertising shall be in accordance with Council's Signs, Hoarding and Bill Posting Local Law.

PART VI—CONSERVATION AND PRESERVATION OF PLACES OF NATURAL BEAUTY AND HISTORIC BUILDINGS AND OBJECTS OF HISTORIC OR SCIENTIFIC INTEREST

6.1 First Schedule—Places, Buildings and Objects

6.1.1 Council considers that the places of natural beauty and historic buildings and objects of historical or scientific interest contained in Schedule 1—Appendix D hereto (Appendix D Places, Appendix D Buildings and Appendix D Objects, respectively) should be conserved and preserved.

6.1.2 If the Council resolves that any place of natural beauty or any historic building or object of historical or scientific interest should be protected by the conservation and preservation provisions of this Part the Council may initiate an amendment to the Scheme to add the place, building or object to Appendix D.

6.1.3 If the Council at any time considers that any Appendix D Place, Building or Object should no longer be protected by the conservation and preservation provisions of this Part the Council may initiate an amendment to the Scheme for the deletion of the place, building or object from Appendix D.

6.2 Written Consent Of the Council

6.2.1 No person shall without the consent in writing of the Council commence or carry out or permit or suffer the commencement or carrying out of any development on, in or in relation to any Appendix D Place, Building or Object and without in any way limiting the generality of the foregoing shall not:

- (a) clear, excavate or fill any land;
- (b) fell, remove, kill or irreparably damage any tree;
- (c) erect any fence;
- (d) commence or carry out any renovation, modification, refitting, decoration, or demolition of any building;
- (e) alter or remove any building or object or any part thereof.

6.2.2 The provisions of this sub-clause shall not affect any obligation imposed by other provisions of this Text or by the Metropolitan Region Scheme to apply for and obtain the approval of the Council or of the State Planning Commission prior to the commencement or carrying out of any development, and the written consent of the Council under this sub-clause is required in addition to any such approval to commence or carry out development.

6.2.3 If the Council decides to give its written consent to the commencement or carrying out of any development or other work referred to in paragraph 6.2.1, the Council may give that written consent notwithstanding that the development or work involved does not comply with the Building Code of Australia or the Residential Planning Codes or with any requirement or standard specified in or arising out of this Text.

6.2.4 The Council when considering an application for its consent in writing pursuant to the provisions of paragraph 6.2.1 may:

- (a) give its consent in writing with or without conditions and limit the time for which the consent remains valid prior to completion or substantial commencement of the development or other work; or
- (b) refuse to give its consent in writing.

6.3 Purchase Or Resumption

The Council may purchase or, subject to the Act, resume the parcel of land on or in which any Appendix D Place, Building or Object is situated, or so much or such interest in that parcel of land as in the opinion of the Council is necessary for the preservation of the Appendix D Place, Building or Object.

6.4 Agreements

The Council may:

- (a) enter into agreements with the owners or occupiers of the land on or in which any Appendix D Place, Building or Object is situated, for the purpose of ensuring the preservation or conservation of such Place, Building or Object;
- (b) enter into agreements with the National Trust of Australia (WA), the Royal Western Australian Historical Society (Inc) or any Government Department, Authority or other body in Western Australia responsible for tourism or with any other Authority, body or person, for the preservation or conservation of any Appendix D Place, Building or Object; and
- (c) enter into agreements relating to the payment of monies and financial arrangements for the purpose of conserving Places, Buildings or Objects listed in Appendix D.

PART VII—ADMINISTRATION AND FINANCE

7.1 Requirement For Planning Approval

7.1.1 Obligation

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.

7.1.2 Exemption

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 except as otherwise required by the Scheme.
- (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.

7.1.3 Referral To Other Agencies

Notwithstanding that any development by reason of the preceding paragraphs does not require the approval of the Council, an application must nevertheless be submitted to the Council for referral to the Western Australian Planning Commission for determination in accordance with the Metropolitan Region Scheme or the Metropolitan Region Town Planning Scheme Act 1959 if the land the subject of the application is wholly or partly within an area duly declared by the Western Australian Planning Commission to be a planning control area pursuant to Section 35C of the Metropolitan Region Town Planning Scheme Act.

Applications for approval which fall within the area of control of Clause 32 and 32A of the Metropolitan Region Scheme Text shall be referred to the WA Planning Commission and/or Swan River Trust for determination, as the case may be.

In such cases, Council's position will be that of providing advice to the determining authority to arrive at the most appropriate decision.

The Council may also refer proposals lodged under this Scheme to any other statutory, public or planning authority and with any other party it considers appropriate.

7.1.4 Application For Planning Approval

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

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.

7.1.5 Advertising Of Development Applications

7.1.5.1 Consideration Of Discretionary "AA" Uses

Before approving a development involving an "AA" use the Council may require that a notice of sufficient size, to be visible and readable from the street, be erected in a prominent position on the land explaining the proposed use.

The notice shall be exhibited for a period of not less than 21 days and shall state that submissions may be lodged with the Council before a specified date, being not less than 21 days after the erection of the notice.

7.1.5.2 Referral To Neighbours

In relation to the submission of a development application, Council may advise, in writing, any adjoining owner that plans of the proposal are available at Council's Offices during normal office hours for inspection. The advice to the adjoining landowners shall be forwarded within seven days of lodging the application with the Council. Written comments shall be invited to be forwarded within 7 days of the date of receiving the advice, or such extended period as may be specified by Council.

7.1.5.3 Additional Advertising

Council may also do or require the following to occur, depending upon the significance of the application.

- (a) cause to be advertised or require the applicant to advertise one or more times in a newspaper circulating in the district notice of the Council's intention to consider the application for the proposed use and any such advertisement shall state that submissions may be lodged with the Council before a specified date, being not less than 21 days after the first publication of the notice;
- (b) use any other methods or media to ensure widespread notice of the proposal;

7.1.6 Approval Of Existing Developments

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.

7.1.7 Deemed Refusal

- (a) Subject to subclause 7.1.7(b), any 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.
- (b) An application for planning approval which is subject of a notice under clause 7.1.5 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.
- (c) Notwithstanding that an application for planning approval may be deemed refused under subclauses 7.1.7(a) and 7.1.7(b), 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, and that decision shall be regarded as being valid.

7.2 Advisory Committees

The Council may appoint an Advisory Committee consisting of the Mayor or his nominee and three persons at least one of whom is an Architect and one of whom is a member of the Mosman Park Ratepayers Association, and all of whom are ratepayers in the Town.

7.3 Appeal Rights

An applicant or owner of land in respect of which an application has been made pursuant to Clause 7.1. and related sub-clauses has a right of appeal under Part V of the Act in respect of the exercise of discretionary powers by the Council under this Scheme.

7.4 Compensation

Except as otherwise provided, the time limit for the making of claims for compensation for injurious affection pursuant to Section 11 of the Act arising 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.

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.

7.5 Election To Purchase And Valuation

7.5.1 Where compensation for injurious affection is claimed pursuant to clause 7.4, the Council may, at its option elect to acquire the land so affected instead of paying compensation.

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.

Where the Council elects to acquire land as provided in this clause, 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 7.5.2.

7.5.2 The value of the land referred to in sub-clause 7.5.1 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.

7.5.3 The Council may deal with or dispose of land acquired for a Local Reserve or pursuant to the preceding sub clause 7.5.2 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.

7.6 Entry To Premises

An officer of the Council, authorised by the Council for the purpose, may at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

7.7 Penalties

Any person who contravenes or fails to comply with any of the provisions of the Scheme is guilty of an offence and is liable to such penalties as are prescribed by the Town Planning and Development Act, 1928 as amended.

7.7.1 Notice To Comply

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 or the carrying out of an action.

7.7.2 Council may recover expenses under Section 10 (2) of the Act in a court of competent jurisdiction as a simple contract debt.

7.8 Delegation Of Powers

7.8.1 The Council may, either generally or in a particular case or particular class of case or cases, by resolution passed by an absolute majority of council, delegate to:

- (a) a Committee of the Council comprising Council members and officers of the Council; or
- (b) an officer of the Council;

any power conferred or duly imposed on the Council under this Scheme.

7.8.2 Any delegation made under sub-clause 7.8.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.

7.8.3 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.

7.8.4 A resolution to revoke or amend a delegation under this clause shall be passed by an absolute majority.

7.8.5 A committee or officer 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.

7.8.6 A person who is or has been a delegate of the Council is not personally liable for anything done or omitted to be done 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.

7.9 Demolition

No person shall demolish any building or structure or part of any building or structure unless the consent of the Council is obtained, except where the Council has issued a planning approval to do so under the Scheme. In considering an application for planning approval to demolish a building, the Council may:

- (a) defer consideration of the application until it has received and granted planning approval for subsequent development of the site.
- (b) consent to the application, subject to conditions including the retention maintenance, reinstatement or repositioning of any part.

APPENDIX A—PLANNING SCHEME INTERPRETATIONS

Together with the definitions included in the Residential Planning Codes, the following definitions apply in respect of this Scheme.

“**Act**” means the Town Planning and Development Act, 1928 (as amended)

“**Advertising**” means any board, sign, model, placard, notice, device or representation on which words or numbers or figures or other features or emblems are written, placed, affixed or painted for the purpose of advertising any business, function, operation, event or undertaking or any product or thing whatsoever, and includes any vehicle or trailer or other similar stationary object placed or located so as to serve the purpose of advertising any business, function, event, product or undertaking.

“**Amenity**” means the quality and characteristics of an urban environment, in the opinion of the Council.

“**Amenity Building**” means a building or part of a building that employees or persons engaged in an industry or business use for their personal comfort, convenience or enjoyment of leisure as distinct from the work of the industry or business. “**Building**” shall have the same meaning as is given to it in and for, the purposes of the Residential Planning Codes.

“**Ancillary Accommodation**” means self contained living accommodation on the same site as a single dwelling.

“**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.

- “Car Park”** means a site or building used primarily for parking private cars or taxis whether as a public or private car park, but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings on or in which cars are displayed for sale.
- “Car Sales Premises”** means land and buildings used for the display and sale of cars, whether new or secondhand, but does not include a workshop.
- “Caravan Park”** shall have the meaning given to the term in and for the purposes of the Caravan Parks and Camping Grounds Act 1995.
- “Caretaker’s House”** means a building used as a residence by the proprietor or manager of an industry carried on upon the same site or by a person having the care of the building or plant of the industry.
- “Cemetery”** shall have the same meaning as is given to it in the Cemeteries Act, 1986 (as amended).
- “Child Day Care Facility”** means a building used for the conduct of childminding facilities which, by its scale of operation, would exceed the parameters of the “Home Occupation” definition.
- “Civic Building”** means a building designed, used or intended to be used by Government Departments, statutory bodies representing the Crown or Councils as offices or for administrative or other like purposes.
- “Classroom”** in relation to schools means any enclosed area which may be used for any form of student instruction.
- “Clause”** means a clause of the Scheme.
- “Consulting Rooms”** means a building or part of a building (other than a hospital) used in the practice of his profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments.
- “Council”** means the Council of the Town of Mosman Park.
- “Crematorium”** means a building in which corpses are cremated.
- “Display Home”** means a dwelling or dwellings intended to be open to the public for inspection for the purpose of marketing services and/or dwellings for a particular builder or building company.
- “Drive-In Theatre”** means an open air cinema that makes provision for the audience or spectators to view the entertainment while seated in motor vehicles.
- “Dry Cleaning Premises”** means land and 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, or a lecture hall, but does not include a reformatory institution or institutional home.
- “Effective Frontage”** means the width of a lot at the minimum distance from the street alignment at which buildings may be constructed and shall be calculated as follows:
- where the site boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries;
 - where the side boundaries of a lot are not parallel to one another, the length of a line drawn parallel to the street frontage and intersecting the side boundaries at the minimum distance from the street alignment at which buildings may be constructed.
 - where a lot is of such irregular proportions or on such a steep grade that neither of the foregoing methods can reasonably be applied, such length as determined by the Council.
- “Existing Use”** means use of any land or building for the purpose for which it was lawfully used immediately prior to the gazettal date of the Scheme.
- “Extractive Industry”** includes the extraction of sand, gravel, clay, turf, soil, rock, stone minerals or similar substance from the land, and also the manufacture of products from those materials when the manufacture is carried out on the land from which any of those materials is extracted or on land adjacent thereto.
- “Fish Shop”** means a shop where the goods kept exposed or offered for sale include wet fish or fish fried on the premises for consumption off the premises.
- “Floor Area”** means
- with respect to a story—the gross area of that storey measured over the enclosing walls, if any, and such portions of the party walls as belong to that building; and
 - with respect to a room—the gross area of the room measured within the finished surfaces of the walls, and includes the area occupied by any cupboards or other built-in furniture, fixtures or fittings.
- “Fuel Depot”** means a depot for storage or bulk sale of solid or liquid gaseous fuel, but does not include a service station.
- “Funeral Parlour”** means land and buildings occupied by undertakers where bodies are stored and prepared for burial or cremation.
- “Gazettal Date”** means the date on which notice of the approval of the Minister to a planning scheme is published in the Government Gazette.
- “General Industry”** means any industry other than a hazardous, light, noxious, rural, extractive or service industry.

“Hazardous Industry” means an industry which by reason of the processes involved or the method of manufacture, or the nature of the materials used or produced requires isolation from other buildings.

“Health Centre” means a maternity or x-ray centre, a district clinic, a masseur’s establishment, or a medical clinic.

“Height” when used in connection with buildings used for residential purposes, has the meaning given to it by the Residential Planning Codes and when used for a purpose other than residential means;

- (a) in relation to a building means the measurement taken from the permanent footpath level immediately in front of the centre of the face of the building to the level of the top of the eaves, parapet or flat roof whichever is the highest;
- (b) in relation to a building when defined in terms of number of storeys means the rise in storeys;
- (c) in relation to a storey means the measurement taken from the floor level to—
 - (i) the underside of the ceiling; or
 - (ii) where there is no ceiling, the underside of the construction at the top of the storey;
- (d) in relation to a room means the measurement taken from the floor to—
 - (i) the underside of the ceiling; or
 - (ii) where there is no ceiling, the underside of the construction at the top of the room.

“Home Occupation” means a business carried on with the permission of the responsible authority with a house or the curtilage of a house that:

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water or water products;
- (b) does not entail the employment of any person not a member of the occupier’s family except in the case of a professional person;
- (c) does not occupy an area greater than 20 sq. metres;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and
- (e) is restricted in advertisement to a sign not exceeding 0.2 sq. metres in area.

“Hospital” means any building or part of a building, whether permanent or otherwise, in which persons are received and lodged for medical treatment or care.

“Hotel” means land and buildings the subject of a Special Facility Licence, Caberet Licence or Hotel License granted under the provisions of the Liquor Licensing Act, 1988 (as amended), or of any Act in substitution for that Act, but does not include a motel.

“Industry” means the carrying out of any process for and incidental to:

- (a) the making, altering, repairing or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale or breaking up or demolition of any article or part of any article;
 - (b) the winning, processing or treatment of minerals;
 - (c) the generation of electricity or the production of gas;
- and
- (d) the manufacture of edible goods for human or animal consumption, being a process carried on in the course of trade or business for gain, other than operations connected with:
 - (i) the carrying out of agriculture;
 - (ii) the sit work on buildings, work or land; and
 - (iii) in the case of the manufacture of goods referred to in sub-paragraph (d) above, the preparation on the premises of a shop of food for sale, and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, the sale of goods resulting from the process and the use of land for the amenity of persons engaged in the process.

“Land” includes air stratum titles, messuages, tenements and hereditaments and any estate in the land, and houses, buildings, works and structures, in or upon the land.

“Light industry” 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 prejudicially affect the amenity of the locality by reason of the emission of noise, vibration, smell, fumes smoke, vapour, steams, soot, ash, dust, waste water, waste products, grit, oil or otherwise; 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, gas, electricity, sewerage facilities, or any other like service.

“Lot” has the meaning given to it in and for the purposes of the Act, and “allotment” has the same meaning.

“Marine Filling Station” means land and buildings used for the storage and supply of liquid fuels and lubricants for marine craft, but in which no industry is carried on, but does not include a service station.

- “Milk Depot”** means a depot to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.
- “Minor Works”** when used in connection with a development proposal means works which are not so extensive in scope as to warrant the lodgement of a development application in the opinion of the Council.
- “Motel”** means a building, group of buildings or place used or intended to be used to accommodate patrons in a manner similar to an hotel or boarding house but in which special provision is made for the accommodation of patrons with motor vehicles.
- “Motor Repair Station”** means land and buildings used for or in connection with mechanical repairs and overhauls, including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.
- “New Street Alignment”** see ‘street alignment’
- “Non-Conforming Use”** means the use of land which, though lawful immediately prior to the coming into operation of this Scheme is not in conformity with the Scheme.
- “Noxious Industry”** means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911 (as amended), but does not include fish shops or dry cleaning establishments.
- “Office”** means the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services and services of a similar nature or where not conducted on the site thereof, the administration of or the accounting in connection with an industry.
- “Open Air Display”** means the use of land as a site for the display and/or sale of goods and equipment in the open air.
- “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 any 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 lessee or licensee from the Crown; or
 - (d) is entitled to receive or is in receipt of, or if the lands were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession or otherwise.
- “Parks And Recreation”** means the use of land for a public park, public gardens, foreshore reserve, playground, or grounds for recreation which are normally open to the public without charge.
- “Petrol Filling Station”** means land and buildings used for the retail sale of petroleum products and motor vehicle accessories and may include the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents. The buildings associated with retail sales shall not exceed 300 m² gross leasable area.
- “Plot Ratio”** means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries and in calculating the gross total of the areas of all floors the areas shall be measured over any walls but shall not include lift shafts, stairs or stair landings, machinery rooms, air condition, equipment rooms, non-habitable floor space in basements, areas used exclusively for the parking of wheeled vehicles at or below ground level, lobbies or amenities common to more than 1 dwelling or private open balconies of not more than 2.4 m depth;
- “Private Recreation”** means the use of land for parks, gardens, playgrounds sports arenas or other grounds for recreation which are not normally open to the public without charge.
- “Professional Offices”** means any building used for the purpose of his profession by an accountant, architect, artist, author, barrister, chiroprapist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), or town planner, and ‘professional person’ has a corresponding interpretation.
- “Public Amusement”** means the use of land as a theatre, a cinema, a dance hall, a skating rink, swimming pool or gymnasium, or for games.
- “Public Assembly place of”** means any special place of assembly including grounds for athletics, all sports grounds with spectator provision, racecourses, trotting tracks, stadiums, or show grounds.
- “Public Authority”** means a Minister of the Crown acting in his official capacity, a State Government Department, State trading concern, State instrumentality, State public utility and any other person or body, whether corporate or not, who or which, under the authority of any Act, administers or carries on for the benefit of the State, a social service or public utility.
- “Public Recreation”** means the use of land for a public park, public gardens, foreshore reserve playground, or grounds for recreation which are normally open to the public without charge.
- “Public Utility”** means any works or undertaking constructed or maintained by a public authority or municipality as may be required to provide water, sewerage, electricity, gas drainage, communications or other similar services.
- “Public Worship—Place Of”** includes buildings used primarily for the religious activities of a church, but does not include an institution for primary, secondary or higher education, or a residential training institution.

- “Redevelopment”** means revision or replacement of an existing land use according to a controlled plan.
- “Reformative Institution”** means land and buildings (and includes a penal institution) used for the confinement or detention in custody of offenders against the law with a view to their reformation.
- “Reserved Land For Public Purposes”** means any land referred to in Part II of the Scheme.
- “Residential Building”** means a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation—
- (a) temporarily by two or more persons, or
 - (b) permanently by seven or more persons,
- who do not comprise a single family; but does not include a hospital or sanatorium, a prison, an hotel, a motel or a residential school.
- “Residential Planning Codes”** means the Residential Planning Codes in Appendix 2 to the West Australian Planning Commission Statement of Planning Policy No.1.
- “Restaurant”** means a building wherein food is prepared solely for sale and consumption within the building or portion thereof and (without limiting the generality of the foregoing) the expression includes a licensed restaurant cafe or night club. The expression also includes a restaurant at which food is sold for consumption outside the building, where Council is of the opinion that the sale of food for consumption outside the building is not the principal part of the business. In such a case, and for the purpose of assessing an application, outside dining areas shall be treated as being part of the restaurant building.
- “Restricted Premises”** means any premises, part or parts thereof, used or designed to be used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery 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.
- “Rural Industry”** 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.
- “Scheme”** means this Town Planning Scheme.
- “Scheme Area”** means the area identified in clause 1.2.
- “Service Industry”** means a light industry carried on land and in buildings having a retail shop front and in which goods may be manufactured only for sale on the premises, or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.
- “Service Station”** means land and buildings used for the following purposes—
- (i) the retail sale of petroleum products and motor vehicle accessories;
 - (ii) carrying out greasing, tyre repairs, minor mechanical repairs but does not include a transport depot, panel beating, spray painting, major repairs or motor vehicle wrecking;
 - (iii) only where the premises continue to be used for the fuelling of motor vehicles, the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents. The buildings associated with retail sales shall not exceed 300 m² gross leaseable area.
- “Shop”** means any building wherein goods are kept exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, petrol filling station, milk depot, marine store, timber yard, or land and buildings used for the sale of motor and other vehicles or for any purpose falling within the definition of industry.
- “Showrooms”** means rooms in connection with warehousing or offices, and intended for display of goods of a bulky character.
- “Site Coverage”** in relation to the proportion of a site that may be occupied by buildings means the total area covered by all buildings on the land, when measured from the outer surface of their walls, plus the area of any projections beyond the walls, including overhanging eaves but insofar only as they project more than 1 metre horizontally from the wall.
- “Sports ground”** means any land used for any sport, but does not include land within the curtilage of a dwelling, if not used commercially.
- “Storey”** means that portion of a building which is situated between the top of any floor and the top of the floor next above, or if there is no floor above it, that portion between the top of the floor and the ceiling above it.
- “Street Alignment”** means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed, means the new street alignment so prescribed.
- “Sub-Clause”** means a sub-clause of the clause in which the term is used
- “Take Away Food Shop”** means 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 land and buildings the subject of a tavern license granted under the provisions of the Liquor Licensing Act, 1988 (as amended).

“**Trade Display**” means land and buildings used for the display of trade goods and equipment for the purposes of advertisement.

“**Transport Depot**” means land used for the garaging of road motor vehicles used or intended to be used for carrying goods for hire or reward or for any consideration, or for the transfer of goods from one such motor vehicle to another of such motor vehicles, and includes maintenance and repair of vehicles.

“**Utility Installation**” means land and buildings used in association with any works or undertaking constructed or maintained by a public authority or municipality as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

“**Veterinary Clinic**” means a veterinary surgeon’s premises in which there are no boarding facilities but where animals undergoing treatment may be kept overnight.

“**Warehouse**” means any building or enclosed land, or part of a building or enclosed land, used for storage of goods and the carrying out of commercial transactions involving the sale of such goods by wholesale.

“**Wireless Or Television Installation**” means land and 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.

“**Zone**” means a portion of the scheme area shown on the map by distinctive colouring, hatching, or edging for the purpose of indicating the restrictions imposed by the planning scheme on the erection and use of buildings or for the use of land, but does not include land reserved.

APPENDIX B—SCHEDULE OF ADDITIONAL USES

COLUMN 1

Particulars of Land

Lot 2 (No.62)

Location 111 Glyde Street

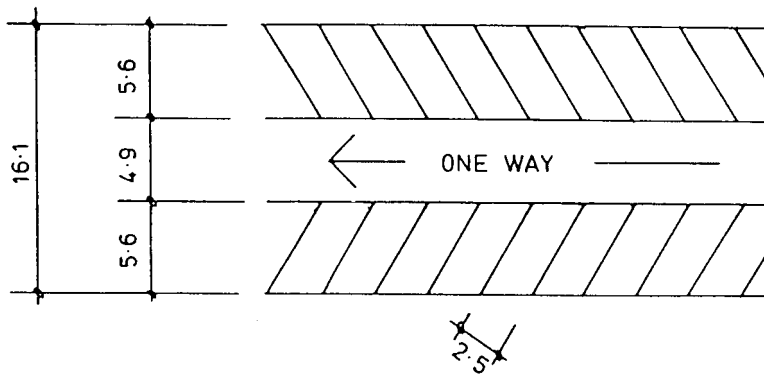
COLUMN 2

Additional Use and Special Conditions

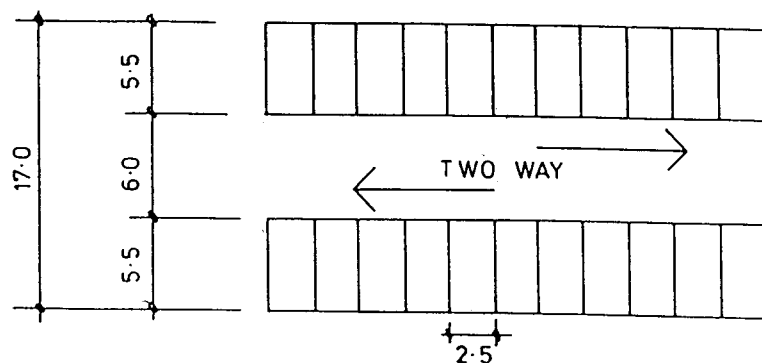
Offices

APPENDIX C—PARKING MODULES GENERALLY

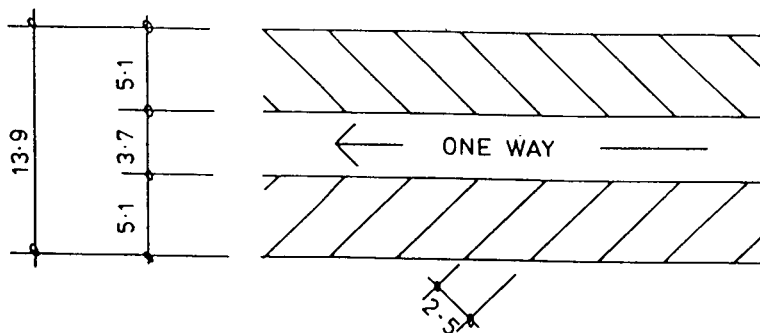
90° PARKING



60° PARKING



45° PARKING



APPENDIX D—SCHEDULE 1

PLACES OF NATURAL BEAUTY AND HISTORIC BUILDINGS AND OBJECTS OF HISTORIC OR SCIENTIFIC INTEREST

NAME	LOCATION	DESCRIPTION
Obelisk	Reserve 13374 (water supply Boundary Road	
Minim Cove	Foreshore Reserve south of McCabe Street	Fossils in limestone cliffs and site of Aboriginal archaeological or Historic significance
Anglican Church	Lot 10 Monument Street	Limestone Church
4 attached houses	Lots 1 to 4 Willis Street	Limestone cottages
Mosman Park Hotel	Lot 100 Gylde Street	Two Storey Hotel Building
The Coombe	Foreshore Reserve east of The Coombe	Fossils in cliff-face and lower road cutting
Blackwall Reach	Foreshore Reserve between Chidley Point and Point Roe	Fossils in cliff-face in Blackwall Reach and site of Aboriginal archaeological or Historic significance
Hillock	Hillock Pt Lot 4, Pt Lot 350	Hillock being one of the remaining "seven sisters" hills containing remnants of original vegetation.
Mosman Bay	Foreshore Reserve near The Chine	Site of Aboriginal archaeological or historic significance near The Chine and vegetation and limestone caves of historic, conservation and recreation value
Buckland Hill	North Fremantle Pt Lot 174 and Mosman Park Lot 288	Site of historic, conservation, scientific and recreation value
Chidley Point Golf Course	Reserve 25466	Vegetation of conservation value
Chidley Point	Reserve 3346	Vegetation of conservation value
Limestone House	Lot 14 Willis Street	Limestone house
Residence	Lot 2 (No. 50) Glyde Street	Building of Historic value
Memorial Hall	Reserve 25213 586 (municipal purposes)	Building of Historic value
Grandview House	Lot 22 Corner Glyde Street and Bay View Terrace	Building of Historic value
St Lukes Church Hall	Lot 9 Monument Street	Building of Historic value
Residence	Lot 15 (No. 46) Glyde Street	Building of Historic value
Residence	Lot 1 (No. 48) Glyde Street	Building of Historic value
Residence	Lot 12 (No. 17) Stuart Street	Building of Historic value

APPENDIX E
Town of Mosman Park—Town Planning Scheme No. 2
APPLICATION FOR PLANNING APPROVAL

OWNER OF LAND:

Surname.....Given Names.....
Address.....

APPLICANT:

Name/Company.....
Address (for correspondence).....Post Code.....
Telephone No.....Person to Contact.....

SITE DESCRIPTION:

Lot NoStreet No.....Street.....
Location No.....Plan/Diagram.....Vol.....Folio.....

DEVELOPMENT:

Description of proposed development, including proposed use:.....
.....

Approximate cost (Exc. land).....Estimated time of completion.....

SIGNED BY THE OWNER.....
DATE.....

NOTE

- 1 This Form is not to be used for applications to the Western Australian Planning Commission. (WAPC)
2 Three copies of site plans, floor plans and elevations are to be submitted with this application.
3 A separate application is require for a building licence (where applicable).

OFFICE USE ONLY:

Form 1 to WAPC Rec. No.....
Yes/No Date Sent.....
Refer WAPC Council Other.....
Comments.....

ADOPTION

Adopted by Resolution of the Council of the Town of Mosman Park at the meeting of the Council held on the 19th day of December 1995

B. M. MOORE, Mayor.
T. J. HARKEN, Chief Executive Officer.

FINAL APPROVAL

Adopted by resolution of the Council of the Town of Mosman Park at the Special meeting of the Council held on the 25th day of August 1998 and the Seal of the Municipality was pursuant to that Resolution hereunto affixed in the presence of—

B. M. MOORE, Mayor.
T. J. HARKEN, Chief Executive Officer.

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in Clause 1.7 of this Scheme and to which formal approval was given by the Hon. Minister for Planning on the date shown below.

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL BY THE WESTERN AUSTRALIAN PLANNING COMMISSION.

V. McMULLEN, For Chairperson of the
Western Australian Planning Commission.

Date 7 September 1999

FINAL APPROVAL GRANTED

G. D. KIERATH, Hon. Minister for Planning.

Date 9 September 1999

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

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF GOOMALLING

TOWN PLANNING SCHEME NO 3—AMENDMENT NO 2

Ref: 853/4/12/4 Pt 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 Goomalling Town Planning Scheme Amendment on 29 September, 1999 for the purpose of:

1. Rezoning Lots 46 and 47 Main Street, Goomalling from Rural 1—Town Environs to Light Industry.
2. Rezoning Lot 489 Waterhouse Way, Goomalling from Recreation Reserve to Light Industry.
3. Inserting the following sub clause into the Scheme:
 - 5.11.5 On land zoned for light industrial purposes, the Council may require measures to be taken to protect the amenity of the area.
4. Renumbering existing clauses 5.11.5, 5.11.6 and 5.11.7 to 5.11.6, 5.11.7 and 5.11.8 respectively.

R. KING, President.
C. C. KERP, Chief Executive Officer.

PD702***TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Kalgoorlie-Boulder

Town Planning Scheme No. 1—Amendment No. 1

Ref: 853/11/3/6, Pt 1, Vol 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 City of Kalgoorlie-Boulder Town Planning Scheme Amendment on 29 September 1999 for the purpose of—

1. Reclassify Hampton Lot 247 (Reserve 41581) from Reserve for Parks and Recreation to Private Recreation Zone.
2. Reclassify Hampton Location 255 from Rural to Tourist Zone
3. Reclassify Lot 165 Piccadilly Street (Reserve 37625) from Rural to Reserve for Public Purposes (W).
4. Reclassify Lot 265 Kanowna Road (Reserve 42493) from Rural to Reserve for Parks and Recreation
5. Reclassify Lots 1951, 7 and 8 Dugan Street from Public Purpose to Special Residential R5, and Reclassify Lot 3460 Dugan Street from Tourist to Reserve for Public Purposes (S).
6. Reclassify Lot 3430 Corner Dugan and French Street from Reserve for Public Purposes to Special Residential R5.
7. Reclassify Lot 4047 Compton Court (Reserve 39330) from General Residential R20 to Reserve for Parks and Recreation
8. Reclassify Lot 4799 Nankiville Road (Reserve 41601) from General Residential R20 to Reserve for Parks and Recreation.
9. Reclassify Lot 3755 (Reserve 40472) Corner Sewell Drive and Altham Street from General Residential R20 to Reserve for Parks and Recreation
10. Reclassify Lot 4152 Rainsford Loop (Reserve 43012) from General Residential to Reserve for Parks and Recreation.
11. Reclassify Lot 4253 Bracklemann Drive (Reserve 43013) from General Residential to Reserve for Parks and Recreation.
12. Reclassify Lot 4401 (Reserve 41188) Pearce Street from General Residential to Reserve for Parks and Recreation.
13. Reclassify Lot 4345 (Reserve 41187) Cavalier Crescent from General Residential to Reserve for Parks and Recreation
14. Reclassify Lot 4047 (Reserve 41277) Killington Crescent from Reserve for Parks and Recreation to Reserve for Public Purposes (K).

15. Reclassify Lot 3766 Beston and Brennan Streets (Reserve 37580) from General Residential to Reserve for Parks and Recreation.
16. Reclassify Lot 3626 (Reserve 35171) Hampden and Hughes Streets from General Residential R20 to Reserve for Public Purposes (S).
17. Reclassify Lot 4903 Addis and McKenzie Streets from Reserve for Public Purposes (WSD) to General Residential R12.5.
18. Reclassify Lot R363 Hay Street (Reserve 24082) from Mixed Business R30 to Reserve for Parks and Recreation.
19. Reclassify Lot 4836 Bourke Street (Reserve 32742) from Parks and Recreation to Reserve for Public Purposes (K).
20. Reclassify Lot 3920 (Reserve 32743) Collins Streets from Parks and Recreation to General Residential R30.
21. Reclassify Lots 1937-1941 Hay Street from Tourist Zone to General Residential R40
22. Reclassify Lot 3861 (Reserve 38601)—Wittenoom Street Boulder from Tourist R15 to General Residential R15.
23. Reclassify Lot 2715 (Reserve 22145) Corner Frank and Lane Streets from General Residential R20 to Reserve for Parks and Recreation.
24. Reclassify Lot 769 (Reserve 30886) Corner Dart and Brookman Streets from General Residential R20 to Reserve for Parks and Recreation.
25. Reclassify Lot 3631, Lot 2886 (Reserve 11244) Wilson and Alford Streets from General Residential R20 to General Residential R30.
26. Reclassify Lot 3398 (Reserve 23413) Barry Stevens Memorial Park (Corner Lane/Carrington) from General Residential to Parks and Recreation.
27. Reclassify the balance of Reserve 9892 Collier Place from Rural to Reserve for Public Purposes (W).
28. Reclassify Lots 3151, 3152 and 3153 (Reserve 21654) Corner Thurmott/Lyall Streets from General Residential to Reserve for Parks and Recreation.
29. Reclassify Lot 1590 and 1591 (Reserve 21862) Corner Lyall and Murray Streets from Public Purpose reserve to Parks and Recreation.
30. Reclassify Part of Reserve 37979 and Lot 3553 Phoenix Place from Parks and Recreation to General Residential R20.
31. Reclassify Lot 4596 Reserve 32961 Johnston and Keegan Streets from Future Urban to General Residential R20.
32. Reclassify part of Reserve 3417 fronting onto Maxwell from Parks and Recreation to General Residential R20, and create a new zone for the balance of Reserve (the Kalgoorlie Race Course) being Private Recreation Zone.
33. Reclassify the Engine Sports park (being pt 8144, pt loc 7, Reserve 11334) and Lot 4536 (the Motorcycle Club) Anzac Drive from Reserve for Parks and Recreation to Private Recreation zone.
34. Reclassify Part Hampton Location 7 and Part Reserve 8144 and Lot 4532 Greenhill Road from Parks and Recreation to Reserve for Public Purposes Airport.
35. Reduce the width of the Reserve for Parks and Recreation affecting lots 171, 200, 248, 204, and Reserve 8767 along Celebration Road from 90 metres to 20 metres.
36. Reclassify Lots R449, R450 and R451 Hannan Street from General Residential to Motel.
37. Reclassify Reserve 39223, Reserve 41984 and Reserve 41985 from Reserve for Parks and Recreation to Reserve for Public Purposes (CC) and (K).
38. Reclassify Lot 995 (Reserve 9190) Corner Hare and Peers Streets from Parks and Recreation to Reserve for Public Purposes (ES).
39. Reclassify Lot 1321 (Reserve 38485) Corner Kitchener and Gordon Streets from General Residential to Reserve for Parks and Recreation.
40. Reclassify Lot 3552 (Reserve 37478) Outridge Tce from Railway Reserve to Reserve for Public Purposes (CP).
41. Reclassify Lot 100 Piesse Street from General Residential R40 to District Business R50.
42. Reclassify Reserve 26153 Hay Street from Public Purpose Reserve (MRD) to Public Purpose Reserve (MRWA).
43. That the latest underlying cadastral information be incorporated into the scheme map.
44. Amend the Town Planning Scheme Map Legend as follows—
 - (1) Replace Reserve symbol “WSD” (Water Supply Sewerage Drainage) with separate symbols: “W” for Water Corporation, “S” (Sewerage), and “D” (Drainage)
 - (2) Replace Reserve symbol “ELS” (Electric Light Station) with “PU” for Power Utilities

- (3) Replace Reserve symbol "QU" (Quarry) with "EI" for Extractive Industry
 - (4) Replace Reserve symbol "FS" (Fire Station) with "ES" for Emergency Services
 - (5) Delete Reserve symbol "TEP" (Tertiary Education Purposes)
 - (6) Delete Reserve symbol "AP"
 - (7) Insert new Reserve symbol "K" for Kindergarten
 - (8) Insert new Reserve symbol "CP" for Community Purposes
 - (9) Insert new Reserve symbol "CC" for Community Centre
 - (10) Insert new Reserve symbol "MRWA" for (Main Roads Western Australia)
 - (11) Insert new Reserve symbol "RI" for Religious Institution
 - (12) Correct the spelling of the word Cemetery
 - (13) Create a new symbol for Private Recreation Zone (suggest same green as Reserve for Parks and Recreation but with white dots)
45. Amend the scheme map as follows—
- (1) Change Compton Place to Compton Court
 - (2) Correct the spelling of Wittenoom Street Kalgoorlie
 - (3) Correct the shades of Blue used for Service Stations to match the legend
 - (4) Label Hopetoun Street
 - (5) Correct the spelling of Keenan Street
 - (6) Correct the spelling of Killington Street
 - (7) Improve the precision of the mapping such that the defining edges of zones are not straddling lot boundaries.
46. Amend the existing provisions in Table 1: Zoning Table as follows—
- (1) Change "Child Family Care Centre" from SA use to AA use in the General and Extensive Residential zones.
 - (2) Change "Child Family Care Centre" from non-permitted use to AA use in the Special Residential zone.
 - (3) Change "Shop" from non-permitted use to IP use in the Tourist Zone.
 - (4) Change "Convenience Store" from non-permitted use to IP use in the Tourist Zone.
 - (5) Change "Convenience Store" from non-permitted use to "IP" use in the industrial and freight zones.
 - (6) Change "Convenience Store" from non-permitted use to AA use in the General Residential zone and add an additional clause to enable Convenience Stores in Service Station zones by changing Clause 3.7 by inserting the following—
"Clause 3.7 Zones Not Included in the Zoning Table"
 - (b) Within the Service Station zone, land may be only used for a Service Station and ancillary Convenience Store. The latter must comply with the definition of "Convenience Store" in Schedule No 1, and must be incidental to the predominant Service Station use.
 - (i) planning approval is required for a Convenience Store, ancillary to a Service Station, prior to the commencement of the use or development.
 - (ii) Council, prior to determination of a Convenience Store in a Service Station zone must comply with the procedures set out in clause 6.6"
 - (7) Change "Liquor Store" from a non-permitted use to an IP use in the Tourist Zone.
 - (8) Change "Dwelling—Single Residential" from P use to AA use in the Rural Zone, and change title to "Dwelling—Single House".
 - (9) Change "Industry Rural" from P use to AA use in the Rural Zone.
 - (10) Change "Rural Pursuit" from non-permitted use to SA use in Extensive Residential Zone.
 - (11) Change the use-class "Restricted Premises" from non-permitted use to SA use in District Business zone.
 - (12) Change "Transportable Dwelling" to "Dwelling—Transportable".
47. Amend the Zoning Table by introducing the following new use-classes with permissibility codings as detailed in Table A—
- (1) Create a new use-class named "Personal Services"
 - (2) Create a new use-class named "Holiday Accommodation"
 - (3) Create a new use-class named "Financial Institution"

TABLE A—(PROPOSED NEW USE CLASSES) (PROPOSAL 47)

NEW USE CLASSES	General Residential	Extensive Residential	Special Residential	Central Business	District Business	Local Business	Mixed Business	General Industry	Service/Light Industry	Transport/Freight	Tourist	Rural
Holiday Accommodation	P	P	P	P	P		P				P	
Financial Institution				P	P	AA	AA					
Personal Service				P	P	P						

48. Amend the Development Standards Table as follows—

- (1) Across the board, change reference from Gross Floor Area (GFA) to Net Lettable Area (NLA).
- (2) Change the presentation of Landscaping provisions for “Motel”, “Office”, “Public Assembly”, “Public Worship (Place of)” and “Reception Centre” from “5% of Lot Area” to “As Above” under the sub-headings for Central and District Business Zones.
- (3) Delete standards for “Consulting Rooms (Medical)”, and revise heading which reads “Medical Centre” to read “Medical Centre/Consulting Rooms (Medical)” and apply carparking formula previously used for Consulting Rooms.
- (4) Delete standards for “Night Club” outside of Central and District Business Zones, (not permitted outside those zones); delete reference to Central and District Business Zones (redundant information); specify setbacks as follows: “Street = Nil/ Side = BCA/ Rear = BCA”, and change the presentation of carparking provisions from “As Above” to “One bay for every 20 square metres NLA or part thereof”.
- (5) Specify maximum Plot Ratio and Site Coverage standards for “Office” in Central and District Business zones (currently blank) to be 2.0 and 100% respectively.
- (6) Add the following in the Special Conditions listed for the Service Station—
“Subject to meeting Australian Petroleum Institute Code of practice for underground Fuel Storage Facilities”
- (7) Revise the carparking standards for Restaurant from—
“One bay for every 10 square metres of GFA or one bay for every four seats provided whichever is the greater”
to—
“One bay for every 10 square metres of NLA or one bay for every four seats provided whichever is the greater, except for Alfresco Dining areas which must provide one bay for every 20 square metres of NLA.”
- (8) Expand the heading for “Shop” to read “Shop/Personal Services”.
- (9) Specify maximum Plot Ratio and Site Coverage standards for the use-class “Showroom” (currently blank) as being 1.0 and 100%, and expand heading which reads “Showroom” to read “Showroom/Non-Industrial Hire Premises.”
- (10) Insert an asterisk in every column which permits 100% site coverage and also insert an asterisk at the bottom of the table followed by a note which specifies that 100% site coverage is subject to the provision of the required amount of on-site carparking and landscaping.
- (11) Across the board change reference to landscaping strip from “...along all street frontages”
to—
“Along all street frontages or within the street setback areas”

49. Introduce the following additional land use/development categories into Development Standards Table—Table No.2, with provisions as detailed on Table B below—

- (1) Amenity Buildings/Outbuildings
- (2) Financial Institution
- (3) Funeral Parlour
- (4) Holiday Accommodation
- (5) Hospital
- (6) Industry Extractive

TABLE B—PROPOSED NEW DEVELOPMENT STANDARDS TABLE

DEVELOPMENT STANDARDS TABLE—TABLE No. 2

Landuse or Development	Minimum Setbacks			Maximum Plot Ratio	Maximum Site Coverage	Parking	Landscaping	Special Conditions
	Street	Side	Rear					
Amenity Building/ Outbuilding Non-residential	9m	BCA	BCA	0.6	60%	Nil	Nil	
Financial Institution	9m	BCA	BCA	1.0	50%	One bay per 20m ² NLA	5% of lot area	
	Nil in Central and Business District Zones			2.0 in Central and Business District Zones	100%* in Central and Business District Zones	As Above	As Above	
Funeral Parlour	9m	BCA	BCA	0.5	50%	1 bay 30m ² NLA (office space) 1 bay 10m ² NLA (reception rooms) 1 bay 50m ² NLA (mortuary)	5% of lot area	
	Nil in Central & District Business Zones			1.0 in Central and District Business Zones	100%* in Central and District Business Zones	As Above	As Above	
Holiday Accommodation	As per R-codes			As per R-codes	As per R-codes	2 bays per dwelling, plus one bay per bedroom being rented out	As per R-Codes	
Hospital	9m	BCA	BCA	0.6	60%	One bay per bed	5% of lot area with a minimum 2m strip along all street frontages or within all street setback areas	
	Nil in Central & District Business Zones			1.0 in Central and District Business Zones	100%* in Central & District Business Zones	As Above	5% of lot area	
Industrial Extractive	9m	9m	9m	0.6	60%	One bay/100m ² NLA (excluding outdoor machinery)	Minimum 2m strip along all street frontages or within all street setback areas	Parking areas do not need to be sealed

NLA means Net Leasable Floor Area

*100% site coverage allowance is subject to provision of required on site car parking and landscaping.

50. Reword Clause 4.6(2) from—
“Where the maximum dimension of any open car parking area exceeds 20 metres in length or width, trees and garden planting equivalent in area to 10 per cent of the number of parking spaces shall be provided within the car parking area for the purpose of shade and visual relief and where a minimum street front strip is required under Table 2 the additional landscaping can be reduced to that requirement only.”
to—
“Where the maximum dimension of any open car parking area exceeds 20 metres in length or width, landscape features are to be provided for every 4 bays for the purpose of shade and visual relief.”
51. Reword Clause 4.7(1) from—
“Parking areas shall be constructed and marked in accordance with the plan approved by Council and thereafter maintained to the satisfaction of the Council.”
to—
“Parking areas shall be constructed, sealed and line marked in accordance with the plan approved by Council and thereafter maintained to the satisfaction of the Council.”
52. Reword Clause 4.9(1) from—
“Unless otherwise approved by the Council, all development other than residential shall include a service area of not less than 9m².”
to—
“Unless otherwise approved by the Council, all development other than residential shall include a service area of not less than 9 square metres for the purposes of loading and unloading goods”
53. Insert new Clause 4.10 (8)—
“(8) Clauses 6 (a) and (b) and 7 (a) and (b) may be varied at the discretion of Council.”
54. Reword Clause 4.18(b) from—
“Principal Urban Arterial—where possible alternative access is to be provided,”
to—
“Principal Urban Arterial—No direct access without the approval of Council The applicant will be required to demonstrate that such access will not adversely affect traffic flow or safety.”
55. Reword Clause 6.2 from—
“The planning approval of the Council is not required for the following development of land:”
to—
“Subject to Clause 5.9, the planning approval of the Council is not required for the following development of land:”
56. Reword Clause 6.2(h) from—
“the erection on a lot of a single dwelling and ancillary development in a zone where the proposed use is designated with the symbol “P” in Part 4 and there is proposed no substantial alteration to the natural contour of the land as determined by the Council”
to—
“the erection on a lot of a single house and/or ancillary development (excluding group developments), in a zone where the proposed use is designated with the symbol “P” in Part 4 and there is proposed no substantial alteration to the natural contour of the land as determined by the Council.”
57. Reword Clause 3.12(2) from—
“The landscaped area shall comprise a minimum 2 metres in width along all street frontages.”
to—
“The landscaped area shall comprise a minimum of 2 metres in width within all street setback areas.”
58. Reword Clause 3.15(2) from—
“Upon approval of an outline development plan the land shown in that plan shall comply with the standards and requirements of an Industry Zone.”
to—
“Upon approval of an outline development plan the land shown in that plan shall comply with the standards and requirements of the Development Standards Table and/or Residential Planning Codes.”
59. Modify the Scheme Text as follows—
(1) Contents page—reference to section 1.8 should be changed from Bylaw to Local Law Schedule 8 should refer to Clause 5.10 (5) and not Clause 5.19
(2) Clause 1.8 change the heading from “...Bylaws” to “...Local Laws”

- (3) Clause 1.9(3)—change “jot” to “not”
 - (4) Clause 3.11(3)—change cross-reference from clause 5.14 to 4.13
 - (5) Clause 3.12(1)—change cross-reference from clause 5.14 to 4.13
 - (6) Clause 3.17(2)(a)(i)—change “urbans” to “urban”
 - (7) Clause 3.17(2)(b)—change “ipose” to “impose”
 - (8) Clause 4.1(1)—change “our” to “out”
 - (9) Clause 4.1(2)—change “Planing” to “Planning”; change “dept” to “kept”, and change “oat” to “at”
 - (10) Clause 4.18(d)—change “ules” to “unless”
 - (11) Clause 4.4 (5)—change cross-reference from Clause 6.6 to 6.5
 - (12) Clause 5.6(15)—change fourth “of” to “or”
 - (13) Clause 5.7(2) —change reference from 6.5 to 6.6
 - (14) Clause 5.10 (1)—change “By-laws” to “Local Laws”
 - (15) Clause 5.10 (11)—change “By-laws” to “Local Laws”
 - (16) Clause 7.2—delete the symbol (1) as no other clauses follow
 - (17) Clause 7.3—delete the symbol (1) as no other clauses follow
 - (18) Clause 7.5—delete the symbol (1) as no other clauses follow
 - (19) Clause 8.1(a)—change “occurpier” to “occupier”
 - (20) Clause 8.3(1)—change “Town Clerk” to “CEO”
 - (21) Clause 8.3(2)—change “1960” to “1995”
 - (22) Clause 8.6(2)(b)—change “or” to “for”
 - (23) Clause 8.7—delete the symbol (1) as no other clauses follow
 - (24) Clause 8.8(8)—change “cluse” to “clause”
 - (25) Schedule 1— change definition of “Absolute Majority” so that “1960” is changed to “1995” change definition of “Caravan Park” such that “Act” is inserted after the word “Grounds”, and “1974” is changed to “1997”
change the definition of “City” such that “Kalgoorlie/Boulder” is changed to “Kalgoorlie-Boulder”, and “1960” is changed to “1995”
change definition of “Commercial Vehicle” such that “manufacture” is changed to “manufacturer”
change definition of “Corner Shop” such that “person” is changed to “persons”
change definition of “Curtilage” such that the word “have” is inserted after the word “shall”.
change definition of “Industry-General” by changing “a” to “an”
change definition of “Lodging House” so that cross-reference to Licensing Act 1911 is changed to Liquor Licensing Act 1988.
change definition of “Rural Pursuit” in clause (a) so that the third “or” is replaced with “of”
 - (26) Schedule 8—change cross-reference from Clause 5.19 to 5.10(5) change “Bylaw” to “Local Law”
60. Insert a new clause into the scheme, to be numbered 4.19, as follows—
- “4.19 Variations to Site and Development Standards and Requirements
- 4.19.1 Except for development in respect of which the Residential Planning Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.
 - 4.19.2 In considering an application for planning approval under this clause, where in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall—
 - (a) consult the affected parties by following one or more provisions for advertising uses pursuant to Clause 6.6; and
 - (b) have regard to any expressed views prior to making its decision to grant the variation
 - 4.19.3 The power conferred by this clause may only be exercised if the Council is satisfied that—
 - (a) Approval of the proposed development would be appropriate having regard to the criteria set out in clause 6.9; and
 - (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.”

61. Delete the definition of Gross Floor Area and replace it with a definition of Net Lettable Area as follows—
 “Net Lettable area (NLA) means the area of all floors 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 area;
 - (b) lobbies between lifts facing other lifts servicing the same floors;
 - (c) areas set aside as public space or thoroughfares and not for the exclusive use of the 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 the occupiers of the floor or building”
62. Insert a definition of Personal Services into Schedule 1 as follows—
 “Means the use of land or buildings for the provision of services of a personal nature and includes a hairdresser, beauty therapist, manicurist and the like but does not include a shop, restricted premises, or a building used for any medical purpose.”
63. Amend the definition for “Showroom” by the deletion of the words “or domestic hardware”.
64. Insert a definition of Holiday Accommodation into Schedule 1 as follows—
 “Means a dwelling unit designed or intended to be used as short term accommodation for a tourist, person on holiday, or such other person who may require accommodation for a short period of time, but does not include a Lodging/Boarding House, Single House, Grouped Dwelling, Multiple Dwelling, Single Bedroom Dwelling, and which may be constructed as part of a group of buildings containing other uses as determined appropriate by Council.”
65. Insert a definition of Financial Institution as follows—
 “Means any building used for the conduct of financial transactions including banking, lending and mortgaging”, and
 Amend the definition for shop, by deletion of the words “a bank”
66. Insert a definition of Outbuilding into Schedule 1 as follows—
 “Means any building whether fixed or moveable, placed or erected on land and shall include garages, sheds, carports, or other structures used in conjunction with a dwelling or business but does not include a structure used for the purposes of habitation, administration, sale of goods by retail or wholesale, manufacturing, servicing, public amusement or any other purpose that Council considers to be inappropriate.”
67. Revise its Town Planning Scheme Schedules as follows—
- (1) Add “Form 1” to Schedule 2
 - (2) Add “Form 2” to Schedule 3
 - (3) Add “Form 3” to Schedule 4
 - (4) Add “Form 4” to Schedule 5
 - (5) Add “Form 5” to Schedule 6”
68. Amend Schedule 5 as follows—
- (1) Under Point 1, insert “applicant or” after the word “from”.
 - (2) Delete Point 3 and renumber subsequent sections accordingly
- Under NB at bottom of page, change reference from 6 to 5, and add in the words “in addition to plans detailing the proposed signage in 3 above.”
69. Reclassify Lot 1 Federal Road from General Residential to Mixed Business.
70. Reclassify Part Lots R14, 1 and 2 Maritana Street from General Residential to Local Business, and reclassify Lots R11 (Vol 1272/890; Vol 1272/891), Lot R12 and R13 Piccadilly Street and Lot R15 Collins Street from General Residential to Mixed Business
71. Insert the following new clause into the Scheme Text, and amend the zoning table as outlined in Table C—

“3.18 PRIVATE RECREATION ZONE

Purpose

The purpose of this zone is to identify land suitable for the development of commercially-orientated recreational facilities.

Objectives

To integrate private recreation areas with public recreation areas wherever possible.

To separate potentially noisy engine sports from incompatible uses.”

And incorporate the Private Recreation Zone into the zoning table (in addition to the zoning table modification detailed on proposal 46 and 47) as shown in Table C below.

TABLE C—PRIVATE RECREATION ZONING TABLE (PROPOSAL 71)

USE CLASSES	PRIVATE RECREATION
1. Abattoir	
2. Amenity Building	
3. Amusement Facility	IP
4. Amusement Parlour	IP
5. Ancillary Accommodation	
6. Auction Mart	
7. Automotive Hire	
8. Auto Panel Beating/Spray Painting	
9. Automotive Repairs	
10. Automotive Sales	
11. Automotive Wrecking	
12. Betting Agency	
13. Builders Yard	
14. Camping Facility	AA
15. Caravan Park	AA
16. Caretakers Dwelling	
17. Car Park	IP
18. Car Wash	
19. Cat Boarding Facility	
20. Cemetery/Crematoria	
21. Child Day Care Centre	
22. Child Family Care Centre	
23. Cinema / Theatre	
24. Civic Building	
25. Community Health Centre	
26. Consulting Rooms (Medical)	
27. Convenience Store	IP
28. Depot	
29. Display Home Centre	
30. Dog Boarding Facility	
31. Dry-cleaning Agency	
32. Dry-cleaning Premises	
34. Dwelling—Single House	
35. Dwelling—Grouped Housing	
36. Dwelling—Multiple Housing	
37. Dwelling—Aged or Dependant	
38. Dwelling—Single Bedroom	
39. Dwelling—Transportable	
40. Educational Establishment	
41. Equestrian Centre	AA
42. Factory Unit Building	
43. Fast Food Outlet	IP
44. Financial Institution	
45. Fish Shop	
46. Fuel Depot	
47. Funeral Parlour	
48. Garden Centre	
49. Health Studio/Centre	AA
50. Hire Premises—Industrial	
51. Hire Premises—Non-industrial	
52. Holiday Accommodation	
53. Home Occupation	
54. Hospital	
55. Hotel	

TABLE C—PRIVATE RECREATION ZONING TABLE (PROPOSAL 71)—*continued*

USE CLASSES	PRIVATE RECREATION
56. Industry—Extractive	
57. Industry—General	
58. Industry—Hazardous	
59. Industry—Light	
60. Industry—Noxious	
61. Industry—Rural	
62. Industry—Service	
63. Kindergarten	
64. Laundromat	
65. Liquor Store	
66. Lodging House	
67. Lunch Bar	IP
69. Market	
70. Medical Centre	
71. Motel	
72. Museum	
73. Night Club	
74. Nursery	
75. Occasional Uses	AA
76. Office	IP
77. Out-Building	P
78. Open Air Display	AA
79. Personal Services	
80. Petrol Filling Station	
81. Private Hotel	
82. Private Recreation	AA
83. Public Amusement	AA
84. Public Assembly (place of)	AA
85. Public Recreation	AA
86. Public Utility	AA
87. Public Worship (place of)	
88. Radio/Communication Equipment	
89. Radio and TV Installation	
90. Reception Centre	
91. Recreation Facility	AA
92. Residential Building	
93. Restaurant	
94. Restricted Premises	
96. Rural Pursuit	
97. Salvage Yard	
98. Service Station	
99. Shop	IP
100. Showroom	
101. Solid Fuel Depot	
102. Sportsground	AA
103. Squash Courts	AA
104. Stables	AA
105. Tavern	
106. Transport Depot	
107. Veterinary Consulting Rooms	
108. Veterinary Hospital	
109. Warehouse	
110. Zoological Gardens	AA

72. Change Radio Equipment from non-permitted use to AA use in the General Industry, Service/Light Industry, and Tourist zones and amend the use class to read Radio/Communication Equipment,
73. Change Radio and Television Installation from non-permitted use to AA use in the General Industry and Service/Light Industry zones,
74. Reclassify Lot 294 Johnston and Part Hampton Location 40 from Reserve for Public Purposes PS to Reserve for Public Purposes PS and CP.
75. Reclassify Reserve 29779 Boulder Road from Reserve for Public Purposes (FS) to Reserve for Public Purposes (ES).
76. Insert a new clause into the scheme, to be numbered 3.8, which reads as follows—
“3.8 Additional Uses
 Notwithstanding anything contained in the Zoning Table, the land specified in Schedule 102 may be used for the specific use that is listed in addition to any uses permitted in the zone in which the land is situated subject to the conditions set out in Schedule 10 with respect to that land.
Note: An Additional Use is a land use that is permitted on a specific portion of land in addition to the uses already permitted in the zone that applies to the land.”
77. Revise the definition of Radio Equipment from—
 “radio equipment means masts, aerials and other associated equipment used for the transmission and reception of radio signals for hobby or commercial purposes.”
 to—
 “radio equipment means masts, aerials and other associated equipment used for transmission and reception of communication signals for hobby or commercial purposes.”
78. Make the following additional typographical corrections—
 (a) Clause 2.2—delete the words “will acquire or” from the second last line.
 (b) Clause 4.1(4)—delete the second “to the” in the second line, which is redundant.
 (c) Schedule 6—replace “Town Clerk” with “Chief Executive Officer”.
 (d) Contents page—any necessary corrections to reflect renumbering and/or new clauses.

P. ROBSON, Mayor.
 P. A. ROB, Chief Executive Officer.

POLICE

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 Smith Broughton & Sons, 1 Clayton Street, Midland on Saturday 9th of October 1999 at 9.00 am.

The auction is to be conducted by Mr Gary J. Silcock.

B. MATTHEWS, Commissioner of Police,
 West Australian Police Service.

PE502

POLICE ACT 1892 POLICE AUCTION

Under the provisions of the Police Act 1892, unclaimed and stolen property will be sold by Public Auction at South West Auctioneering Company, Lot 51 Strelley Street, Busselton on 23rd October 1999.

B. MATTHEWS, Commissioner of Police,
 West Australian Police Service.

PREMIER AND CABINET

PR401

MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor in accordance with section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon N. F. Moore MLC in the period 26 September to 1 October 1999 inclusive—

Minister for Mines; Tourism; Sport and Recreation—Hon M. F. Board MLA

M. C. WAUCHOPE, Director General,
 Ministry of the Premier and Cabinet.

RACING, GAMING AND LIQUOR

RA401**LIQUOR LICENSING ACT 1988**

SUMMARY OF LIQUOR LICENSING APPLICATIONS

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

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
1697/1999	Robert Lloyd Karri-Davies	Application for the grant of a producer's licence in respect of premises situated in Cowaramup and known as Cape Rock Vineyard.	2/11/99
1700/1999	Inklo Pty Ltd	Application for the grant of a special facility licence in respect of premises situated in Applecross and known as Applex Cafe Restaurant.	26/10/99
1702/1999	Tailpalm Pty Ltd	Application for the grant of a special facility licence in respect of premises situated in Kings Park and known as Sunset Cinema.	27/10/99
1703/1999	Ray Mullins & Sons Pty Ltd	Application for the grant of a special facility licence in respect of premises situated in Northbridge and known as Pot Black.	1/11/99
1704/1999	Susan Jones	Application for the grant of a special facility licence in respect of premises situated in Beckenham and known as Arrive in Style Luxury Limo's.	16/10/99
1705/1999	Kevin Martin Ross & Sheryl Anne Ross	Application for the grant of a restaurant licence in respect of premises situated in Derby and known as Drover's Camp Chicken Joint and Restaurant.	31/10/99

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

G. B. AVES, Director of Liquor Licensing.

TRANSPORT

TR401***WESTERN AUSTRALIAN MARINE ACT 1982**

RESTRICTED SPEED AREAS—ALL VESSELS

METROPOLITAN BEACHES

Department of Transport,
Fremantle WA, 8 October 1999.

Acting pursuant to the powers conferred by Section 67 of the Western Australian Marine Act 1982 the Department of Transport by this notice revokes Notice TR404 as published in the *Government Gazette* on 29 September 1998 and hereby limits the speed of motor vessels to that of eight (8) knots within the following area—

Within the area of water commencing at a point on the foreshore intersecting with the prolongation of Oceanic Drive and the City Beach Southern Groyne, extending northward to a point on the foreshore coinciding with the northern boundary of the Marmion Marine Park and extending 200 metres offshore, excepting the following areas—

- 1) The Water Ski Area as published at paragraph (1) (a) (15) of the *Government Gazette* dated 25 October 1991.
- 2) The Pinnaroo Point Parasailing Area as published in the *Government Gazette* dated 4 September 1992.

- 3) The Hillarys Parasailing Area as published in the *Government Gazette* dated 4 February 1994.
- 4) All those waters gazetted as a six (6) knot speed restriction area at the Hillarys Boat Harbour as published at paragraph (c) (2) (ii) of the *Government Gazette* dated 25 October 1991.
- 5) All those waters gazetted as a five (5) knot speed restriction area at the Ocean Reef Boat Harbour as published at paragraph (b) (4) of the *Government Gazette* dated 25 October 1991.
- 6) All those waters gazetted as a five (5) knot speed restriction area at the Two Rocks Marina as published in the *Government Gazette* dated 11 August 1995.
- 7) All those waters gazetted as boating prohibited areas as published at paragraph (31) of the *Government Gazette* dated 27 January 1995 and as amended.

MICHAEL LINLAY HARRIS, Acting, Director General of Transport.

TR402*

WESTERN AUSTRALIAN MARINE ACT 1982
CLOSURE OF NAVIGABLE WATERS
MATILDA BAY

Department of Transport,
Fremantle WA, 8 October 1999.

Acting pursuant to the powers conferred by Section 66 of the Western Australian Marine Act 1982, the Department of Transport hereby revokes paragraph (a)(1)(iii) of Notice TR402 as published in the *Government Gazette* on 27 January 1995, in relation to the Prohibited Boating Area within Matilda Bay on the Swan River. Providing that this revocation will apply only to authorised vessels involved in a Personal Watercraft (PWC) display between 0900 and 1200 on Sunday 10 October 1999.

MICHAEL LINLAY HARRIS, Acting, Director General of Transport.

PUBLIC NOTICES

ZZ101

PUBLIC TRUSTEE ACT 1941

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

Dated at Perth the 1st day of October 1999.

J. G. BUSCH, Public Trustee,
565 Hay Street, Perth WA 6000.

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

Hudson, Honora Margaret; West Perth; 17/7/99; 9/9/99. (DEC 320971 DC4)

Cook, Madge; Bayswater; 10/8/99; 9/9/99. (DEC 321675 DS4)

Driver, Hazel Ruby; Rossmoyne; 11/8/99; 14/9/99. (DEC 321341 DG4)

McKellar, Edith; Wyndham; 1/7/98; 23/9/99. (DEC 319674 DS4)

Nicholl, Gary David; Subiaco; 12/6/99; 28/9/99. (DEC 320049 DL4)

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 8th November 1999 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bowden, Barbara, late of Dean Lodge, R A A F Estate Homes, Bull Creek, died 9/8/99. (DEC 322000 DG3)

Carmody, Veronica, late of Wearne House Hostel, 7 Leslie Street, Mandurah, formerly of 77 Richardson Street, Boulder, died 8/9/99. (DEC 322279 DS4)

Coleman, John Trenear, late of Morrison Lodge, 1A North Street, Midland, died 4/9/99. (DEC 322181 DG3)

Cox, Lilian Thorne Tregay, late of 8 Buxton Street, Mount Hawthorn, died 14/9/99. (DEC 322528 DL3)
Croll, Alexander James, late of 1 Norwood Road, Rivervale, died 20/7/99. (DEC 320974 DL3)
Edser, David Melvyn, late of 88 Whitfield Drive, Two Rocks, died 4/7/99. (DEC 320686 DS4)
Gaffin, Leslie Andrew, late of 137 Cordelia Avenue, Coolbellup, died 9/6/99. (DEC 322687 DC3)
Green, William Dennis, late of Craigwood Nursing Home, 29 Gardner Street, Como, died 24/8/99.
(DEC 322554 DL4)
Groves, Ada, late of Joseph Cooke Hostel, Rossmoyne, died 2/9/99. (DEC 322529 DG2)
Guy, Ilma Irene, late of Rockingham Nursing Home, 14 Langley Street, Rockingham, died 18/8/99.
(DEC 322544 DS3)
Hatfield, Doris Irene, late of Spencer Lodge, Hardie Road, Albany, died 10/9/99. (DEC 322331 DP3)
Hughes, Evelyn, late of 28A Collingwood Street, Dianella, died 3/9/99. (DEC 322577 DS2)
Jones, Rene, Ethne Bernice, late of 22/108 Normanby Road, Inglewood, died 27/2/97. (DEC 319917
DS4)
Kettley, William John, late of Moling House, 7 Deanmore Road, Karrinyup, died 25/8/99. (DEC 321942
DA1)
Lewis, Joyce Graham, late of St Vincent's Aged Care, 224 Swan Street, Guildford, died 22/9/99. (DEC
322676 DC3)
Nicholson, Florence Mary, late of Freeman Nursing Home, Bull Creek Road, Rossmoyne, died 9/9/99.
(DEC 322560 DA2)
Snook, Veronica Mary, late of Warwick Nursing Home, Ellersdale Road, Warwick, died 22/8/99. (DEC
321787 DG3)
Sprengel, Joan Minna, late of RMB 726 Coronation Road, Waroona, died 21/8/99. (DEC 322165 DA3)

J. G. BUSCH, Public Trustee,
Public Trust Office, 565 Hay Street, Perth WA 6000.
Telephone: 9222 6777.

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

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 and amendments thereto relate) in respect of the estate of the undermentioned deceased person are required by the Personal Representatives of care of Clive Mills & Associates, Suite 1, 781 Canning Highway, Applecross, Western Australia to send particulars of their claim to them within one month from the date of publication of this notice at the expiration of which time the Personal Representatives may convey or distribute the assets having regard only to the claims of which they have then had notice.

Price, Ronald James, late of 18A Foss Street, Palmyra, Western Australia, Retired Seaman, died on 20th March 1999.

