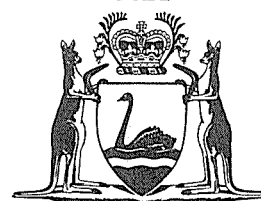


WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

5621



PERTH, FRIDAY, 20 NOVEMBER 1992 No. 161

PUBLISHED BY AUTHORITY G. L. DUFFIELD, GOVERNMENT PRINTER AT 3.30 PM

Publishing Details

The *Western Australian Government Gazette* is published by State Print 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* and Extraordinary *Government Gazettes* are published periodically, only the special gazettes are included in the subscription price.

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- Material submitted to the Executive Council and which requires gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
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CHANGE OF PUBLISHING DETAILS FOR 1992

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Copy to be lodged at State Print, Wembley by 3.00 pm the preceding Friday; or

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Advertisers requiring more information should telephone 383 8851.

G. L. DUFFIELD, Director.

PROCLAMATIONS

AA101

TRANSFER OF LAND ACT 1893 TRANSFER OF LAND (REVESTMENT)

PROCLAMATION

WESTERN AUSTRALIA } By His Excellency the Honourable David
DAVID MALCOLM, } Kingsley Malcolm, Companion of the Order of
Lieutenant-Governor. } Australia. Lieutenant-Governor and Administrator
[L.S.] } of the State of Western Australia.

DOLA File 5735/950V8.

Under section 243 of the Transfer of Land Act 1893, I, the Lieutenant-Governor and Administrator acting with the advice and consent of the Executive Council, do hereby revest in Her Majesty as of Her former estate, the land described in the Schedules to this Proclamation.

Schedule I

DOLA File	Description of Land	Certificate of Title Volume	Folio
1645/980	Portion of Canning Location 25 being Lot 37 on Diagram 59193 (now comprising Location 3785)	1410	339
2347/980	Portion of Wellington Location 41 being Lot 759 on Plan 13279 (now comprising Location 5618)	1568	354
1646/980	Portion of Swan Location M being Lot 376 on Diagram 59199 (now comprising Location 11728)	1599	332
3277/980	Portion of Wellington Location 1 being Lot 5 on Diagram 59984 (now comprising Location 5621)	1556	152
67/966	Portion of Wellington Location 1 being Lot 1 the subject of Diagram 30377 (now comprising Location 5609)	1289	33
67/966	Portion of Brunswick Estate Lot 15 coloured blue and marked Drain Reserve on Plan 17396 (now comprising Estate Lot 42)	1872	375
723/992	Portion of Sussex Location 580 being Lot 125 on Plan 18346 (now comprising Location 4936)	1925	225
2044/990	Portion of each of Peel Estate Lots 125 and 650 and being Lot 3 the subject of Diagram 79285 (now comprising Estate Lot 1372)	1919	898

Schedule II

DOLA File	Description of Land
1028/979	Portion of Swan Location 30 being Lot 11 on Diagram 56396 being part of the land comprised in Certificate of Title Volume 1559 Folio 039 (now comprising Location 11738)
1080/979	Portion of Swan Location 33 being Lot 97 on Plan 12973 being part of the land comprised in Certificate of Title Volume 1093 Folio 437 (now comprising Location 11727)
829/992 PF	That portion of Cockburn Sound Location 16 marked "Pedestrian Access Way" on Plan 12219 and being part of the land comprised in Certificate of Title Volume 1486 Folio 520

Given under my hand and the Seal of the State on 31st September 1992.

By His Excellency's Command,

DAVID SMITH, Minister for Lands.

GOD SAVE THE QUEEN !

AA102

TRANSFER OF LAND ACT 1893
TRANSFER OF LAND (REVESTMENT)
PROCLAMATION

WESTERN AUSTRALIA DAVID MALCOLM, Lieutenant-Governor. [L.S.]	}	By His Excellency the Honourable David Kingsley Malcolm, Companion of the Order of Australia, Lieutenant-Governor and Administrator of the State of Western Australia.
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DOLA File 5735/50VII.

Under section 243 of the Transfer of Land Act 1893, I, the Lieutenant-Governor and Administrator acting with the advice and consent of the Executive Council, do hereby revest in Her Majesty as of Her former estate, the land described in the Schedule to this Proclamation.

Schedule I

DOLA File	Description of Land	Certificate of Title	
		Volume	Folio
887/992	Portion of Swan Location 16 being Lot 23 on Diagram 82011 (now comprising Location 11753)	1914	751
1393/941	Kalgoorlie Lot 3292 (now comprising Lot 4895)	1078	89
2942/973	Portion of Sussex Location 6 and being Lot 280 on Plan 17928 (now comprising Busselton Lot 429)	1901	949
3949/977	Portion of Sussex Location 6 and being Lot 254 on Plan 17403 (now comprising Busselton Lot 428)	1866	442
528/973	The southern moiety of Wagin Town Lot 41 (now comprising Lot 1843)	703	122
4003/960	Fremantle Lot 1867 (now comprising Lot 2077)	1245	794
2837/991	Portion of Swan Location K and being Lot 50 on Plan 17200 (now comprising Location 11740)	1858	609
5562/902	Kojonup Lot 273 (now comprising Lot 330)	1908	718
1772/988	Portion of Victoria Location 215 and being part of Lot 1 on Diagram 2804 (now comprising portion of Location 11840)	1257	996
1772/988	Portion of Victoria Location 3488 (now comprising portion of Location 11840)	1288	795
1294/976	Portion of Victoria Location 8153 and being Lot 38 on Plan 11543 (now comprising Location 11937)	1429	088
1911/979	Portion of each of Cockburn Sound Locations 37, 51 and 250 and being Lot 21 on Plan 12889 (now comprising Locations 4017 and 4022)	1544	426
826/992	Portion of Swan Location 2105 being Lot 305 on Plan 18206 (now comprising Location 11760)	1922	787
1420/992	Portion of Swan Location 1165 and being Lot 206 on Plan 18222 (now comprising Location 11762)	1927	314
2041/967	Portion of Geraldton Town Lot 714 (now comprising portion of Lot 2914)	1864	968
2041/967	Geraldton Lot 741 (now comprising portion of Lot 2914)	1427	430

Given under my hand and the Seal of the State on 1st September 1992.

By His Excellency's Command,

DAVID SMITH, Minister for Lands.

GOD SAVE THE QUEEN !

AGRICULTURE

AG401

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**NOTICE**Directing Destruction of the Declared Plant Blackberry (*Rubus Fruticosus* agg.)

To: All occupier and owners of private land situated in the Shires shown on the schedule below.
The Agriculture Protection Board, pursuant to the provisions of section 50 of the Agriculture and Related Resources Protection Act 1976, hereby directs that the declared plant Blackberry (*Rubus fruticosus* agg.) present on private land owned or occupied by you, situated within the municipal districts, within the meaning of the Local Government Act, as amended, of the Shires specified in the schedule below shall be destroyed by you by the following methods—

1. Effective grubbing and/or cultivation of all plants, or
2. Spraying all plants with the recommended dose of a herbicide registered for this purpose, in accordance with the requirements of the Agriculture and Related Resources Protection (Spraying Restrictions) Regulations 1979-1989.

You are required to commence the requirements of this Notice on or before December 23, 1992, and to complete the requirements of this Notice on or before February 15, 1993.

Dr M. D. CARROLL, Chairman, Agriculture Protection Board.

Schedule

Municipal districts of Bridgetown-Greenbushes, Manjimup, Nannup, Boyup Brook, Donnybrook-Balingup, Augusta, Margaret River and Busselton.

BUSH FIRES BOARD

BU401

BUSH FIRES ACT 1954**SUSPENSION OF SECTION 25**

Bush Fires Board, Perth.

Correspondence No. S81.

It is hereby notified that I, Graham Edwards administering the Bush Fires Act 1954, hereby revoke all previous orders under section 25B of the said Act with relation to the Morawa Rubbish Disposal Site situated on location 8862 (20087) and pursuant to the powers contained in section 25B of the said Act, approved the suspension of the operations of section 25 that relate to a fire to be lit or which is lit, for the purpose of destroying garden refuse or rubbish or any like purpose during the declared Prohibited and Restricted Burning Times on land set aside for the purpose in the Municipal district of the Shire of Morawa. This notice shall have effect until revoked and is issued subject to the following specified conditions.

Morawa Rubbish Disposal Sites Situated on Locations No. 11570 (39559) and No. 8862 (20087)

Specified Conditions

1. A 5 metre firebreak be installed on the Western and Northern boundaries of the site. The firebreak to be maintained free of all flammable material from the 1st October in any year and including 1st April in the following year.
2. A sign advising the public where to deposit rubbish to be erected and maintained at the site.
3. A sign declaring prohibition of unauthorised lighting of fires be erected and maintained at the entrance to the site.
4. All grass and bush of a flammable nature be removed from the entire site prior to each lighting.
5. The accumulated refuse to be lit by the Council contractor or such other person specifically authorised to do so by the Shire Clerk.
6. Refuse to be lit prior to 0800 hours and extinguished prior to 1800 hours on the day nominated by the Council and at least once (1) every 14 days.
7. A fire fighting unit consisting of tank minimum water capacity 800 litres, engine and pump to be on standby with two persons in attendance at the site throughout the burning operation.
8. No fire to be lit on land subject to the suspension on a day for which the fire danger forecast as issued by the Bureau of Meteorology in Perth in respect to the locality is "Very High" or "Extreme".
9. The local Bush Fire Control Officer to be advised of intended burning prior to each lighting.

GRAHAM EDWARDS, Minister for Emergency Services.

CONSUMER AFFAIRS

CN301

RETAIL TRADING HOURS ACT 1987

RETAIL TRADING HOURS EXEMPTION ORDER (No. 32) 1992

Made by the Minister for Consumer Affairs under section 5.

Citation

1. This Order may be cited as the *Retail Trading Hours Exemption Order (No. 32) 1992*.

Extended Trading Hours

2. Section 12 of the *Retail Trading Hours Act 1987* does not apply to the general retail shops specified in Column 1 of the Schedule on the day and during the hours specified in Column 2 of the Schedule.

Schedule	
Column 1	Column 2
General Retail Shops	Days and Hours of Exemption
All general retail shops in the City of Bunbury.	Saturday, 21 November 1992, between the hours of 5.00 pm and 9.00 pm.

YVONNE HENDERSON, Minister for Consumer Affairs.

CROWN LAW

CW401

CO-OPERATIVE AND PROVIDENT SOCIETIES ACT 1903

NOTICE OF APPOINTMENT

His Excellency the Governor has approved the appointment of Kerry Edward Dillon Moran as a Public Auditor for the purposes of the Co-operative and Provident Societies Act 1903.

FRANK MORISEY, Deputy Registrar of Friendly Societies.

FISHERIES

FI301

FISHERIES ACT 1905

SOUTH WEST TRAWL LIMITED ENTRY FISHERY AMENDMENT NOTICE 1992

NOTICE No. 583

FD 706/86

Made by the Minister under section 32.

Citation

1. This notice may be cited as the *South West Trawl Limited Entry Fishery Amendment Notice 1992*.

Principal notice

2. In this notice the *South West Trawl Limited Entry Fishery Notice 1989 Notice No. 403** is referred to as the principal notice.

Clause 10 amended

3. Clause 10 of the principal notice is amended in paragraph (c) by inserting after "2" the words—

" , excluding the waters described in Item 2 (4) of Schedule 1, "

[*Published in the Gazette of 8 September 1989 pp. 3176-80. For amendments to 17 November 1992 see Notice 418 published in the Gazette of 10 November 1989 p. 4056, Notice No. 448 published in the Gazette of 3 August 1990 pp. 3680-81, Notice No. 473 published in the Gazette of 25 January 1991 p. 277 and Notice No. 510 published in the Gazette of 20 September 1991 p. 4868.]

Dated this 17th day of November 1992.

GORDON HILL, Minister for Fisheries.

FI401

FISHERIES ACT 1905
PART IIIB—PROCESSING LICENCE

FD 391/92

The public is hereby notified that I have issued a permit to Thevenard Fish Processors Pty Ltd of Ceduna, SA to establish a processing establishment to process fish in pursuance of the provisions of Section 35C of the Fisheries Act, 1905, at Lot D1 Bandy Creek Boat Harbour, Esperance, subject to the following conditions.

That the processing establishment—

1. Shall comply with the requirements of the Fisheries Act, 1905, and all Regulations, Orders in Council and Notices and Ministerial Directions issued thereunder.
2. Shall not be used for the processing of rock lobster, prawns, abalone or pilchards.
3. Shall comply with the requirements of the Health Act, 1911 (amended).
4. Shall comply with the requirements of any town planning scheme or interim development order gazetted under the provisions of the Town Planning and Development Act 1928 (amended), or the Metropolitan Region Town Planning Scheme Act 1959 (amended).
5. Shall be registered as an export establishment pursuant to the provisions of the Parliament of the Commonwealth Export Control Act 1982, and Orders made thereunder, more specifically the Prescribed Goods (General) Orders and the Fish Orders, should be used to process fish for export.
6. Shall not be used for the processing of marron (*Cherax tenuimanus*) unless a licence is held under Section 39C of the Fisheries Act, 1905.

In accordance with the provisions of Section 35K, any person aggrieved by this decision, may within fourteen days after publication of this notice, appeal against the decision or order by serving on the Minister for Fisheries, a statement in writing on the grounds of their appeal.

P. P. ROGERS, Executive Director of Fisheries.

HERITAGE COUNCIL OF W.A.

HR401

HERITAGE OF WESTERN AUSTRALIA ACT 1990

NOTICE OF INTENTION TO ENTER PLACES IN THE REGISTER OF HERITAGE PLACES

The Minister for Heritage, Jim McGinty MLA, has directed that the place described in Schedule 1 be entered in the Register of Heritage Places as an interim registration pursuant to section 47 (1) of the Heritage of Western Australia Act 1990.

In accordance with the requirements of section 49 (1) of that Act, the Heritage Council of Western Australia hereby gives notice that it is proposed that the place be entered in the Register on a permanent basis.

Submissions on the proposed entry on a permanent basis are invited from interested persons. Submissions must be in writing and should be forwarded to the following address—

The Director
Office of the Heritage Council
292 Hay Street
East Perth 6004

Submissions concerning the entry of the place listed in Schedule 1 must be lodged by 31 December 1992.

Schedule 1

Place	Location	Land Description
Fremantle Oval Grandstand	Fairbairn Street, Fremantle	Fremantle Lot 1514
Museum and Art Centre	1 Finnerty Street, Fremantle	Fremantle Lot 1922
Former Lunatic Asylum		
Former Union Stores Building	41-47 High Street, Fremantle	Lot 700 Diagram 74064
Fowler's Warehouse	38-40 Henry Street, Fremantle	Lot 0 Diagram 487
Former W. D. Moore & Co. Warehouse	42-46 Henry Street, Fremantle	Fremantle Lots 89/90
Former Hall and Solomon Building	52 Henry Street, Fremantle	Fremantle Lot 92

Place	Location	Land Description
Fremantle Town Hall	8 William Street, Fremantle	Lot 4 Plan 11
Fremantle Fire Station	118 Phillimore Street, Fremantle	Fremantle Lot 1951
Round House	end of High Street, Fremantle	Fremantle Lot 2051
Fremantle Markets	South Terrace/Henderson Street, Fremantle	Fremantle Lots 1376 and 1380
Former Evan Davis Building	13 South Terrace, Fremantle	Fremantle Lot 871
Former Fremantle Synagogue	92 South Terrace, Fremantle	Fremantle Lot 1375
Former Kerosene Store	West of Mews Road, Fremantle	Fremantle Lot 2051
North Fremantle War Memorial	Queen Victoria/Harvest Streets, North Fremantle	Lot 46 Plan 1297

Dated this 20th day of November 1992.

IAN BAXTER, Director, Office of the Heritage Council.

LAND ADMINISTRATION

LA101

CORRIGENDUM

Road Widenings and Deviations—Port Gregory Road—Road Nos. 14846 and 7548 and Road Deviation—Yallabatharra Road—Road No. 7970—Shire of Northampton.

In the Notice appearing under the above heading on pages 1563 and 1564 of *Gazette* No. 51 dated 7 April 1992 an error occurred and is corrected as follows.

On page 1564 in the schedule the area of the last item to be corrected to 4.9088 ha instead of 3.8562 ha.

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

LA102

ERRATUM

File No. 2776/1986.

PUBLIC WORKS ACT 1902

NOTICE OF INTENTION TO TAKE OR RESUME LAND

Road Widening—Marshall Road and Beechboro Road—West Swan

Whereas an error occurred in the notice published under the above heading on page 5331 of *Government Gazette* No. 154 dated 30 October it is corrected as follows.

On Page 5332 in the Schedule under the heading "Description", on line 4 delete "Title Volume 1772" and insert " Title Volume 1722 ".

LA401

FORFEITURES

Department of Land Administration

The following Leases and Licences together with all rights, title and interest therein have this day been forfeited to the Crown under the Land Act 1933 for the reasons stated.

Dated 16 November 1992.

A. A. SKINNER, Chief Executive.

Name; Lease or Licence; District; Reason; Corres. No.; Plan.

Whim Creek Consolidated N.L.; 338/18468; Meekatharra Lot 880; Non-compliance with conditions of sale; 1253/88; Meekatharra Townsite Sht. 3.

Whim Creek Consolidated N.L.; 338/18467; Meekatharra Lot 879; Non-compliance with conditions of sale; 1252/88; Meekatharra Townsite Sht. 3.

Damdess Pty Ltd; 338/19000; Meekatharra Lot 884; Non-compliance with conditions of sale; 1257/88; Meekatharra Townsite Sht. 3.

Easton, Margaret Anne; 345B/854; Clackline Lot 31; Non-compliance with conditions of sale; 827/78; Clackline Bakershill 12.11.

Mrsa, Ivan John and Mrsa, Annie; 3116/10112; Kalbarri Lot 835; Non-compliance with conditions of sale; 1715/984; Kalbarri Bd. 46.

Panton, Daniel Charles; 3117c/452; Wyalkatchem Lot 238; Non-payment of rent; 4328/948; Wyalkatchem 23.32.

LA402

TRANSFER OF LAND ACT 1893

Application E979687.

Take notice that Ronald Pryer Ranford and Jean Ranford, both of Lot 79 Rocky Crossing Road, Albany, have made application to be registered under the Act as proprietors of an estate in fee simple in possession in the land situated at Rocky Crossing Road, Albany, being Portion of Plantagenet Location 79, being Lot 1 on Diagram 83328, containing 15.4832 hectares.

All persons other than the applicant claiming any estate right title or interest in the above land and desiring to object to the application are required to lodge in this office on or before 11 December 1992 a caveat forbidding the land being brought under the operation of the Act.

D. L. MULCAHY, Registrar of Titles.

LB701

File No. 1093/1988.

EAST PERTH REDEVELOPMENT ACT 1991**PUBLIC WORKS ACT 1902****NOTICE OF INTENTION TO TAKE OR RESUME LAND****East Perth Redevelopment Scheme**

The Minister for Works hereby gives notice in accordance with the provisions of section 17 (2) of the Public Works Act 1902 that it is intended to take or resume under section 17 (1) of that Act, the pieces or parcels of land described in the Schedule hereto, and being all in the Perth District, for the purpose of the following public work, namely, East Perth Redevelopment Scheme and that the said pieces or parcels of land are marked off on Plans L.A., W.A. 955, 965 and 957 which may be inspected at the office of the Department of Land Administration, Perth. The additional information contained in the Schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description.

Schedule

No. on Plan L.A., W.A. No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
955, 965	City of Perth	City of Perth	(Firstly) Portion of each of Perth Town Lots E89 and E90 and being part of the land on diagram 9169 (Secondly) Perth Lot 724 and (Thirdly) Portion of Perth Suburban Lot f being the whole of the land contained in Certificate of Title Volume 1585 Folio 284.	6.407 2 ha
957	City of Perth	City of Perth	Portion of Perth Suburban Lot e and being the whole of the land contained in Certificate of Title Volume 1156 Folio 360.	7 932 m ²

Dated this 16th day of November 1992.

DAVID SMITH, Minister for Lands.

LOCAL GOVERNMENT

LG401

BUSH FIRES ACT 1954*City of Cockburn*

It is hereby notified for public information that effective from 3/11/92, Mr Steven Filer has been appointed Bush Fire Control Officer pursuant to S38 (1) of the Bush Fires Act 1954.

R. W. BROWN, City Manager/Town Clerk.

LG402

SHIRE OF HARVEY

Fire Control Officer

It is hereby notified for public information that Mr Douglas John Allen has been appointed Fire Control Officer for the Locality of Myalup in the Shire of Harvey.

KEITH LEECE, Shire Clerk.

LG403

BUSH FIRES ACT 1954

Shire of Upper Gascoyne

It is hereby notified for public information that the following persons have been appointed to the following positions under the provisions of the Bush Fires Act 1954—

Chief Bush Fire Control Officer: Allan E. G. Fisher.

Deputy Chief Bush Fire Control Officer: Lauchlan M. McTaggart.

Fire Control Officers: Ross M. Collins, Ronald J. Rogers, Leslie V. Kempton, Alan G. Bain, David L. Robinson, Donald R. Hammarquist.

A. E. G. FISHER, Shire Clerk.

LG404

SHIRE OF GNOWANGERUP

It is hereby notified for public information that effective from 16th November 1992, Mr Murray Graeme Martin has been appointed Ranger and Authorised Officer for the Shire of Gnowangerup in accordance with the Dog Act 1976 and Local Government Act 1960.

P. A. ANNING, Shire Clerk.

LG405

LOCAL GOVERNMENT ACT 1960

City of Belmont

It is hereby notified for public information that the following person has been appointed Honorary Parking Inspector for the Belmont Forum Shopping Centre under the provisions of section 669DA of the Local Government Act 1960, from 11 November 1992.

Mr Kenneth Gummow.

B. R. GENONI, Town Clerk.

LG901

LOCAL GOVERNMENT ACT 1960

Shire of Harvey

NOTICE OF INTENTION TO BORROW

Proposed Loan (No. 228) of \$90 000

Pursuant to section 610 of the Local Government Act 1960, the Harvey Shire Council hereby gives notice that it proposes to borrow money by the sale of debentures for a period of 10 years, repayable at the office of the lender, at the current ruling rate of interest, interest rate to be renegotiated after four years, repayable by equal half yearly instalments.

Purpose: The Harvey Recreation and Cultural Complex.

Plans and a statement required by section 609 are available for inspection at the Council Office during normal office hours for a period of 35 days from publication of this notice.

J. L. SABOURNE, President.

K. J. LEECE, Shire Clerk.

LG902

LOCAL GOVERNMENT ACT 1960*Shire of Harvey***NOTICE OF INTENTION TO BORROW**

Proposed Loan (No. 227) of \$180 000

Pursuant to section 610 of the Local Government Act 1960, the Harvey Shire Council hereby gives notice that it proposes to borrow money by the sale of debentures for a period of 10 years (renegotiable every 4 years), repayable at the office of the lender, at the current ruling rate of interest, repayable by equal half yearly instalments.

Purpose—Improvements—Bunbury Golf Club Inc.

Plans and a statement required by section 609 are available for inspection at the Council Office during normal office hours for a period of 35 days from publication of this notice.

Please note that this is a self supporting loan and the half yearly repayments of principal and interest will be met by the Bunbury Golf Club Inc. and will not be a charge to the ratepayers of the Harvey Shire.

J. L. SABOURNE, President.

K. J. LEECE, Shire Clerk.

LG903

LOCAL GOVERNMENT ACT 1960*Shire of Kalamunda***NOTICE OF INTENTION TO BORROW**

Proposed Loan No. 202 for \$35 000

Pursuant to sections 609 and 610 of the Local Government Act 1960, the Council of the Municipality of the Shire of Kalamunda hereby gives notice that it proposes to borrow money by the sale of a debenture or debentures on the following term and for the following purpose:

\$35 000 for the period of 10 years at the current rate of interest, with four yearly interest rate revisions, repayable at the office of the Council, Kalamunda, by 20 half-yearly instalments of principal and interest.

Purpose: To extend the Rugby Club House at Hartfield Park.

Estimates and Statements as required by section 609 are open for inspection by ratepayers at the office of the Council during office hours for a period of thirty-five (35) days after the publication of this notice.

All repayments of principal and interest will be the responsibility of the Kalamunda Districts Rugby Union Club.

Dated this 20th day of November 1992.

B. R. WILLMOTT, President.

E. H. KELLY, Shire Clerk.

MAIN ROADS

MA501

MRWA 42-52-GV2

MAIN ROADS ACT 1930**PUBLIC WORKS ACT 1902****NOTICE OF INTENTION TO TAKE OR RESUME LAND**

The Minister for Works hereby gives notice, in accordance with the provisions of section 17 (2) of the Public Works Act 1902, that it is intended to take or resume under section 17 (1) of that Act the pieces or parcels of land described in the Schedule hereto and being all in the Capel District, for the purpose of the following public works namely, widening of the Bussell Highway (Bunbury-Augusta Road 15.60—22.80 SLK section) and that the said pieces or parcels of land are marked off on Plans MRWA 9102-0518 to 9102-0530 inclusive, 9102-0541 and 9102-0545 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

Schedule

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
1	Lindsay John Voll-rath	Commissioner of Main Roads <i>vide</i> Caveat E787621	Portion of Wellington Location 47 being part of Lot 1 on Plan 16177 and being part of the land comprised in Certificate of Title Volume 1792 Folio 778	4 249 m ²
2	Domenico Rocco Guzzomi and Sar-ina Guzzomi	Commissioner of Main Roads <i>vide</i> Caveat E808065	Portion of Wellington Location 187 being part of Lot 1 on Diagram 48187 and being part of the land comprised in Certificate of Title Volume 1404 Folio 460	1.400 0 ha

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
3	Edwin Roland Campbell Roberts	E. R. C. Roberts	Portion of Wellington Location 47 being part of Lot 16 on Plan 4432 and being part of the land comprised in Certificate of Title Volume 1024 Folio 701	2.442 0 ha
4	Western Mineral Sands Pty Ltd	Western Mineral Sands Pty Ltd	Portion of Wellington Location 47 being part of Lot 14 on Plan 4432 and being part of the land comprised in Certificate of Title Volume 1105 Folio 342	3.733 0 ha
5	Arthur John Collins	Commissioner of Main Roads <i>vide</i> Caveat E912051	Portion of Wellington Location 47 being part of Lot 15 on Plan 4432 and being part of the land comprised in Certificate of Title Volume 1024 Folio 703	2.316 0 ha
6	Grant Forrest Roberts	Commissioner of Main Roads <i>vide</i> Caveat E865222	Portion of Wellington Location 47 being part of Lot 20 on Plan 4432 and being part of the land comprised in Certificate of Title Volume 878 Folio 86	1 617 m ²
7	Westralian Sands Limited	Westralian Sands Limited	Portion of Wellington Location 187 being part of Lot 2 on Diagram 48187 and being part of the land comprised in Certificate of Title Volume 1404 Folio 461	1.598 0 ha
8	Westralian Sands Limited	Westralian Sands Limited	Portion of Wellington Location 1832 and being part of the land comprised in Certificate of Title Volume 1188 Folio 958	5 008 m ²
9	Western Mineral Sands Pty Ltd	Western Mineral Sands Pty Ltd	Portion of Wellington Location 3719 and being part of the land comprised in Certificate of Title Volume 1057 Folio 527	2.336 0 ha
10	Donald Carlton Batt and Janice Margaret Batt	D. C. and J. M. Batt	Portion of Wellington Location 47 being part of Lot 6 on Plan 4432 and being part of the land comprised in Certificate of Title Volume 1231 Folio 775	6 515 m ²
11	Ian Robert Newman and Paul Duncan Newman	Commissioner of Main Roads <i>vide</i> Caveat F20723	Portion of Wellington Location 47 being part of Lot 7 on Plan 4432 (Sheet 3) and being part of the land comprised in Certificate of Title Volume 1477 Folio 324	622 m ²
12	Rino Simioni and Gina Simioni	Commissioner of Main Roads <i>vide</i> Caveat E885498	Portion of Wellington Location 47 being part of Lot 2 on Plan 16177 and being part of the land comprised in Certificate of Title Volume 1792 Folio 779	4 562 m ²
13	Harold Richard James Green and Susan Clare Green	Commissioner of Main Roads <i>vide</i> Caveat E966039	Portion of Wellington Location 47 being part of Lot 3 on Plan 16177 and being part of the land comprised in Certificate of Title Volume 1792 Folio 780	7 050 m ²
14	Edwin Roland Campbell Roberts	Commissioner of Main Roads <i>vide</i> Caveat E835189	Portion of Wellington Location 47 being part of Lot 10 on Plan 4432 (Sheet 3) and being part of the land comprised in Certificate of Title Volume 1879 Folio 30	601 m ²
15	Westralian Sands Ltd	Westralian Sands Ltd	Portion of Wellington Location 2628 being part of Lot 6 on Plan 14174 and being part of the land comprised in Certificate of Title Volume 1779 Folio 964	5 390 m ²

Dated this 18th day of November 1992.

D. R. WARNER, Director Corporate Services.

MINERALS AND ENERGY**MN101****ERRATUM****MINING ACT 1978**

Whereas an error occurred in the notice published under the above heading on page 5582 of *Government Gazette* No. 159 dated 13 November it is corrected as follows.

In the first notice, delete "Gold Mining Lease 15/1482—Consolidated Mining & Finance Limited." and insert:

" Gold Mining Lease 57/1482—Consolidated Mining & Finance Limited ".

MN401**MINING ACT 1978**

Department of Minerals and Energy,
Perth.

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

GORDON HILL, Minister for Mines.

ASHBURTON MINERAL FIELD

Mining Leases; Holder.

08/57; Norseman Gold Mines NL.

08/58; Norseman Gold Mines NL.

MN402**MINING ACT 1978**

Notice of Application for an Order for Forfeiture

Department of Mines.

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.

C. D. ROBERTS, Warden.

To be heard in the Warden's Court Kununurra on the 18th December 1992.

KIMBERLEY MINERAL FIELD

P80/1090—Costeo, Peter George; Skoglund, Stuart Allan.

P80/1186—Millor Trading (Australia) Co. Pty. Ltd.

P80/1187—Millor Trading (Australia) Co. Pty. Ltd.

P80/1189—Fitzgibbon, John Stephen.

MN403

MINING ACT 1978

Notice of Application for an Order for Forfeiture

Department of Minerals and Energy,
Coolgardie WA 6429.
10 November 1992.

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.

P. MALONE, Warden.

To be heard in the Warden's Court Coolgardie on the 12th day of January 1993.

COOLGARDIE MINERALS FIELD*Coolgardie District*

Prospecting Licences

- 15/2385—Yellowmoon Gold Mines NL.
- 15/2618—Littlejohn, Peter Robert; Pollock, George Leo.
- 15/2875—Gobet, Jean-Marie.
- 15/2877—Moore, Colin Alexander.
- 15/3010—Bellin, Steve William.
- 15/3018—Pollock, George Leo.
- 15/3019—Dodsley Pty Ltd.
- 15/3020—Dodsley Pty Ltd.
- 15/3027—Namotte, Aileen Marie.
- 15/3028—Pollock, George Leo; Alexander, Albert Gwyn.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE

OA401

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT 1984

INSTRUMENT OF DECLARATION

Made under section 4 (3).

The Minister for Productivity and Labour Relations and the Minister for Mines, hereby jointly declare that all of the provisions of the Occupational Health, Safety and Welfare Act 1984, and the Regulations under the Act, shall apply from the service of a copy of this Instrument pursuant to section 4 (4) of the Act until the completion of the work specified in Schedule 2 to this Instrument to, and in relation to the workplace specified in Schedule 1 hereto at which such work is being carried out.

Schedule 1

Workplace

The locations outlined in orange on Drawing Number K 5074 submitted by BHP Steel showing the old ironmaking facilities at Kwinana.

Schedule 2

Description of the Work

Demolition work associated with the demolition of some of the old ironmaking facilities at the BHP Steel Kwinana site as covered by the Scope of Work contained in Document Number PROC-ND 0057 prepared by BHP Engineering Pty Ltd in July 1992.

Dated this 11th day of November 1992.

YVONNE HENDERSON, Minister for Productivity and Labour Relations.

GORDON HILL, Minister for Mines.

PLANNING AND URBAN DEVELOPMENT**PD101****CORRIGENDUM****TOWN PLANNING AND DEVELOPMENT ACT 1928****ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT***Shire of Coorow*

Town Planning Scheme No. 1—Amendment No. 8

Ref: 853/3/20/1, Pt. 8.

It is hereby notified for public information that the notice under the above Amendment No. 8 published at page 4703 of the *Government Gazette* No. 133 dated September 18, 1992, contained an error which is now corrected as follows:

For the words: "Scheme No 2"

Read: " Scheme No 1 ".

S. N. HAZELDINE, Shire Clerk.

PD401**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959****METROPOLITAN REGION SCHEME—S.33A AMENDMENT****PROPOSED AMENDMENT FOR EXHIBITION AND COMMENT**

Various Lots between Nicholson and Yale Roads, City of Gosnells

No. 905/33A

File: 833-2-25-50

Proposal

The purpose of the amendment is to provide suitably zoned land to facilitate future residential development.

Description

The effect of the proposed amendment on the Metropolitan Region Scheme is to exclude various lots between Nicholson and Yale Roads, Gosnells from the Rural Zone and include them in the Urban Zone as shown on Plan No. 4.1218.

Certificate

The Metropolitan Planning Council for and on behalf of the State Planning Commission and acting under delegated powers hereby certifies that, in its opinion, the amendment does not constitute a substantial alteration to the Metropolitan Region Scheme.

Exhibition

The proposed amendment will be exhibited for public comment during normal office hours at:

1. Office of the Department of Planning and Urban Development, 469-489 Wellington Street, Perth WA 6000.
2. J. S. Battye Library, Alexander Library Building, Cultural Centre, Francis Street, Northbridge WA 6000.
3. Office of the Municipality of the City of Gosnells, 2120 Albany Highway, Gosnells WA 6110.

Submissions

Submissions on the proposal are invited and may be made (in duplicate) on submission forms available at the offices listed above and lodged at:

The Town Planning Appeal Committee
6th Floor
81 St George's Terrace
Perth WA 6000

Submissions must be lodged by 4.00 pm Friday February 5 1993.

GORDON G. SMITH, Secretary,
State Planning Commission.

PD402**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959****METROPOLITAN REGION SCHEME—S.33A AMENDMENT****PROPOSED AMENDMENT FOR EXHIBITION AND COMMENT**

Various Lots Mills Road, City of Gosnells

No. 901/33A

File: 833-2-25-45

Proposal

The purpose of the amendment is to provide suitably zoned land to facilitate residential development.

Description

The effect of the proposed amendment on the Metropolitan Region Scheme is to exclude various lots Mills Roads, Gosnells from the Rural Zone and include them in the Urban Zone as shown on Plan No. 4.1126/1.

Certificate

The Metropolitan Planning Council for and on behalf of the State Planning Commission and acting under delegated powers hereby certifies that, in its opinion, the amendment does not constitute a substantial alteration to the Metropolitan Region Scheme.

Exhibition

The proposed amendment will be exhibited for public comment during normal office hours at:

1. Office of the Department of Planning and Urban Development, 469-489 Wellington Street, Perth WA 6000.
2. J. S. Battye Library, Alexander Library Building, Cultural Centre, Francis Street, Northbridge WA 6000.
3. Office of the Municipality of the City of Gosnells, 2120 Albany Highway, Gosnells WA 6110.

Submissions

Submissions on the proposal are invited and may be made (in duplicate) on submission forms available at the offices listed above and lodged at:

The Town Planning Appeal Committee
6th Floor
81 St George's Terrace
Perth WA 6000

Submissions must be lodged by 4.00 pm Friday February 5, 1993.

GORDON G. SMITH, Secretary,
State Planning Commission.

PD403**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959****METROPOLITAN REGION SCHEME—S.33A AMENDMENT****PROPOSED AMENDMENT FOR EXHIBITION AND COMMENT**

Various Zones and Reservations in the Leda Area, Town of Kwinana

No. 900/33A

File: 833-2-26-14

Proposal

The purpose of the amendment is to rationalise the Parks and Recreation Reservation, Urban Zone and Important Regional Road Reservations in accordance with the Leda Structure Plan.

Description

The effect of the proposed amendment on the Metropolitan Region Scheme is to transfer various portions of land in the Leda Area between the Parks and Recreation, Railways, Important Regional Road, Controlled Access Highway, Other Major Highway, Public Purposes, Public Purposes (Special Use) and Public Purposes (High School) Reservations and the Urban, Industrial, Rural and Urban Deferred Zones as shown on Plan No. 3.0654.

Certificate

The Metropolitan Planning Council for and on behalf of the State Planning Commission and acting under delegated powers hereby certifies that, in its opinion, the proposed amendment does not constitute a substantial alteration to the Metropolitan Region Scheme.

Exhibition

The proposed amendment will be exhibited for public comment during normal office hours at:

1. Office of the Department of Planning and Urban Development, 469-489 Wellington Street, Perth WA 6000.
2. J. S. Battye Library, Alexander Library Building, Cultural Centre, Francis Street, Northbridge WA 6000.
3. Office of the Municipality of the Town of Kwinana, Gilmore Avenue, Kwinana, WA 6167.
4. Office of the Municipality of the City of Rockingham, Council Avenue, Rockingham, WA 6168.

Submissions

Submissions on the proposal are invited and may be made (in duplicate) on submission forms available at the offices listed above and lodged at:

The Town Planning Appeal Committee
6th Floor
81 St George's Terrace
Perth WA 6000

Submissions must be lodged by 4.00 pm Friday February 5, 1993.

GORDON G. SMITH, Secretary,
State Planning Commission.

PD404

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION
Shire of Katanning

Town Planning Scheme No. 3—Amendment No. 5

Ref: 853/5/10/3, Pt. 5.

Notice is hereby given that the Shire of Katanning has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 451, corner Harris Street and Rogers Avenue from Private Clubs and Institutions to Residential.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 16-24 Austral Terrace, Katanning and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 5 January 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 5 January 1993.

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

H. L. EATON, Shire Clerk.

PD405

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION
City of Nedlands

Town Planning Scheme No. 2—Amendment No. 44

Ref: 853/2/8/4, Pt. 44.

Notice is hereby given that the City of Nedlands has prepared the abovementioned scheme amendment for the purpose of rezoning No. 165 (Pt Lot 736) Broadway, Nedlands from "Service Station" to "Retail Shopping".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 71 Stirling Highway, Nedlands and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 5 January 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 5 January 1993.

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

N. G. LEACH, Town Clerk.

PD406

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION*City of Nedlands*

Town Planning Scheme No. 2—Amendment No. 52

Ref: 853/2/8/4, Pt. 52.

Notice is hereby given that the City of Nedlands has prepared the abovementioned scheme amendment for the purpose of recoding selected areas, within the precinct bounded by Camelia Avenue/Mooro Drive, Brockway Road, Alfred Road and Montgomery Drive/Pinetree Lane, from "Residential R12.5" to "Residential R25" and "Residential R40".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 71 Stirling Highway, Nedlands and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 5 January 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 5 January 1993.

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

J. R. BUCKLEY, Acting Town Clerk.

PD407

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT*Shire of Gingin*

Town Planning Scheme No. 8—Amendment No. 10

Ref: 853/3/8/10, Pt. 10.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the Shire of Gingin Town Planning Scheme Amendment on 12 November 1992, for the purpose of:

1. deleting the words "Clause 5" in subsection 1.8.1 of the Scheme Text and replacing them with the words "Clause 1.3";
2. deleting the words "Appendix 3" in subsection 5.2.1 of the Scheme Text and replacing them with the words "Appendix 2";
3. deleting the heading "5.3 Residential Planning Codes—Variations and Exclusions" and replacing it with "5.3 Special Application of Residential Planning Codes";
4. deleting the words "Attached and" from Clause 3.1.3 (a); and,
5. deleting "Attached House" from the Zoning Table.

G. F. DREW, President.

N. H. V. WALLACE, Shire Clerk.

PD408

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT*Shire of Northam*

Town Planning Scheme No. 2—Amendment No. 11

Ref: 853/4/23/2, Pt. 11.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the Shire of Northam Town Planning Scheme Amendment on 12 November 1992, for the purpose of:

1. Rezoning Avon Locations 16166, 24210, 24209, 3816, 3817 and 6994 from Rural 2 to Special Rural.
2. Deleting the heading "Schedule 4—'Special Rural Zones—Provisions Relating to Specified Area'" and inserting in its place the heading "Schedule 5—'Special Rural Zones—Provisions Relating to Specified Area'".

3. Adding to the new Schedule 5—'Special Rural Zones—Provisions Relating to Specified Area', the following:

Specified Area of Special Rural Zone	Special Provisions other than those referred to in Part 6.6										
Avon Locations 16166, 24209, 24210, 3816, 3817 and 6994	<ol style="list-style-type: none"> 1. Subdivision shall be generally in accordance with the Development Guide Plan adopted by Council and endorsed by the Shire Clerk. 2. Notwithstanding the provisions of Table No. 1, the uses which shall be permitted within the zone are as follows: <table> <tr> <td>Single House</td><td>P</td></tr> <tr> <td>Home Occupation</td><td>AA</td></tr> <tr> <td>Horse Stable</td><td>AA</td></tr> <tr> <td>Public Recreation</td><td>P</td></tr> <tr> <td>Rural Pursuit</td><td>AA</td></tr> </table> All other uses are not permitted. 3. Areas shown on the Development Guide Plan as Tree Preservation Areas are subject to the provisions of Clauses 6.6.5 and 6.6.6 of the Scheme, and keeping of grazing livestock is not permitted. 4. Within the area shown on the Development Guide Plan as Stream Protection Area, extending for a distance of 50 metres on either side of the centre of the watercourse; <ol style="list-style-type: none"> (a) except with the approval of Council, clearing of trees except for the purpose of firebreaks or fences is prohibited, and in order to assist in reducing salinity hazard, planting of trees on cleared portions of the area will be encouraged and expected; (b) except with the approval of Council, the construction of dams or artificial retention of flow, pumping, diversion of water or modification of stream course bed or banks is prohibited; (c) development of buildings or other structures is not permitted; (d) with the intention of preventing degradation of the stream and its contiguous areas, keeping of grazing livestock in the stream protection area may be restricted and if degradation becomes apparent, the Council may require the exclusion of livestock from the area by fencing or other means. 	Single House	P	Home Occupation	AA	Horse Stable	AA	Public Recreation	P	Rural Pursuit	AA
Single House	P										
Home Occupation	AA										
Horse Stable	AA										
Public Recreation	P										
Rural Pursuit	AA										

4. Deleting Clause 6.6.5 "Tree Preservation" and inserting a new clause 6.6.5 to read
6.6.5 Tree Preservation

Within a tree preservation area defined on the plan lodged with Council under the provisions of clause 6.6.3, no indigenous tree or other substantial vegetation may, unless with the approval of Council, be felled, removed or damaged, except;

- (a) trees which are dead, diseased or are dangerous;
- (b) for each lot, within an area not exceeding 2 000 m² for the purpose of a house and outbuildings;
- (c) for fences, accessway, and firebreaks required by a regulation or bylaw.

A. D. MORGAN, President.
A. J. MIDDLETON, Shire Clerk.

PD409

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT

Town of Northam

Town Planning Scheme No. 2—Amendment No. 21

Ref: 853/4/3/2 Pt 21

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the Town of Northam Town Planning Scheme Amendment on November 12, 1992, for the purpose of amending the Scheme Map by rezoning Lots 20 and 112, Mitchell Avenue, Northam from "Community" to "Residential".

V. S. OTTAWAY, Mayor.
B. H. WITTBBER, Town Clerk.

PD410**TOWN PLANNING AND DEVELOPMENT ACT 1928**
APPROVED TOWN PLANNING SCHEME AMENDMENT*Town of Claremont*

Town Planning Scheme No. 3—Amendment No. 35

Ref: 853/2/2/3 Pt 35

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the Town of Claremont Town Planning Scheme Amendment on November 12, 1992, for the purpose of:

- (a) Deleting subclause 55 (2) and,
- (b) substituting the following new subclause,
"55. (2) Vehicular access to a grouped dwelling development shall be from a dedicated road only, and where the driveway into the site provides access to more than one grouped dwelling, Council may require it to be a minimum of 6 metres wide".

P. H. WEYGERS, Mayor.
D. H. TINDALE, Town Clerk.

PD411**TOWN PLANNING AND DEVELOPMENT ACT 1928**
APPROVED TOWN PLANNING SCHEME AMENDMENTS*Shire of Swan*

Town Planning Scheme No. 9—Amendment Nos. 148 and 155

Ref: 853/2/21/10 Pts 148 and 155

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the Shire of Swan Town Planning Scheme Amendment on November 12, 1992, for the purpose of:

Amendment No. 148: amending the Scheme Maps to rezone portion of Lot 133 Toodyay Road, Middle Swan from "Local Reserve—Public Purpose" to "Caravan Park".

Amendment No. 155: amending the Scheme Maps to rezone Pt Lot 138 (West) Clayton Street, Bellevue from "General Rural" to "General Industrial".

C. M. ZANNINO, President.
E. W. T. LUMSDEN, Shire Clerk.

PD412**TOWN PLANNING AND DEVELOPMENT ACT 1928**
APPROVED TOWN PLANNING SCHEME AMENDMENTS*City of Canning*

Town Planning Scheme No. 16—Amendment Nos. 617 and 622

Ref: 853/2/16/18 Pts 617 and 622

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the City of Canning Town Planning Scheme Amendment on November 12, 1992, for the purpose of:

Amendment No. 617: rezoning 22 Cecil Avenue (Lot 81) (Cnr Pattie Street), Cannington, from "SR 2" to "Office", as depicted on the amending plan adopted by the Council on the 10th day of December 1991.

Amendment No. 622: rezoning a total of 8 200 m² at the corner of the roads nominated as "Woodspring Trail" and "The Crescent" on the Approved Structure Plan (DPUD Ref: 82519) from "SR3" to "Local Shopping" to accommodate 2 050 m² Nett Leasable Area retail floorspace "Local Shopping" site from "SR3" to "Civic and Cultural" to accommodate a Community Purposes site.

M. S. LEKIAS, Mayor.
I. F. KINNER, Town Clerk.

PD704**TOWN PLANNING AND DEVELOPMENT ACT 1928**
APPROVED TOWN PLANNING SCHEME*Town of Kwinana*

TOWN PLANNING SCHEME No. 2

Ref: 853/2/26/3 Vol 2

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the Town of Kwinana Town Planning Scheme No. 2 on October 28, 1992—the Scheme Text of which is published as a Schedule annexed hereto.

J. H. D. SLINGER, Mayor.
R. K. SMILLIE, Town Clerk.

Schedule

THE TOWN OF KWINANA

Town Planning Scheme No. 2

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

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PART I—PRELIMINARY

1.1 Citation

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

1.2 Responsible Authority

The Authority responsible for implementing the Scheme is the Council of the Town of Kwinana hereinafter called 'the Council'.

1.3 Scheme Area

The Scheme applies to the whole of the area of land contained within the inner edge of the broken black border of the Scheme Map, which area is hereinafter referred to as the 'Scheme Area'.

1.4 Contents of Scheme

The Scheme comprises:

- (a) The Scheme Text.
- (b) The Scheme Map.
- (c) The Land Use Map.

1.5 Arrangement of Scheme Text

The Scheme Text is divided into the following parts:—

- Part I—Preliminary
- Part II—Planning Approval
- Part III—Reserved Land
- Part IV—Policies and Zones
- Part V—Non-Conforming Uses
- Part VI—Development Requirements
- Part VII—Car Parking
- Part VIII—Administration

1.6 Scheme Objectives

The objectives of the Scheme are as follows:

- (a) reserving land required for public purposes;
- (b) zoning the balance of the land for the various purposes described in the Scheme;
- (c) providing development controls for the purpose of securing and maintaining an orderly and properly planned use and development of land within the Scheme Area;
- (d) introducing measures by which places of natural beauty and places of historic or scientific interest may be conserved;
- (e) making provision for other matters authorised by the enabling Act.

1.7 Revocation of Existing Scheme

The Town of Kwinana Town Planning Scheme No. 1 as amended, which came into operation by publication in the *Government Gazette* on 11 March, 1971, is hereby revoked.

1.8 Relationship to Metropolitan Region Scheme

1.8.1 The Scheme is complementary to, and is not a substitute for, the Metropolitan Region Scheme, and the provisions of the Metropolitan Region Scheme, as amended from time to time, shall continue to have effect.

1.8.2 Notwithstanding anything to the contrary in the Scheme and without affecting the generality of Clause 1.2 Part 1, the Council may, with the consent of the Minister, or when required by the State Planning Commission, require that the development of any land within the District, however zoned, shall be subject to the provisions of Clause 10, 24 and 30 of the Metropolitan Region Scheme.

1.9 Interpretation

1.9.1 Except as provided in Clause 1.9.2 the words and expressions of the Scheme have their normal and common meaning.

1.9.2 In the Scheme unless the context otherwise requires, or unless it is otherwise provided therein, words and expressions have the respective meanings given to them in Appendix 4.

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

PART II—PLANNING APPROVAL

2.1 Application for Planning Approval

2.1.1 Every application for Planning Approval shall be made in the form prescribed in Appendix 2 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

2.1.2 Planning Approval is not required for the uses listed in Clause 6.1.1

2.1.3 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 any existing buildings to be retained and the location and use of buildings proposed to be erected on the site;
 - (iii) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (iv) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (v) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (vi) the location, dimensions and design of any landscaped, open storage or trade display area and particulars of the manner in which it is proposed to develop the same;
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- (c) any other plan or information that the Council may reasonably require to enable the application to be determined.

2.2 Preservation of Objects, Buildings or Places

- (a) A list of buildings which at the gazettal date the Council considers to be of historical or architectural interest is contained in Appendix 1 to the Scheme. The buildings so listed are not necessarily the only buildings of historical or architectural interest and the inclusion of the list in the Scheme neither imposes any obligation on the Council to protect or preserve those buildings nor restricts the Council from protecting or preserving other buildings pursuant to this clause.
- (b) Where a development which is the subject of an application for Planning Approval involves a material alteration to, or the destruction, total or partial, of an object, building or place of historical or architectural interest or of outstanding natural beauty, the Council, having regard to the desirability of retaining the object, building or place, may refuse to approve the application or approve of it subject to such conditions as the Council deems necessary with a view to protecting or preserving the object, building or place.
- (c) The Council, in considering and determining any such application:
 - (i) shall take into account the reasons for the inclusion of the particular building, object or place in Appendix 1 and the effects of the proposal thereon;
 - (ii) may consult with the following:
 - The National Trust of Australia (WA)
 - The W.A. Heritage Committee
 - The State Planning Commissionand may take into account the advice given by these authorities;
 - (iii) may confer with any other authority, body or person able to offer advice or guidance as to the effect of development on a scheduled building, object or place;

- (iv) may, if it deems appropriate, advertise details of the proposal in accordance with Clause 2.3 for public inspection and comment and may take into account any submissions made.
- (d) The Council may give notice to the owner of any object, building or place of the type referred to in this clause requiring him to give written notice to the Council of any material alteration or modification proposed to be made to the same and no such alteration or modification shall be commenced or carried out without the written approval of the Council.
- (e) In the interests of conserving or preserving places of heritage value, the Council may, subject to the provisions of Part 2 of this Scheme grant planning approval to proposals for the maintenance and repair, reconstruction or restoration of any building or place notwithstanding that the proposal may not comply with either the other provisions of this Scheme or with the Building Code of Australia.

2.3 Advertising of Applications

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

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

2.3.3 Where the Council is required or decides to give notice of an application for Planning Approval the Council shall cause one or more of the following to be carried out:—

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

2.3.4 The notice referred to in Clause 2.3.3 (a) and (b) shall be in the form contained in Appendix 5 with such modifications as circumstances require.

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

2.4 Determination of Applications

2.4.1 In determining an application for Planning Approval the Council may consult with any authority which, in the circumstances, it thinks appropriate.

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

2.4.3 The Council shall issue its decision in respect of an application for Planning Approval in the form prescribed in Appendix 3 to the Scheme.

2.4.4 Where the Council has refused an application for Planning Approval, the applicant may within 28 days of the receipt of the refusal request that the decision in respect of the application be reconsidered.

2.4.5 Where the Council approved an application for Planning Approval under this scheme the Council may limit the time for which that consent remains valid.

2.4.6 Where Council receives an application for planning approval which involves change of use of existing building or land and, in the opinion of Council, no significant structural modifications, renovations or additional improvements are proposed, Council may limit the time for which approval is valid, following the expiration of which Council may renew the approval for a further limited period or refuse to renew approval.

2.5 Deemed Refusal

2.5.1 Where the Council has not within sixty days of the receipt by it of an application for Planning Approval either conveyed its decision to the applicant or given notice of the application in accordance with Clause 2.3.3 the application may be deemed to have been refused.

2.5.2 Where the Council has given notice of an application for Planning Approval in accordance with Clause 2.3 and where the Council has not within ninety days of receipt by it of the application conveyed its decision to the applicant, the application may be deemed to have been refused.

2.5.3 Notwithstanding that an application for Planning Approval may be deemed to have been refused under Clauses 2.5.1 or 2.5.2 the Council may, with the approval of the applicant, issue a decision in respect of the application at any time after the expiry of the sixty day or ninety day period specified in those clauses, as the case may be.

2.6 Delegations

The Council may delegate to an officer of the Council the power to determine applications for Planning Approval, including the discretionary power of Council, which it is entitled to exercise by virtue of the Scheme.

PART III—RESERVED LAND

3.1 Metropolitan Region Scheme Reserves

The lands shown as Metropolitan Region Scheme Reserves on the Scheme Map are lands reserved under the Metropolitan Region Scheme and are shown on the Scheme Map in order to comply with the Metropolitan Region Town Planning Scheme Act, 1959, as amended. Those lands are not reserved by this Scheme. The provisions of the Metropolitan Region Scheme continue to apply to such reservations.

3.2 Local Authority Scheme Reserves

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

3.3 Development of Local Reserves

Subject to Part V of the Scheme and except as otherwise provided, a person shall not on any Local Reserve;

- (a) commence or carry out a development other than the erection of a boundary fence unless that land is vested in a Public Authority and the development is for the purpose for which the land is so vested;
- (b) use that land other than for the purpose for which it is reserved under this Part;
- (c) demolish, damage or alter any buildings or works, or remove or damage any tree; or
- (d) excavate, spoil or waste the land so as to destroy, damage or adversely affect its usefulness for the purpose which it is reserved without first applying for and obtaining the Planning Consent of the Council under this Scheme.

3.4 Matters to be Considered by Council

Where an application for Planning Approval is made with respect to land within a Local Reserve, the Council shall have regard to the ultimate purposes intended for the Reserve and the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its consent.

3.5 Compensation

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

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

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

PART IV—POLICIES AND ZONES

4.1 Policy Areas and Zones

The Scheme Area is divided into Policy Areas and Zones. Each Policy Area is the subject of a policy statement relating to the predominant use and strategy for future development of the Policy Area. Groups of zones may make up Policy Areas and each zone shall be consistent with the policy statement for that area.

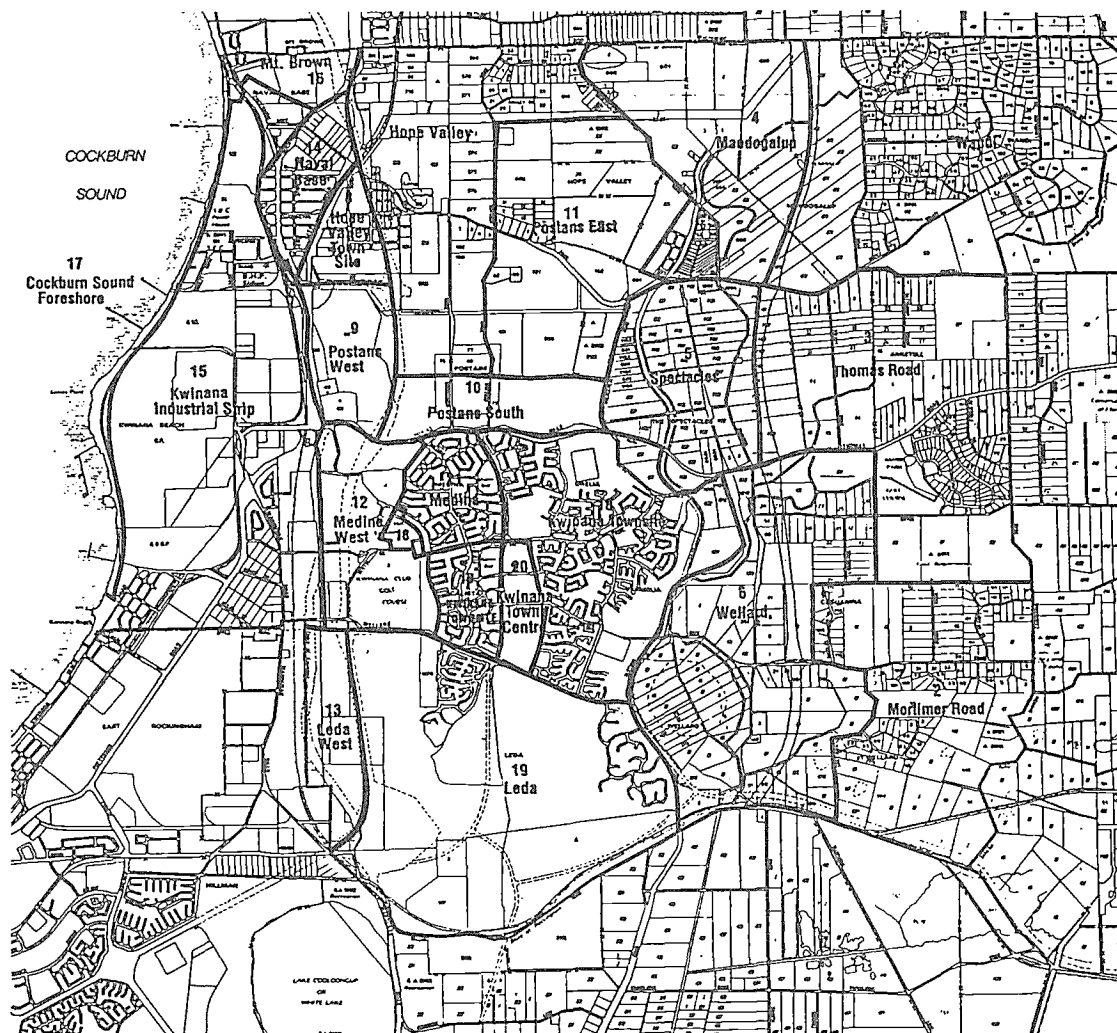
4.2 Rezoning

Where in the opinion of Council any rezoning is inconsistent with the policy statement or the strategy for future development of the area the Council shall:

- (a) not proceed with the rezoning on the grounds that it is inconsistent with policy, or
- (b) amend the Scheme in respect of that Policy Area after review of the implications and desirability of such amendment.

4.3 Policies

The following policy statements shall apply to the Policy Areas so named and numbered on the Scheme Map and shown on the Policy Maps Figures 1 and 2.



TOWN OF KWINANA POLICY AREAS

FIG

1

Area 1—Wandi

Whereas equestrian special rural development has been established in the eastern and northern parts of this policy area and whereas adjacent areas extending west to Lyon Road and south to Anketell Road have similar landform and whereas Council supports orderly development of this policy area, the following planning policy shall apply:

- (a) The predominant use shall be equestrian special rural development;
- (b) A rural community and service centre to cater for the needs of the local residents may be provided within the policy area as and when Council is satisfied that the need exists;
- (c) Development of land for special rural purposes shall occur in such a manner as to secure the preservation of banksia woodlands;
- (d) Extractive industry will not be supported.

Area 2—Mortimer Road

Whereas rural homesites have been developed within special rural zones north and south of Mortimer Road and whereas the adjacent area of Born Road has similar landform and rural lots of 4ha and whereas the adjacent area south to the town boundary has a relatively higher carrying capacity and pasture potential, the following planning policy shall apply:

- (a) The predominant use shall be rural homesites within special rural zones and equestrian special rural development shall not be supported north of Lots 54 and 148 Woolcoot Road;
- (b) The keeping of more than two horses shall not be supported;
- (c) Rezoning of the lots on either side of Born Road for the predominant use will be supported by Council;
- (d) Development of land for special rural purposes shall occur in such a manner as to secure the preservation of banksia woodlands.

Area 3—Thomas Road

Whereas rural homesites have been developed within Newbold Road special rural zone and whereas the adjacent private golf course is partially developed and whereas rural homesites, market gardening and rural uses have been developed on existing lots the following planning policy shall apply:

- (a) The predominant use shall be rural homesites;
- (b) The predominant use within the existing special rural zones shall be rural homesites and equestrian special rural zones will not be supported;
- (c) Development of land for special rural purposes shall occur in such a manner as to secure the preservation of banksia woodlands.

Area 4—Mandogalup

Whereas market gardening has been developed on groundwater supplies and whereas rural homesites have been established primarily on existing lots and whereas Lake Wattleup wetlands have landscape amenity, the following planning policy shall apply:

- (a) The predominant use shall be rural, provided such uses are not in conflict with principles of groundwater conservation and do not significantly contribute to nutrient discharge to the district drainage network;
- (b) Subdivision shall only be supported where consistent with the predominant use;
- (c) The landscape amenity of the Lake Wattleup wetlands shall be conserved;
- (d) Tailings ponds are not permitted.

Area 5—Spectacles

Whereas market gardening and rural homesites are the predominant uses and whereas a large area of the Spectacles wetland has been held for industrial purposes and whereas the Spectacles have conservation value, as a wetland habitat, the following planning policy shall apply:

- (a) The predominant use shall be rural provided such uses are not in conflict with principles of groundwater conservation and do not significantly contribute to nutrient discharge to the district drainage network;
- (b) The landscape amenity of the Spectacles Wetlands shall be conserved;
- (c) Subdivision shall only be supported where consistent with the predominant use;
- (d) A rural community and service centre may be established in the vicinity of the Hope Valley Road and Johnson Road intersection;
- (e) Tailings ponds are not permitted.

Area 6—Wellard

Whereas market gardening has been developed on groundwater supplies and whereas rural homesites have been established primarily on existing lots and whereas the Bollard Bullrush Swamps have landscape amenity as a wetland habitat, the following planning policy shall apply:

- (a) The predominant use shall be rural provided such uses are not in conflict with principles of groundwater conservation and do not significantly contribute to nutrient discharge to the district drainage network;
- (b) The landscape amenity of the Bollard Bullrush Swamps shall be conserved;

- (c) Subdivision shall only be supported where consistent with the predominant use;
- (d) Tailings ponds are not permitted;
- (e) A rural community and service centre may be established in the vicinity of the Thomas Road and Johnson Road intersection.

Area 7—Hope Valley

Whereas rural homesites and other rural uses have been established primarily on existing lots and whereas market gardening has been developed on groundwater supplies and whereas limestone quarrying and sand mining continue to exploit those resources the following planning policy shall apply:

- (a) The predominant uses shall be rural provided such uses are not in conflict with principles of groundwater conservation and do not significantly contribute to nutrient discharge to the district drainage network;
- (b) Subdivision shall only be supported where consistent with the predominant use;
- (c) Extractive industries will be supported subject to a management plan approved by Council;
- (d) Tailings ponds are not permitted;
- (e) The landscape of Long Swamp shall be protected.

Area 8—Hope Valley Townsite

Whereas a rural-residential community is established and whereas airborne industrial emissions are sometimes evident and whereas market gardening based on groundwater supplies is established and whereas there are numerous stables already established the following planning policy shall apply:

- (a) The predominant use shall continue to be rural-residential homesites with an equestrian theme provided with a system of riding trails in accordance with an overall structure plan adopted by Council, however other uses may also be encouraged on existing lots;
- (b) Tailings ponds are not permitted;
- (c) Consolidation and development of the townsite will be supported by Council, subject to demonstrated improvements in air quality and the availability of essential services.

Area 9—Postans West

Whereas tailings ponds A, B and C have been established and they have unused capacity, and whereas upon decommissioning they could be used for a range of uses, the following planning policy shall apply:

- (a) Subject to an overall management programme and structure plan, Council will support redevelopment of the site;
- (b) Redevelopment and use shall be consistent with the emissions buffer, with the further limitation that noise, vibration, airborne emissions and odours shall not adversely affect residences within the Hope Valley townsite;
- (c) Suitable landscape buffers shall be developed.

Area 10—Postans South

Whereas the urban areas of Medina and Orelia require separation from industrial activity and whereas the agricultural research station is a suitable buffer use, the following planning policy shall apply:

- (a) The predominant uses shall provide adequate separation and buffer for the urban areas;
- (b) A landscape buffer 100 metres wide north of and parallel to Thomas Road shall be retained and be the subject of a management plan approved by Council;
- (c) Extractive industries shall not be supported.

Area 11—Postans East

Whereas tailings ponds are established and whereas further tailings pond areas will be required in the future the following planning policy shall apply:

- (a) Tailings ponds, extractive industries and processing will be supported by Council on the basis that the activity is confined to a consolidated area and;
- (b) That an overall management programme is prepared by the proponent and agreed by Council;
- (c) That new tailings ponds construction shall be sympathetic to topography, either by accentuation or softening of natural landform features and shall preserve in perpetuity existing perimeter vegetation.

Area 12—Medina West

Whereas district level recreation facilities have been established and whereas Chalk Hill and the linear parklands remain in their natural state and whereas separation between heavy industry and the urban areas is required the following planning policy shall apply:

- (a) The predominant uses shall be townscape open space and recreation and buffer;
- (b) Only such additional uses as will not degrade the landscape buffer function and amenity of adjacent residential areas shall be supported;

- (c) Council shall prepare a management plan which allows for the public utilisation of the open space system through the development of trails to link historic sites, recreation facilities and passive leisure facilities;
- (d) Extractive Industry is not permitted.

Area 13—Leda West

Whereas tailings (gypsum) have been disposed of on lot 17 and whereas the Pickle Swamps have landscape amenity as a wetland habitat and whereas separation between heavy industry and the urban area of Leda is required the following planning policy shall apply:

- (a) Tailings disposal will be supported subject to a management plan approved by Council;
- (b) The predominant use shall be rural homesites with landscape protection;
- (c) General industrial activity shall not be supported;
- (d) Only such uses as will not degrade the wetland habitat and the landscape buffer shall be supported;
- (e) Extractive Industry is not permitted.

Area 14—Naval Base

Whereas light industry and service commercial have established and whereas small scale heavy industry (fabrication) has also established and whereas the road access and subdivision layout was not designed for these activities the following planning policy shall apply:

- (a) The predominant use shall be general industry with the limitation that noise, vibration, groundwater pollution, airborne emissions and odours, shall not adversely affect nearby businesses or residents;
- (b) Subdivision and development shall be supported where in accordance with an overall structure plan (which includes design levels A.H.D.) approved by Council;
- (c) Service road, slip road and side road access shall be established along the Rockingham Road frontage in accordance with the overall structure plan approved by Council and the Main Roads Department;
- (d) Industrial developments shall be designed and constructed so as to minimise their visual impact on the locality and to blend harmoniously with the locality;
- (e) Subdivision design and works associated with subdivisional development shall be carried out in such a manner as to ensure minimal destruction of existing vegetation considered by Council to be worthy of preservation.

Area 15—Kwinana Industrial Strip

Whereas heavy industries (Class 1 and 2) have established under agreement acts and whereas airborne emissions (SO₂) cause occasional nuisance to adjacent businesses and residents and whereas the overall aesthetic appearance and presentation is of a low standard and whereas the road network and accessibility is severely limited the following planning policy shall apply:

- (a) The predominant use shall be general industry with the limitation that noise, vibration, groundwater pollution, airborne emissions and odours, shall not adversely affect nearby businesses or residents;
- (b) Airborne emissions and noise levels shall be monitored with a view to encouraging low pollution levels for residents of the urban areas;
- (c) Streets and public places shall be suitably landscaped in accordance with a management plan agreed between businesses and Council;
- (d) Industrial establishments shall be encouraged to improve the landscape quality of their sites;
- (e) The road network and accessibility of the industrial strip shall be improved in accordance with an overall structure plan approved by Council;
- (f) Industrial developments shall be designed and constructed so as to minimise their visual impact on the locality and to blend harmoniously with the locality;
- (g) Industrial developments shall ensure that public access to, and recreational use of The Wells Park Recreation Reserve is preserved, with particular attention being given to ensuring that the Reserve is appropriately buffered from any future industrial development;
- (h) Subdivision design and works associated with subdivisional development shall be carried out in such a manner as to ensure minimal destruction of existing vegetation considered by Council to be worthy of preservation.

Area 16—Mt. Brown

Whereas the scenic and landscape quality of the Mt. Brown locality is significant and whereas the adjacent land to the north is reserved for "parks and recreation" in the Metropolitan Region Scheme and whereas the topography is steep to undulating and naturally wooded the following planning policy shall apply:

- (a) Council shall support the development of passive recreation and look-out facilities in accordance with an overall management plan;
- (b) Industrial development shall not be permitted;

- (c) Subdivision design and works associated with subdivisional development shall be carried out in such a manner as to ensure minimal destruction of existing vegetation considered by Council to be worthy of preservation.

Area 17—Cockburn Sound Foreshore

Whereas the public use Challenger Beach, Barter Road Beach and Kwinana Beach for recreation, and whereas certain sections of the foreshore dunes and beaches require restoration and management, and whereas boat launching and other beachfront facilities are required, and whereas industrial and port facilities cross the foreshore, the following planning policy shall apply:

- (a) Public access to defined foreshore areas shall be encouraged for recreation purposes and facilities shall be established in accordance with the management plan (E.P.A. Bulletin 172) adopted by Council;
- (b) As much of the littoral strip and foreshore dunes as are not required by industry for the time being and which are required for the management of erosion and recreation pursuits shall be reserved for that purpose;
- (c) Where industrial or port facilities require to cross foreshore areas of Cockburn Sound provision shall be made for continuity of public access along the foreshore or as close thereto as practicable.

Area 18—Kwinana Town

Whereas low density single family residential development has been established in accordance with an overall structure plan and whereas further development is proposed and whereas a wide range of commercial, service commercial, recreational, civic and cultural facilities have been established the following planning policy shall apply:

- (a) The predominant use shall be low density residential development to a maximum of two storeys;
- (b) Residential densities shall be in accordance with the codes as denoted on the Scheme Map together with other densities or combinations of densities permitted under this Scheme;
- (c) Further subdivision and development shall be in accordance with a structure plan approved by Council;
- (d) Council shall support a wider range of residential subdivision and development designs in keeping with consumer requirements;
- (e) Within the broadacre unsubdivided land coded R 20 Council shall;
 - support diversity in lot sizes and development design,
 - promote higher density development only in selected locations subject to the standard re-coding procedure.
- (f) Subdivision design and works associated with subdivisional development shall be carried out in such a manner as to ensure minimal destruction of existing vegetation considered by Council to be worthy of preservation;
- (g) Subdivision and development of the Medina Light Industrial Area in the vicinity of Seabrook Way and Gentle Road shall be designed and developed in such a manner as to not detract from the environmental quality of the wetlands in respect of earthworks, stormwater drainage and industrial effluent disposal.

Area 19—Leda

Whereas the area has been set aside for urban extensions to Kwinana Town and whereas the Metropolitan Region Scheme requires amendments to acknowledge changes in regional structure and whereas development constraints and community aspirations need to be considered the following planning policy shall apply:

- (a) The predominant use shall be residential to a maximum of two storeys;
- (b) Subdivision and development shall be in accordance with a Structure Plan approved by the Council and the State Planning Commission;
- (c) Council shall support a wide range of residential lot sizes and development designs in keeping with consumer requirements and shall encourage higher density development subject to the standard re-coding procedure;
- (d) Leda Cemetery site shall be deleted;
- (e) The north-south chain of wetlands shall be set aside as open space;
- (f) The recreation slow-ways forming part of the townsite linear parkland system shall be provided for in the structure plan and subdivision layout;
- (g) Subdivision design and works associated with subdivisional development shall be carried out in such a manner as to ensure minimal destruction of existing vegetation considered by Council to be worthy of preservation;
- (h) Subdivision and development shall be established in such a manner as to avoid contamination of wetland bodies from storm water and leachates and to minimise intrusion into environmentally sensitive areas;
- (i) Extractive Industry is not permitted.

Area 20—Kwinana Town Centre

Whereas the district centre has been established and whereas population levels could double with the development of Leda and whereas a wide range of community, cultural, commercial, recreation and administrative facilities need to be located in a convenient central location the following planning policy shall apply:

- (a) Development of district level facilities shall be encouraged in accordance with the Kwinana Town Centre Strategy Plan (as amended) adopted by Council;
- (b) The policy area shall be divided into the following precincts;
 - Civic Precinct shall contain Council administration, offices, community and cultural facilities, town park and recreation facilities,
 - Main Street Precinct shall contain retail shopping and associated commercial uses consistent with the concept of the traditional shopping street,
 - The Hub 'A' Precinct shall contain the retail and other commercial core of the district,
 - The Hub 'B' Precinct shall contain retail and other commercial expansion,
 - Town Centre Ancillary Use Precinct shall contain uses ancillary and complimentary to district centre functions and shall be the subject of an overall use and development control plan approved by Council prior to subdivision and development.
- (c) Subdivision design and works associated with subdivisional development shall be carried out in such a manner as to ensure minimal destruction of existing vegetation considered by Council to be worthy of preservation.

Area 21—Medina

Whereas low density single residential development has been established and whereas aging housing stock exists and whereas reticulated sewerage facilities are not available, the following planning policy shall apply:

- (a) Council will support redevelopment of areas containing aging housing stock subject to the adoption of an overall redevelopment strategy by Council;
- (b) Council will support the extension of a reticulated sewerage system into the Medina area in order to facilitate redevelopment;
- (c) Council will support redevelopment to the higher densities shown on the Scheme provided that it is demonstrated that redevelopment will occur in a comprehensive co-ordinated manner;
- (d) Council will support redevelopment that produces diversity in lot sizes and development designs.

4.4 Zones

4.4.1 The Scheme Area is classified and divided into the following zones:

Residential
Kwinana Town Centre
Commercial
Service Commercial
General Industry
Light Industry
Rural Zone A and B
Special Residential Zone
Special Rural Zone
Special Use Zone

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

4.5 Development of Zoned Land

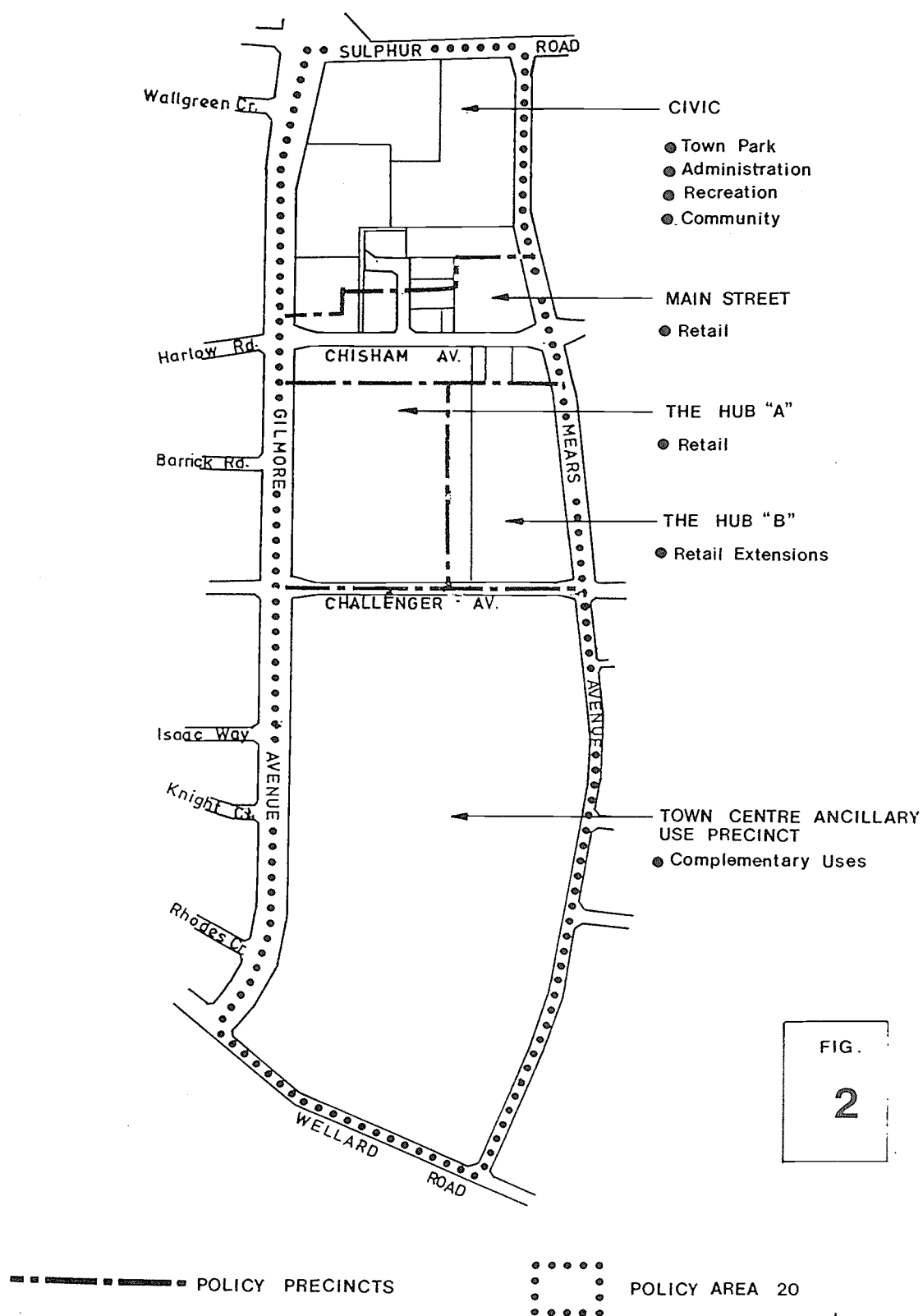
Except as provided in Clause 6.1.1, no development including a material change in the use of land shall be undertaken on any zoned land without the prior approval of the Council having first been sought and obtained.

4.6 Zoning Table

Table No. 1 indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme Area in the various zones such uses being determined by cross reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

The symbols used in the Zoning Table have the following meaning:

- "P" A use that is permitted provided it complies with the relevant standards and requirements laid down in this Scheme and all conditions (if any) imposed by the Council in granting planning consent;
- "AA" A use in respect of which the Council exercising discretionary powers available to it may approve under this Scheme;
- "SA" A use which Council exercising the discretionary powers available to it may approve under this Scheme after notice of application has been given in accordance with Clause 2.3;



KWINANA TOWN CENTRE POLICY AREA - PRECINCTS

"IP" A use which will not be approved pursuant to this Scheme unless the Council can be satisfied that the proposed use will be dependent upon and incidental and subservient to the predominant use of the land as may be determined by Council;

"X" A use that is not permitted.

4.7 Uses Not Specified

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 classes, the Council may:

- determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted, or
- determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 2.3 in considering an application for planning approval.

4.8 Uses Specified

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.

Table No. 1
Zoning and Use Classes

Zones	Residential	Kwinana Town Centre	Commercial	Service Commercial	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special Use
Use Classes											
Ancillary Accommodation	SA	P	AA	X	X	X	X	X			
Aged and Dependent Person's Dwelling	AA	P	AA	X	X	X	AA	X			
Amenity Building	P	P	P	P	AA	AA	P	P			
Amusement Centre	X	AA	AA	AA	X	X	AA	X			
Aquaculture	X	X	X	X	X	X	AA	X			
Boatel	X	X	X	X	AA	AA	X	X			
Boat Sales	X	AA	AA	P	P	P	X	X			
Bus Station	X	SA	SA	AA	P	AA	X	X			
Caravan Park	X	X	X	X	X	AA	AA	AA			
Caretaker's House/Flat	P	IP	IP	IP	IP	IP	IP	IP			
Car Park	AA	AA	AA	AA	AA	AA	AA	AA			
Chicken Farm	X	X	X	X	SA	X	SA	X			
Civic Building	SA	P	P	P	X	P	AA	X			
Club	SA	P	AA	AA	AA	AA	AA	X			
Commercial Hall	SA	P	AA	AA	X	AA	AA	X			
Consulting Rooms	SA	P	AA	AA	AA	AA	AA	X			
Dog Kennels	X	X	X	X	X	SA	SA	SA			
Drive-In Takeaway Food Shop	X	P	AA	SA	X	SA	AA	X			
Drive-In Theatre	X	AA	X	AA	X	P	AA	AA			
Dry Cleaning Premises	X	SA	SA	P	SA	P	AA	X			
Eating House	SA	P	P	AA	AA	AA	X	X			
Educational Establishment	SA	AA	AA	X	AA	AA	AA	X			
Extractive Industry	X	X	X	X	SA	AA	SA	SA			
Factory Units	X	X	X	X	AA	P	X	X			
Family Day Care Centre	P	P	P	P	AA	AA	AA	AA			
Fish Shop	X	P	P	AA	X	X	X	X			
Forestry (Selective)	X	X	X	X	X	X	AA	AA			
Fuel Depot	X	X	X	AA	P	AA	X	AA			
Funeral Parlour	X	AA	AA	AA	AA	AA	AA	X			
General Industry	X	X	X	X	P	X	X	IP			
Grouped Dwelling	AA	P	P	X	X	X	X	X			
Hazardous Industry	X	X	X	X	SA	X	X	X			
Health Centre	SA	P	P	P	AA	AA	AA	AA			
Health Studio	SA	P	AA	P	X	AA	X	X			
Holiday Accommodation	X	X	X	X	X	AA	AA	AA			
Home Occupation	AA	AA	AA	X	X	AA	AA	AA			
Hospital	SA	P	AA	P	X	AA	AA	AA			
Hotel	X	SA	SA	X	X	X	X	X			

As Denoted on Scheme Map, Clause 6.8 and in the First Schedule.

As Denoted on Scheme Map, Clause 6.9 and in the Second Schedule.

As Denoted on Scheme Map, Clause 6.10 and in the Third Schedule.

Zones										
	Residential	Kwinana Town Centre	Commercial	Service Commercial	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural
Use Classes										
Intensive Agriculture	X	X	X	X	X	X	AA	X		
Laundry (Laundrette)	X	P	P	AA	AA	P	X	X		
Laundry (Industrial)	X	X	X	AA	P	P	X	X		
Licensed Restaurant	SA	P	P	P	X	SA	X	X		
Light Industry	X	X	X	X	P	P	X	IP		
Liquor Store	X	P	P	AA	X	X	X	X		
Local Shop	SA	P	P	AA	P	P	AA	X		
Lodging House	SA	P	AA	X	X	AA	X	X		
Marina	X	X	X	X	P	P	X	X		
Medical Clinic	SA	P	P	P	X	AA	AA	X		
Motel	SA	AA	AA	AA	X	AA	X	X		
Motor Repair Station	X	AA	AA	AA	P	P	X	X		
Multiple Dwelling	SA	P	AA	X	X	X	X	X		
Museum	AA	P	P	P	X	X	X	X		
Non-Residential Health Centre	SA	AA	AA	AA	AA	AA	X	X		
Noxious Industry	X	X	X	X	SA	X	X	X		
Office	X	P	P	P	IP	IP	X	X		
Open Air Display	X	AA	AA	AA	AA	AA	X	X		
Open Air Storage Yard	X	X	X	X	AA	AA	X	X		
Petrol Filling Station	X	AA	AA	AA	P	P	X	P		
Piggery	X	X	X	X	SA	X	SA	X		
Private Hotel	X	P	AA	AA	X	X	X	X		
Private Recreation	X	AA	AA	AA	X	AA	SA	X		
Professional Office	X	P	P	P	X	X	X	X		
Public Amusement	SP	AA	AA	P	X	X	AA	AA		
Public Assembly—Place of	SA	P	P	AA	AA	AA	AA	X		
Public Recreation	P	P	P	P	P	P	P	AA		
Public Utility	P	P	P	P	P	P	P	P		
Public Worship	SA	P	P	P	AA	P	AA	X		
Recreational Facilities	AA	P	P	P	AA	AA	AA	AA		
Residential Building	AA	AA	X	X	X	X	AA	X		
Restricted Premises	X	SA	SA	AA	X	AA	X	X		
Rural Industry	X	X	X	X	AA	AA	AA	AA		
Service Industry	X	AA	AA	P	AA	AA	X	X		
Service Station	X	AA	AA	AA	AA	AA	X	X		
Shop	X	P	P	X	X	X	X	X		
Showroom	X	P	P	P	AA	AA	X	X		
Single House	P	P	IP	IP	IP	IP	P	X		
Stables	X	X	X	X	X	X	P	P		
Tailings Pond	X	X	X	X	X	X	X	P		
Tavern	X	AA	AA	SA	X	X	X	X		
Trade Display	X	AA	AA	AA	AA	AA	X	X		
Transport Depot	X	X	X	X	P	P	X	P		
Vehicle Sales	X	AA	AA	P	X	AA	X	X		
Vehicle Wreckers	X	X	X	X	AA	SA	X	X		
Veterinary Clinic	SA	AA	AA	AA	P	P	AA	X		
Veterinary Hospital	X	X	X	SA	AA	AA	AA	X		
Warehouse	X	IP	IP	IP	P	AA	X	X		

As Denoted on Scheme Map, Clause 6.8 and in the First Schedule.

As Denoted on Scheme Map, Clause 6.9 and in the Second Schedule.

As Denoted on Scheme Map, Clause 6.10 and in the Third Schedule.

4.9 Special Residential Zone

Uses within the Special Residential Zone of Table No. 1 are contained within the First Schedule and Part VI of the Scheme.

4.10 Special Rural Zone

Uses within the Special Rural Zones of Table No. 1 are contained within the Second Schedule and Part VI of this Scheme.

4.11 Special Use Zone

Uses within the Special Use Zone of Table No. 1 are contained within the Third Schedule and Part VI of the Scheme.

4.12 Home Occupation

Where Planning Approval for a Home Occupation is granted, Council shall limit the period of validity of such approval and in any event shall review the approval annually. Approved Home Occupations are contained in a Home Occupation Register which Council shall keep for the purposes of registering such uses.

4.13 Extractive Industry

Application for approval to commence development in respect of extractive industry shall include rehabilitation measures intended to secure an identified end use consistent with policies contained in Part IV (Policies and Zones).

4.13.1 Extractive Industry shall be carried out in accordance with the approved Management Plan, subject to any conditions that Council sees fit to protect the amenity of the locality.

4.14 Retail Use and Development

In assessing proposals for retail development, Council shall have due regard to the adopted Retail Structure Plan.

PART V—NON-CONFORMING USES

5.1 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 the 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.

5.2 Extension of Non-Conforming Use

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

5.3 Change of Non-Conforming Use

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

5.4 Discontinuance of Non-Conforming Use

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

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

5.5 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 percent or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.

PART VI—DEVELOPMENT REQUIREMENTS

6.1 Development of Land

Subject to Clause 6.1.1 a person shall not commence or carry out development of any land zoned or reserved under the Scheme without first having applied for and obtained the Planning Approval of the Council under the Scheme.

6.1.1 The Planning Approval of the Council is not required for the following development of land:

- (a) The use of land in a local reserve, where such land is held by the Council or vested in a Public Authority;
 - (i) for the purpose for which the land is reserved under the Scheme; or
 - (ii) in the case of land vested in a Public Authority, for any purpose for which such land may be lawfully used by that Authority. Such Public Authority shall consult with Council prior to the commencement of any development.
- (b) the erection of a boundary fence except as otherwise required by the Scheme;
- (c) the erection on a lot of a single dwelling house, including ancillary outbuildings, in a zone where the proposed use is designated with the symbol 'P' in the cross-reference to that zone in the Zoning Table;

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

6.2 Discretion to Modify Development Standards

If a development, other than a residential development, the subject of an application for Planning Approval, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:—

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and
- (c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.

6.3 Minimum Setbacks from Boundaries

6.3.1 In determining an application for Planning Approval within a zone, Council shall apply the minimum setback requirements as specified by Table No. 2 as follows:

Table No. 2

Minimum Setbacks From Boundaries

Zone	Front	Side	Rear	Secondary Street Frontage
Residential	As Per Residential Planning Codes			
Special Residential	As Per Defined Building Envelopes (Division 6)			
Rural A	7.5	(<4.5ha) 2m	6	4.5
	7.5	(>4.5ha) 3m	6	4.5
Rural B	7.5	(<4.5ha) 2m	6	4.5
	7.5	(>4.5ha) 3m	6	4.5
Special Rural	As Per Part VI (Division 7)			
General Industry	15	6	9	6
	(Where the proposed use is consistent with light industry use the setback for the light industrial zone may apply)			
Light Industry	9	3	6	4.5
Town Centre	6	1.5	0	0
Commercial	6	1.5	6	3
Service Commercial	9	3	6	6
Special Use	At Discretion of Council			

6.3.2 Notwithstanding Clause 6.3.1, Council may by absolute majority of Council approve a variation in building setback less than that shown in Table No. 2.

When considering an application for approval to setback variations, Council shall have due regard to the following:

- (i) The effect on the privacy of adjoining lots.
- (ii) The effect on the amenity of adjoining land through overshadowing.
- (iii) The extent of noise transmission.
- (iv) The effect on the streetscape.
- (v) Possible obstruction or hindrance to movement, use or activity on adjacent land.
- (vi) Undercutting or overbearing of development on adjoining land.
- (vii) The discharge of stormwater runoff onto adjoining land.
- (viii) Obstruction of the safe movement of traffic.
- (ix) The position of existing buildings and structures.
- (x) The requirements of any servicing authority.

6.3.3 Outbuilding setbacks shall generally be determined by reference to Table 2. The setback of outbuildings may be varied by Council in a particular case, providing it is satisfied that such a variation is desirable having considered matters addressed by Clause 6.3.2 and in the case of the Residential zone, such setback variation is not in conflict with the Residential Planning Codes.

6.3.4 Where, in the opinion of the Council, a proposed variation of building setback requirements may significantly affect an adjoining property, the Council shall cause the owners and occupiers of such property to be advised in writing of the proposed variation, and afforded reasonable access to the proposed plans of the proposed development for a period of not less than 7 days commencing on the date of notification. In such case the Council, before determining the application, shall have regard to any submissions received in respect of the proposed variation.

Division 1—Residential Zone

6.4 Residential Development: Residential Planning Codes

6.4.1(a) For the purpose of the Scheme 'Residential Planning Codes' means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1 together with any amendments thereto.

(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 and the schedules to those codes.

6.4.2 Notwithstanding the provisions of the Scheme, all residential development shall be connected to a comprehensive sewerage system, where no such connection is available, no residential development other than the erection of a single house shall be permitted unless;

(a) the Health Department of W.A. recommends to the Council that there are exceptional circumstances to warrant a variation from the requirement to connect to a sewer; or

(b) the lot, the subject of an application has been developed for residential purposes in excess of a single house under the provisions of a previously gazetted Town Planning Scheme and redevelopment is only carried out to an equivalent or less extent as previously approved.

6.4.3 Residential development within the Kwinana Town Centre Zone may be constructed up to the R40 development standards of the Residential Planning Codes.

6.4.4 Any dwelling constructed in conjunction with a retail establishment or other permitted use shall be termed a Grouped Dwelling and comply with the appropriate development standards of the R20 Residential Planning Code.

6.4.5 Commercial Vehicles

No person within the Residential Zone shall:

(a) park or allow to remain stationary for more than four hours consecutively;

(i) more than one commercial vehicle;

(ii) any vehicle which, due to size or load, is not capable of being completely housed within a domestic garage approved by Council;

(iii) a vehicle which, together with its load, exceeds three metres in height.

(b) repair, service or clean a commercial vehicle unless such work is carried out whilst the vehicle is housed in a domestic garage or a domestic building;

(c) park or allow to remain stationary a commercial vehicle of a load capacity exceeding 2 tonnes.

Division 2—Kwinana Town Centre

6.5 In determining an application for Planning Approval within the Kwinana Town Centre Council shall have regard to an overall development concept adopted by Council from time to time and shall take into account the following principles:

(a) Groupings of buildings shall be designed to produce an integrated layout;

(b) Buildings shall be of complimentary design with particular reference to their relative height and slope of pavings and cantilever awnings; and also in terms of colour, tone and texture of facing materials so that components of form and finish will blend harmoniously;

(c) Building design and layout shall make provision for general uniformity of future advertising outside any shops to be in keeping with the architectural character of the development;

(d) Provision shall be made for planting and landscaping of development to enhance the environs and to secure a pleasant relationship between the centre and the existing and potential use of adjoining land.

6.5.1 Plot Ratio

Within the Town Centre Zone the following plot ratios shall not be exceeded:

Use	Plot Ratio
Shop	2.0
Office	2.0
Showroom	1.5
Service Industry	1.5
Residential	In accordance with Residential Planning Codes.
Others	As determined by Council.

6.5.2 Residential Accommodation

In addition to a caretaker's residence, one unit of self-contained living accommodation for a single family may be incorporated in every building for every complete 450 square metres of area of the lot on which such building is erected and the floor area of such unit shall be excluded in calculating the plot ratio of the building.

All residential accommodation within the Kwinana Town Centre, whether in a mixed development or not, shall conform with the standards prescribed in the Residential Zone and the codes where applicable.

6.5.3 Residential Codes

Within the Kwinana Town Centre the residential planning code density applicable shall be R 40.

6.5.4 Car Parking

Where car parking spaces are to be provided the same shall be provided, designed, constructed and maintained in accordance with the provisions of Part VII of the Scheme and the approved plan relating thereto.

6.5.5 Loading and Unloading

Where areas for the loading and unloading of vehicles carrying goods or commodities to or from premises are to be provided the same shall be provided and maintained in accordance with the approved plan relating thereto.

6.5.6 Site Coverage and Set Backs

In determining the site coverage and set backs of any development other than residential development Council may permit a site coverage of up to 100 percent and a set back variation to zero subject to it first being satisfied on matters relating to access, car parking, circulation, servicing, loading and unloading and other matters which Council in its absolute discretion may take into consideration.

6.5.7 Landscaped Areas

In considering development applications for land within the Town Centre zone, an area of one twelfth of the lot shall be designed, developed and maintained as a landscaped area and shall include existing vegetation identified by Council, except in the case of the erection on a lot of a single dwelling house.

Where, in the opinion of Council, sufficient landscape features exist in the lot or nearby streets and reserves, the landscaped area may be reduced by up to 50%.

Existing vegetation in excess of 1.8 metres in height within the specified landscaping areas shall be retained in good order provided that it does not interfere with the orderly or proper planning of the development or pose a threat to the safety of the development or to the public.

Division 3—Commercial Zones

6.6 In order to accommodate the types of existing and future commercial uses in the Town of Kwinana, two types of commercial zones have been designated. These are Commercial and Service Commercial Zones.

6.6.1 Commercial Zone

The Council's intention in controlling development within the Commercial Zone is to:

- (a) Promote in the Commercial Zone both Shop and Showroom uses.
- (b) Promote in the Commercial Zone commercial uses which are complementary and not in competition with the function of the Kwinana Town Centre Zone.

6.6.2 Service Commercial Zone

The Council's intention in controlling development within the Service Commercial Zone is to:

- (a) Promote in the Service Commercial Zone Showroom uses.
- (b) Not permit in the Service Commercial Zone Shop uses.

6.6.3 Plot Ratio and Site Coverage

The maximum plot ratio and site coverage shall be as follows:

- (a) In the Commercial Zone no building shall have a plot ratio exceeding 2.0 and the site coverage allowed shall be 100 percent subject to the satisfaction of Council on matters relating to access, car parking, circulation, servicing, loading and unloading and other matters which Council in its absolute discretion may take into consideration.
- (b) In the Service Commercial Zone no building shall have a plot ratio exceeding 1.5 and the site coverage shall not exceed 70 percent and there shall be a maximum of two storeys.

6.6.4 Set Backs

Every building within the Commercial Zone shall be set back such distance from the boundaries of the lot on which it is to be erected as specified in Table 2 as a condition of approval of the application for Planning Approval relating to the building.

6.6.5 Landscaped Areas

Within the Commercial and Service Commercial Zones an area of 8% of the lot shall be designed, developed and maintained as a landscaped area in accordance with the approved plan relating thereto. Where in the opinion of Council sufficient landscape features exist in the lot or nearby streets and reserves, the landscaped area may be reduced by up to 50%.

Existing vegetation in excess of 1.8 metres in height within the specified landscaping areas shall be retained in good order provided that it does not interfere with the orderly or proper planning of the development or pose a threat to the safety of the development or to the public.

6.6.6 Car Parking

Car parking spaces shall be provided, designed, constructed and maintained in accordance with the provisions of Part VII of the Scheme and the approved plan relating thereto.

6.6.7 Loading and Unloading

Areas for the loading and unloading of vehicles carrying goods or commodities to or from premises within the Commercial Zones shall be provided and maintained in accordance with the approved plan relating thereto.

6.6.8 Upper Floors

Within the Commercial Zone, where the ground floor of a multi-storey building is used for the purpose of shops the upper floors of such building may be used for such purpose or purposes as may be permitted or approved of in the Commercial Zone or for the purpose of offices notwithstanding that such offices may not be a use which is incidental to the use of the building in question for the purpose of shops.

Within the Service Commercial Zone mixed developments consisting of uses permitted or approved of by Council may be approved where such uses are compatible and where in the opinion of Council the development will not detract from the amenity of the area.

Division 4—Industrial Zones

6.7 For the purpose of this Scheme, industry has been classified into two types of zones, being Light Industry and General Industry. A noxious industry as defined in this Scheme shall be subject to the "SA" provisions of Clause 2.3 and shall be zoned as General Industry.

A use falling within the General Industrial zone including any offensive trade or noxious industry shall be considered by Council in accordance with industrial classifications and locational criteria that Council shall adopt from time to time.

Where a use, the subject of the General Industrial zone may have an environmental impact on an adjacent local authority area, Council shall refer such an application together with all relevant information to that authority for its comments.

When considering any application for Planning Approval for a Noxious Industry or Offensive Trade, Council:

- (a) shall require the applicant to provide a report covering such matters as the effect of the proposal on air quality, the levels of dust and other airborne pollutants, the quality of ground water, road traffic and the amenity of the locality as well as any other matter which in the opinion of Council needs to be covered;
- (b) may consult with the Health Department and the Environmental Protection Authority for clarification of any aspect of the proposal which Council requires;
- (c) shall follow the "SA" procedures under Clause 2.3 of this Scheme;
- (d) May either refuse or approve the application with such conditions as are appropriate under the General Industrial zone together with any other conditions which may be appropriate after having considered all the matters arising out of procedures (a), (b), and (c) of the Clause.

6.7.1 Plot Ratio and Site Coverage

Within the Industrial Zones the following plot ratios and site coverage shall not be exceeded.

	Plot Ratio	Site Coverage
Light Industry	1.0	70%
General Industry	0.8	65%

6.7.2 Minimum Setbacks from Boundaries

Within the Industrial Zones, Council may, at its absolute discretion, vary minimum side and rear boundary setbacks less than that shown in Table 2, provided the following requirements are met, in addition to the requirements of Clause 6.3.2:

- (i) The reduced setback applies to not more than one lot boundary per free standing building and not more than two boundaries per lot;
- (ii) The development on the lot does not exceed the maximum permissible site coverage and maximum permissible plot ratio specified in Clause 6.7.1;
- (iii) The method of construction and materials used comply with fire resistance level requirements of the Building Code of Australia;
- (iv) The wall facing the boundary to which a reduced setback is granted does not exceed six (6) metres in height.

6.7.3 Appearance of Buildings, Units of Process and Ancillary Structures within all Industrial Zones

All buildings, units of process and ancillary structures shall be located, designed and constructed so that the external appearance arising from height, expanse, method of construction, materials used, colour and texture of external finish serve to blend the development into the natural landscape and surrounding built environment and minimise the visual impact of the development.

In considering an application for planning approval, Council shall have regard for the following:

- (i) The extent to which the use of external colour/tone and texture differences on single large structures or between individual structures reduces the visual impact of the development on the locality and blends harmoniously with the natural landscape and built environment.
- (ii) The extent to which the siting, height and expanse of individual buildings, units of process and ancillary structures serves to preserve views of natural features and areas of landscape significance.

6.7.4 Landscaped Areas

Within all industrial zones an area of at least 5 percent of the site shall be developed and maintained as a landscaped area in accordance with the approved plan relating thereto. Council may in the particular case, reduce the landscaping requirement by up to 50% where the applicant undertakes to establish and maintain landscaping of the road verge in accordance with an agreed plan.

Existing vegetation in excess of 1.8 metres in height within the specified landscaping areas shall be retained in good order provided that it does not interfere with the orderly or proper planning of the development or pose a threat to the safety of the development or to the public.

6.7.5 Car Parking and Crossovers

Car parking spaces shall be provided, designed, constructed and maintained in accordance with the provisions of Part VII of the Scheme and the approved plan relating thereto.

Crossovers shall be constructed of bitumen or concrete to the satisfaction and specification of Council.

Parking areas and crossovers shall be constructed and drained to ensure that storm water is disposed of on-site.

6.7.6 Loading and Unloading

Areas for the loading and unloading of vehicles carrying goods or commodities to or from premises within the Industrial Zones shall be provided and maintained in accordance with the approved plan relating thereto.

6.7.7 Waste Water and Effluent Disposal

No land shall be used as a dumping area for any waste products, by-products, industrial waste or residue of any form, nature or description unless prior approval in writing has been granted by the Council.

In considering an application for Planning Approval, the Council shall have regard to the possible effects of the development on the amenity of the surrounding areas and the possible result of such development on the soils and sub-soils as well as groundwaters and air quality and may seek the advice of the Health Department and the Environmental Protection Authority.

6.7.8 Recycled Water

In considering an application for planning approval, the Council shall have regard to the desirability of the use of recycled water in industrial processes, but shall also have regard for the requirements of industry in respect of the quality and quantity necessary.

6.7.9 Fencing

Where a security fence is proposed on a front lot boundary, it shall be set back a distance of 1.5 metres from the front lot boundary and landscaping shall be established and maintained between these lines to the satisfaction of Council.

6.7.10 Materials Used

- (a) The facade on the principal frontage shall be constructed of brick, stone, masonry or such other material as may be approved by Council;
- (b) Notwithstanding the provisions of Clause 6.7.10 (a) Council may approve the installation and maintenance of strategic landscaping on the principal frontage in lieu of facade treatment. Council shall be satisfied that the aesthetic benefits of strategic landscaping will exceed the benefits of a facade treatment and Council may require the lodgement of a performance bond to an equivalent value of the cost of landscaping as estimated by Council. Council may specify a colour or finish on the facade of the principal frontage.

Division 5—Rural Zone

6.8 For the purposes of this Scheme, rural land has been classified into two types of zones, being Rural A and Rural B.

6.8.1 Rural A Zone

The predominant uses within the Rural A Zone shall be rural use provided that the proposed uses are consistent with principles of groundwater conservation and are not likely, in the opinion of Council, to result in significant discharge of nutrients to the district drainage network.

Where a proposed use is, in the opinion of Council, likely to have a significant impact on groundwater quality and quantity or is likely to lead to significant discharge of nutrients to the local drainage network, Council may refer the matter to the Environmental Protection Authority or Water Authority of Western Australia for advice.

Council shall not support fragmentation by subdivision except where the use or proposed use of the land is consistent with the predominant use or uses and is consistent with the Policy Statement for the particular locality.

Council shall apply such development standards to a proposal the subject of an application for Planning Approval as it thinks fit providing such standards are not less than that pertaining to similar uses under the Scheme.

6.8.2 Rural B Zone

Land within the Rural B Zone may be used for extractive industries, tailings ponds, processing and other purposes applicable to that zone and for purposes incidental thereto and for no other purpose.

Council shall apply such development standards to a proposal the subject of an application for Planning Approval as it thinks fit providing such standards are not less than those pertaining to the General Industrial Zone.

Division 6—Special Residential Zone

6.9 In considering an application for re-zoning to create a Special Residential Zone, Council shall have regard to the following criteria:

- (a) That the proposal consists of a comprehensive site analysis taking into consideration such matters as topography, soil, tree cover, climate and an assessment of the effects of the development on the environment.
- (b) That the proposal clearly outlines the reasons for selecting the area the subject of the proposed zone with particular reference to how this relates to Council's policy statement for the locality.
- (c) That the subdivision guide map clearly demonstrates that the landform, vegetation, and physical constraints have been taken into account in terms of lot size, lot shape, road layout, building envelopes, strategic fire breaks and open space.
- (d) That the proposal outlines the proposed staging of the subdivision and development, and the criteria to be met before successive stages are implemented.

6.9.1 An application for re-zoning to create a Special Residential Zone shall include the following:

- (a) A Subdivision Guide Map at an appropriate scale to show the proposed subdivision including lot sizes and dimensions, tree preservation areas, building envelopes, strategic firebreaks, road and drainage reserves, and other areas to be set aside for a specific purpose such as bush fire tank site, open space or community purpose site.
Council may in the particular case, allow the omission of any of the above requirements if so requested by the applicant;
- (b) The Subdivision Guide Map shall show contours based on Australian Height Datum and all relevant topographic features and as a minimum show individual trees or groups of trees, types of trees and vegetation, rock outcrops, wetlands, buildings, roads and fencing;
- (c) A plan or plans showing the layout of reticulated scheme water, road works, drainage and any fill or site modifications;
- (d) The proposed staging of the subdivision where relevant.

6.9.2 Scheme provisions for a specific Special Residential Zone shall be set out in the First Schedule specifying any special development conditions appropriate to secure the objectives of the zone.

6.9.3 In addition to other provisions of the Scheme, land which is included within a Special Residential Zone shall be subject to the following provisions:

Access

- (a) All public roads within any Special Residential Zone shall be constructed to the Council's specification and satisfaction.

Drainage

- (b) Prior to subdivision land within any Special Residential Zone shall be drained to the specification and satisfaction of Council.

Water Supply

- (c) A reticulated water supply from the Water Authority of W.A. network shall be provided to each lot.

On-Site Effluent Disposal

- (d) Adequate provision for on-site effluent disposal shall be made in accordance with the standard requirements of the Council.

Building Envelopes

- (e) Building Envelopes to be defined by the subdividing landowner prior to a clearance of a Diagram of Survey and a plan of individual envelopes shall be endorsed by the Town Clerk as a certified copy of the Building Envelope.

- (f) All buildings shall be constructed within the confines of the building envelope as shown on the Subdivision Guide Map.
- (g) Notwithstanding the provisions of Clause 6.9.3(f) above, Council may permit a variation in the requirements of the approved plan if it is shown to the satisfaction of Council at the time of application for Planning Consent that a proposed relocation of a building envelope is desirable or necessary.
- (h) When giving consideration to variation of building envelopes, Council shall have consideration for;
 - the preservation of existing screening vegetation;
 - the proximity of building envelopes and development on adjacent lots;
 - the effects of such variation on views from adjacent lots;
 - the size of the building envelope, in that the area of the envelope should be approximately 1000 square metres and should not be greater than one half the area of the lot;
- (i) All use and development which requires the issue of a building or other licence or involves the removal of vegetation shall be established within the building envelope.

Tree Preservation

- (j) To retain the rural character of an area and avoid the creation of wind erodible conditions, the Council may designate any group or clump of trees and substantial vegetation as Tree Preservation Areas or may designate Tree Preservation Areas in accordance with a Plan of Subdivision.
- (k) The Council may require the land owner to undertake a tree planting programme on lots nominated by Council as being deficient in vegetation cover.

Prospective Purchasers

- (l) The subdivider shall ensure that each prospective purchaser of a subdivided lot acknowledges in writing at the time of purchase of a lot a schedule of conditions relating to the subdivision.

Division 7—Special Rural Zone

6.10 The Special Rural Zones have been divided into three categories according to the policy area and the predominant use as follows:

No.	Policy Area	Predominant Use
1.	Wandi	Rural homesites Equestrian Special Rural Development
2.	Mortimer Road	Rural homesites Equestrian Special Rural Development in selected areas
3.	Thomas Road	Rural homesites only

6.10.1 In considering an application for rezoning to create a Special Rural Zone, Council shall have regard to the following criteria:

- (a) That the land shall be located within one of the three policy areas Wandi, Mortimer Road or Thomas Road.
- (b) That the proposal meets the predominant use specified for that policy area.
- (c) That the proposal clearly demonstrates that the land is suitable by virtue of its existing natural vegetation cover, aesthetic appeal of its landform and the absence of conflict with alternative land uses or resource management.
- (d) That the subdivision guide map clearly demonstrates that the landform, vegetation, and physical constraints have been taken into account in terms of lot size, lot shape, road layout, building envelopes, strategic fire breaks and open space.
- (e) That the proposal states the source of potable water supply and non-potable water supply as well as the management of these supplies.

6.10.2 An application for rezoning to create a Special Rural Zone shall include the following:

- (a) Subdivision Guide Map at an appropriate scale to show tree preservation areas, building envelopes, strategic fire breaks, pedestrian and riding trails, road and drainage reserves, other areas proposed to be set aside for a specific purpose such as bush fire tank site, open space or community purpose site.
Council may in the particular case, allow the omission of any of the above requirements if so requested by the applicant;
- (b) The Subdivision Guide Map shall show contours based on the Australian Height Datum and all relevant topographic features and as a minimum show individual trees or groups of trees, types of trees and vegetation, rock outcrops, wetlands, buildings, roads and fencing;

- (c) Where the proposal is part of a larger special rural policy area, a structure plan showing how the proposal relates to the adjacent lots shall be provided;
- (d) A surveyor's plan (pre-calculation drawing) shall be lodged with Council prior to the clearance of diagrams of survey and shall show tree preservation areas, strategic fire breaks, building envelopes and roads and drains as proposed and as required by Council for approval.

6.10.3 The Scheme provisions for a specific Special Rural Zone shall be set out in the Second Schedule specifying any special development conditions appropriate to secure the objective of the zone.

6.10.4 In addition to other provisions of the Scheme, land which is included within a Special Rural Zone shall be subject to the following provisions.

Dwellings

- (a) Not more than one dwelling may be erected on a lot within a Special Rural Zone.
- (b) No habitable dwelling shall have a floor level less than 2 metres above the highest known water level.

Building Setbacks (except where building envelopes are specified)

- (c) The minimum setbacks from the boundaries of lots shall be;
 - (i) Front—15 metres, unless Council is of the opinion that site conditions are such that a reduction of the setback distance is warranted. In any event, the front setback shall not be less than 7.5 metres,
 - (ii) Others—10 metres.

Access

- (d) All public roads within any Special Rural Zone shall be constructed to the Council's specification and satisfaction.
- (e) The access strips of the lots shown as battle-axe lots shall be constructed prior to subdivision to a 2.5 metre wide road sub-base or gravel standard.

Drainage

- (f) Prior to subdivision land within any Special Rural Zone shall be drained to the specification and satisfaction of Council.

Building Envelopes

- (g) All buildings shall be constructed within the confines of the building envelope as shown on the Subdivision Guide Map.

Notwithstanding the provisions of this clause, Council may permit a variation in the requirements of the approved plan if it is shown to the satisfaction of Council at the time of application for planning approval that a proposed relocation of a building envelope is desirable or necessary.

Tree Preservation

- (h) To retain rural character of an area and avoid the creation of wind erodible conditions, the Council may designate any group or clump of trees and substantial vegetation as Tree Preservation Areas or may designate Tree Preservation Areas in accordance with a Plan of Subdivision.
- (i) Within the land designated as Tree Preservation Areas, or outside of buildings envelopes no indigenous tree, scrub or other substantial vegetation may be removed except as hereunder:
 - (i) Trees which are dead, diseased or dangerous;
 - (ii) For the purpose of a firebreak required by a regulation or by-law except that in order to preserve the amenity of the area Council may at its discretion vary the position of any required firebreak to avoid destruction of vegetation or due to the physical features of the subject land;
 - (iii) For the purpose of an access driveway for a residential dwelling as approved by Council.
- (j) Removal of indigenous trees, scrub or other substantial vegetation for any purpose other than the above exceptions, shall require the written approval of Council.
- (k) The Council may require the land owner to undertake a tree planting programme on lots nominated by Council as being deficient in vegetation cover.

Fencing

- (l) The Council may determine a minimum standard of road boundary fencing after considering the approved use class and purpose or intent for which the Special Rural Zone was created.

Water Supply

- (m) Water supply provisions:
 - (i) The subdividing owner of the land shall make arrangements satisfactory to the Council to the effect that prospective purchasers of the lots are advised that no reticulated water supply can be provided by the Water Authority of W.A,

- (ii) Where the land is subject to the provisions of the Water Authority of W.A. by-laws applicable to underground water control, the subdividing owner shall inform all prospective purchasers in writing of the Water Authority's requirements,
- (iii) Purchasers of lots shall make their own arrangements to provide a potable water supply and shall prior to the occupation of any dwelling house provide a water storage tank with a minimum capacity of 92,000 litres unless an operating bore is connected to the supply in which case Council may permit the minimum capacity to be reduced to 20,000 litres. For the purposes of this clause, Council shall be satisfied that the tanks have adequate catchment area and in the case of a bore that it has adequate capacity and flow rate. Council shall be satisfied that the water supply for human consumption meets the standards of the Executive Director of W.A. Health and in the case of any bore water supply, it shall be certified to be acceptable for human consumption.

Forestry (Selective)

- (n) Council may approve the use "selective forestry" in Special Rural zones following advertising of the proposal in accordance with the "SA" provisions of the Scheme:
 - (i) Council may only approve forestry (selective) on lots or portions of lots deficient in vegetation indigenous to the locality,
 - (ii) Applications for approval to commence development of forestry (selective) shall nominate the species of tree to be planted and no other species of vegetation shall be felled for forestry purposes, other than the nominated species,
 - (iii) Council's approval for forestry (selective) shall specify the nominated species to be felled for forestry,
 - (iv) No persons shall remove vegetation indigenous to the locality for the purposes of replacement with forestry (selective) vegetation,
 - (v) Council may only approve applications for forestry (selective) subject to an agreed management plan which specifies,
 - 1. the nominated species of vegetation to be grown and felled;
 - 2. the numbers of nominated species to be planted;
 - 3. the density of planting of nominated species;
 - 4. the area/location of the lot to be planted with nominated species;
 - 5. the proposed planting/felling programme including interval between felling period and numbers to be felled.
 - (vi) Planting and felling programmes shall be planned to produce a scattering of nominated species of different maturities and no felling programme shall result in areas of the lot devoid of vegetation,
 - (vii) The landowner shall seek Council's approval in writing prior to felling nominated species and each individual tree to be felled shall be marked for inspection by Council prior to felling.

Division 8—Special Use Zones

6.11 Land within a Special Use Zone may be used for the purposes specified on the Scheme Map and in the Third Schedule and for purposes incidental thereto and for no other purpose.

6.11.1 The site requirements of lot area, minimum effective frontage, development type, plot ratio, car parking, setbacks and other development provisions shall be determined by Council in its absolute discretion, providing that such standards are not less than that pertaining to similar uses under the Scheme.

Division 9—Area of Landscape Protection

6.12 Areas of Landscape Protection are shown on the Scheme Map according to the legend thereon and provide specific conservation provisions in addition to the development provisions of the underlying zone of the land.

6.12.1 Council's objective in setting aside Areas of Landscape Protection is to conserve areas of natural ecological value or landscape amenity whilst at the same time allowing development as provided in the Zoning Table No. 1 of the Scheme.

6.12.2 No person shall, in any area of Landscape Protection, without Council's Planning Approval in writing:

- (a) Carry out clearing of trees or other vegetation,
- (b) Carry out any filling, dredging or changes to the contour of the land,
- (c) Erect any advertising sign,
- (d) Erect or construct any building or outbuilding,
- (e) Degrade any natural wetland system,
- (f) Detract from the amenity of the locality.

6.12.3 In considering an application for Planning Approval in respect of any land within an Area of Landscape Protection, Council shall have regard to the following:

- (a) The overall impact of the proposed development on the landscape amenity of the area and the desirability of limiting or modifying the siting, construction, design or materials of any building or associated services;
- (b) The need for an overall management plan prepared by Council in consultation with the affected owners as a prerequisite to any Planning Approval being issued;
- (c) The extent to which any subdivision proposal should guarantee the protection of natural ecological features or areas of landscape amenity;
- (d) The desirability of minimising the effect of new road construction including earthworks and clearing of vegetation within road reserves.

Division 10—The Peel-Harvey Coastal Catchment

6.13 For the purposes of this Scheme, the Peel-Harvey Coastal Plain Catchment means the Peel-Harvey Coastal Plain Catchment as set out in the State Planning Commission Statement of Planning Policy No. 2, together with any amendments thereto.

6.13.1 Council shall be guided by the objectives and policy statements contained in the Environmental Protection Policy (Peel-Harvey Estuarine System) 1991 and the Peel-Harvey Coastal Plain Catchment Statement of Planning Policy, as amended, a copy of which shall be kept and made available for public inspection at the offices of the Council.

6.13.2 For the purposes of the definition of development under the Act 'Intensive Agriculture' shall be deemed to be a material change of use requiring approval of the Council.

6.13.3 In considering a proposal to develop land for intensive agriculture, the Council shall:

- (i) take account of soil types, slope and groundwater flows and surface water drainage and proximity to the Estuary;
- (ii) take account of the objectives of the Peel-Harvey Coastal Catchment Statement of Planning Policy, as amended with respect to the potential impact of the proposal on the environment and water quality;
- (iii) seek advice from the Department of Agriculture and Environmental Protection Authority and take account of that advice in making its determination or defer the decision pending a formal assessment under Part IV of the Environmental Protection Act.

Division 11—Control of Advertisements

6.14 Power to Control Advertisements

- (a) For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Planning consent is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting Bylaws.
- (b) Applications for Council's consent pursuant to this Part shall be submitted in accordance with the provisions of Part II of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 7 giving details of the advertisement(s) to be erected, placed or displayed on the land.

6.14.1 Existing Advertisements

Advertisements which:

- (a) were lawfully erected, placed or displayed prior to the approval of this Scheme, or
- (b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme, hereinafter in this Part referred to as 'existing advertisements', may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

6.14.2 Consideration of Applications

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

6.14.3 Exemptions from the Requirement to Obtain Consent

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 6.14, the Council's prior consent is not required in respect of those advertisements listed in Appendix 6 which for the purpose of this Part are referred to as 'exempted advertisements'. The exemptions listed in Appendix 6 do not apply to places, buildings, conservation areas or landscape protection zones which are either:

- (i) listed by the National Trust;
- (ii) listed on the register of the National Estate;
- (iii) included in the Scheme (Clause 2.2) because of their heritage or landscape value.

6.14.4 Discontinuance

Notwithstanding the Scheme objectives and Clause 6.14.3, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this part, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

6.14.5 Derelict or Poorly Maintained Signs

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

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

6.14.6 Notices

- (a) 'The advertiser' shall be interpreted as any one or any group comprised of the land owner, occupier or licensee;
- (b) Any notice served in exceptional circumstances pursuant to Clause 6.14.4 or 6.14.5 shall be served upon the advertiser and shall specify:
 - (i) the advertisement(s) the subject of the notice,
 - (ii) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice,
 - (iii) the period, not being less than 60 days, within which the action specified shall be completed by the advertiser;
- (c) Any person upon whom a notice is served pursuant to this Part may, within a period of 60 days from the date of the notice, appeal to the Hon. Minister for Planning or the Town Planning Appeal Tribunal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.

6.14.7 Scheme to Prevail

Where the provisions of this Part are found to be at variance with the provisions of the Council's Signs, Hoarding and Bill Posting Bylaws, the provisions of the Scheme shall prevail.

6.14.8 Enforcement and Penalties

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

PART VII—CAR PARKING

- 7.1 (a) A person shall not develop or use land or erect, use or adapt any building for use for the purpose indicated in the first column of Table No. 3, unless car parking spaces of the numbers specified in the second column are provided and such spaces are constructed and maintained in accordance with the provisions of this Scheme.
- (b) Where an application is made for Planning Approval and the purpose for which the land or building is to be used is not specified in Table No. 3 the Council shall determine the number of car parking spaces to be provided on the land having regard to the nature of the proposed development, the number of employees likely to be on the site, the prevention of the obstruction of roads and streets, and the orderly and proper planning of the locality and the preservation of its amenities.
- (c) Car parking provided within a building shall not be regarded as a level in determining the number of storeys of any development.

Table 3
Car Parking Requirements

USE	Aged Persons Dwelling, Single House,	Attached House, Grouped Dwellings
PARKING:	As prescribed in the Residential Planning Codes.	
USE	Shop	
PARKING:	1 for every 20m ² gross floor area. Within the Kwinana Town Centre Zone 1 for every 50m ² gross floor area for shops less than 3,000m ² gross floor area. For shops in excess of 3,000m ² gross floor area—as determined by Council.	

USE	Showroom Warehouse	Industry (excluding factory unit building)
PARKING:		4 for up to the first 200m ² gross floor area and thereafter 1 for every additional 100m ² gross floor area or part thereof.
USE	Office	
PARKING:		1 for every 50m ² gross floor area.
USE	Factory Unit Building	
PARKING:		As for showroom, warehouse OR 2 for every factory unit whichever produces the greatest number of car parking spaces.
USE	Factory	(1) Service and Light Industrial Buildings (other than a factory unit building). (2) Other Industrial Buildings.
PARKING:		(1) 1 to every 50m ² of gross floor area or 1 to every person employed, which ever is greater. (2) 1 to every 100m ² of gross floor area or 1 to every person employed, which ever is greater.
USE:	Theatre, Hall, Amusement Centre, Art Gallery,	Cinema, Non-residential club and church Museum.
PARKING:		As for public assembly except that Council may exercise discretion on the number of car parking spaces required where dual use of spaces is likely to occur in the case of mixed developments.
USE:	Hospital	
PARKING:		1 for every 3 bed spaces provided
USE	Hotel, Tavern, Private Hotel, Eating House, Licensed Restaurant,	Motel, Club, Lodging House, Night Club, Place of Public Assembly.
PARKING:		Where applicable to the particular use: 1 for every 2m ² of public drinking area other than lounge floor area; 1 for every 4 seats which an eating area is designed to provide, OR 1 for every 4m ² of eating area or part thereof whichever produces the greater number of car parking spaces; 1 for every bedroom; 1 for every 6 seats provided or capable of being provided in assembly areas, OR 1 for every 4.5m ² of assembly area whichever produces the greater number of car parking spaces; 1 for every 3m ² of public lounge drinking area; 1 for every 4.5m ² of beer garden or outdoor drinking area.
USE:	Kindergartens Primary Schools Secondary Schools	
PARKING:		1 to each person employed or 4 spaces, whichever is greater. 1 to each member of teaching staff. 1 to each member of teaching staff plus 1 to each rostered canteen worker.

USE:	Health Centre, Consulting Rooms	Clinic, Veterinary Clinic.
PARKING:		4 for every consulting room up to 2 such rooms and 2 for every additional consulting room.
USE:	Funeral Parlour	
PARKING:		Not less than 6 car parking spaces.
USE:	Motor Repair Station and Service Station	
PARKING:		6 for customers plus 1 for each lubrication and maintenance bay plus 1 for each person working on the site.
USE:	Open Air Display	
PARKING:		1 for every 200m ² of display area or sales area.
USE:	Squash Centre	
PARKING:		3 for every court.

7.2 Conditions of Approval

When considering any application for Planning Approval the Council shall have regard to and may impose conditions on the required car parking spaces. In particular the Council shall take into account and may impose conditions concerning:

- (a) the proportion of car parking spaces to be roofed or covered;
- (b) the proportion of car parking spaces to be below natural ground level;
- (c) the means of access to each car parking space and the adequacy of any vehicular manoeuvring area;
- (d) the location of the car parking spaces on the site and their effect on the amenity of adjoining development, including the potential effect if those spaces should later be roofed or covered;
- (e) the extent to which car parking spaces are located within required building set back areas;
- (f) the location of proposed public footpaths, vehicular crossings, private footpaths within the lot, and the effect of both pedestrian and vehicular traffic movement and safety.

7.3 Shared or Combined Parking

Where the number of car parking spaces proposed to be provided on land or in a building the subject of an application for Planning Approval is less than the number required to be provided pursuant to the Scheme, the Council may approve the application if the applicant demonstrates that off street parking facilities in the near vicinity are available to cater for the parking requirements of the land and that arrangements to the satisfaction of the Council have been made to enable those facilities to be used for that purpose.

7.4 Dimensions of Parking Spaces

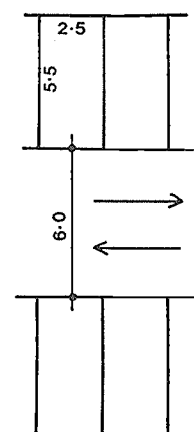
The dimensions of car parking spaces, parking angle, driveway widths and landscaping detail specified in Figure 3 shall be used by Council in determining the layout of car parking areas.

Council may vary the dimensions specified by up to 10 percent where obstructions, site dimensions or topography result in the loss of a car parking space in any run of car parking spaces. This provision shall be used in order to obtain one additional space in a run of spaces and shall not be used to modify landscaping, shade tree or driveway access requirements.

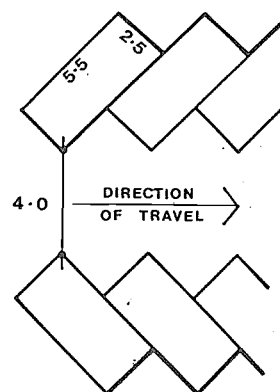
7.5 Landscaping Construction and Maintenance

The owner and occupier of premises on which car parking spaces are provided shall ensure that:

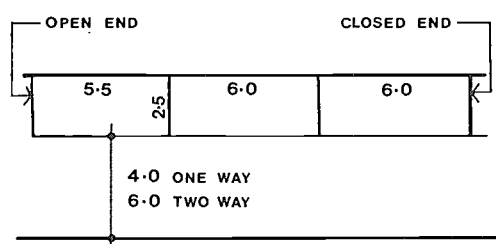
- (a) the car parking area is landscaped with shade trees, laid out, constructed, drained and maintained in accordance with the approved plan relating thereto;
- (b) the car parking spaces are sealed and clearly marked out at all times to the satisfaction of Council;
- (c) all trafficable areas to be sealed to the satisfaction of Council.



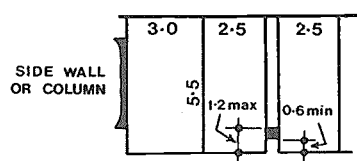
90° PARKING



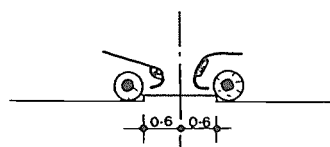
45° PARKING



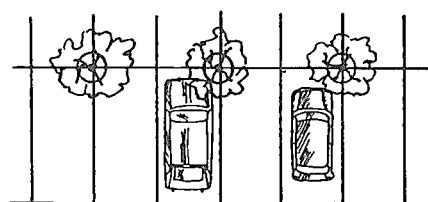
PARALLEL PARKING



OBSTRUCTIONS

WHEEL STOP
MODIFICATIONS

Not to affect drainage



SHADE TREE LANDSCAPING

Kerb ring not to exceed 900 mm diam

CAR PARKING LAYOUT

90° & 45° Parking - 5.5 x 2.5 m

Parallel Parking - 6.0 x 2.5 m

OR 5.5 x 2.5 m where OPEN ENDED

Driveway Widths	90° - 6.0 m	access
	45° - 4.0 m	one way "
	Parallel - 4.0 m	one way "
	- 6.0 m	two way "

FIG

3

PART VIII—ADMINISTRATION

8.1 Powers of the Scheme

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

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

8.2 Offences

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

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

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

8.3 Notices

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

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

8.4 Claims for Compensation

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

8.5 Appeals

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

FIRST SCHEDULE
Special Residential Zones

Location Lot Description	Permitted and AA Uses	Development Conditions
1. Part Cockburn Sound Location 16 contained in Certificate of Title Volume 157, Folio 141.	P Dwelling House AA Grouped Dwelling of not more than two Home Occupation X All other uses are not permitted	The following development conditions shall apply. 1. Subdivision shall be in accordance with Sub-division Guide Map No. 1 which shall form part of the Scheme. 2. The minimum lot size shall be 2,000m ² . 3. The minimum habitable floor area of a dwelling shall be 120m ² . 4. No more than two dogs may be kept on any lot within the Special Residential Zone.

Location Lot Description	Permitted and AA Uses	Development Conditions
		<ol style="list-style-type: none"> 5. No direct vehicular access shall be permitted from any proposed lot onto Wellard Road and the road notated as "Road A" on the Subdivision Guide Map. 6. No dwelling or carport roof or out-building shall be constructed of highly reflective materials including, but without limiting the generality of the foregoing, unpainted zincalume. 7. All residences and carports shall be of stone or masonry construction unless the express approval of Council is obtained to vary this requirement. 8. Notwithstanding the provisions of condition 6 above, outbuildings may be constructed of metal or other materials approved by Council provided the external colour and texture produces a neutral non-glaring finish. 9. Within the land designated as Tree Preservation Areas, or outside of building envelopes no indigenous tree, scrub or other substantial vegetation may be removed except as hereunder: <ol style="list-style-type: none"> (i) Trees which are dead, diseased or dangerous; (ii) For the purpose of a firebreak required by a regulation or by-law except that in order to preserve the amenity of the area Council may at its discretion vary the position of any required firebreak to avoid destruction of vegetation or due to the physical features of the subject land; (iii) For the purpose of an access driveway for a residential dwelling as approved by Council. 10. Removal of indigenous trees, scrub or other substantial vegetation for any purpose other than the above exceptions, shall require the written approval of Council. 11. The Council may determine a minimum standard of road boundary fencing after considering the approved use class and purpose or intent for which the Special Residential Zone was created. 12. All other boundary fencing shall be of a rural and open nature and shall exclude asbestos, pickets, sheet iron and any other material which in the opinion of Council would detract from the semi-rural amenity of the area. 13. Fencing at or within the building envelope may be of a closed screening nature provided the condition and colour of the fence does not detract from the semi rural amenity of the area and Council may require that the fencing be finished in a neutral harmonious colour on the outside face.

Location Lot Description	Permitted and AA Uses	Development Conditions
		<p>14. No person shall within a Special Residential zone:</p> <p>(a) Park or allow to remain stationary for more than four hours consecutively:</p> <p>(i) more than one commercial vehicle,</p> <p>(ii) any vehicle which due to size or load is not capable of being completely housed within a domestic garage approved by Council,</p> <p>(iii) a vehicle which together with its load exceeds 3 metres in height;</p> <p>(b) Repair, service or clean a commercial vehicle unless such work is carried out whilst the vehicle is housed in a domestic garage of a domestic building;</p> <p>(c) Park or allow to remain stationary a commercial vehicle of a load capacity exceeding 2 tonnes.</p>

SECOND SCHEDULE
Special Rural Zones

WANDI

Location Lot Description	Permitted and AA Uses	Development Conditions
Peel Estate Lot 688, 690, 691 Hope Valley Road, Mandogalup	<p>P Dwelling House Stables</p> <p>AA Private Recreation Home Occupation Public Utility</p> <p>X All other uses are not permitted.</p>	<p>1. Subdivision of Special Rural Zone No. 2 Horse Agistment and Pony Club activities is to be in accordance with Subdivision Guide Map No. 1 and endorsed by the Town Clerk.</p> <p>2. No lot shall be less than 4ha within the Special Rural Zone No. 2.</p> <p>3. No dwelling house shall be constructed within a Special Rural Zone Area No. 2 with a floor area of less than 70 square metres.</p> <p>4. Prior to the subdivision of Special Rural Zone No. 2 the subdividing owner shall build on the facility lot those facilities shown on the Plan of Subdivision No. 1.</p> <p>5. The subdividing owner shall fill those areas shown cross hatched on the Plan of Subdivision No. 1 to the 26 m A.H.D. level.</p>
Peel Estate Lots 693, 100, 104 Hope Valley Road, Mandogalup	<p>P Dwelling House Stables</p> <p>AA Private Recreation Home Occupation Public Utility</p> <p>X All other uses are not permitted.</p>	<p>1. Subdivision of Special Rural Zone No. 3 Horse Agistment and Pony Club activities is to be in accordance with the Subdivision Guide Map No. 1 and endorsed by the Town Clerk.</p> <p>2. No lot shall be less than 4 ha within the Special Rural Zone No. 3.</p> <p>3. No dwelling house shall be constructed within a Special Rural Zone Area No. 3 with a floor area of less than 70 square metres.</p>

Location Lot Description	Permitted and AA Uses	Development Conditions
Peel Estate Lots 119, 120, and 121 Rowley Road/ Lyon Road, Mandogalup	P Dwelling House Stables AA Private Recreation Public Recreation Home Occupation Public Utility X All other uses are not permitted.	1. Subdivision of Special Rural Zone No. 5 Horse Training and Equestrian activities shall be in accordance with Subdivision Guide Map No. 1 endorsed by the Town Clerk. 2. The minimum lot size shall be 2 hectares. 3. All front boundary fencing shall be erected by the subdivider prior to the approval of the subdivision. 4. Prior to the subdivision of the Special Rural Zone, the subdividing owner shall develop the lot set aside for horse training purposes to the Council's satisfaction. 5. Prior to the subdivision of the Special Rural Zone, the subdividing owner shall make arrangements for the management and maintenance of the training track lot to Council's satisfaction.
Peel Estate Lot 685 Certificate of Title Vol. 237 Fol. 100A	P Dwelling House Stables AA Private Recreation Public Recreation Home Occupation Public Utility X All other uses are not permitted.	1. Subdivision of Special Rural Zone No. 9 Horse Agistment and Pony Club Activities is to be in accordance with Subdivision Guide Map No. 1 endorsed by the Town Clerk. 2. The minimum lot size shall be 3 hectares. 3. Minimum dwelling size:— (a) Floor—no dwelling house shall be constructed within the Special Rural Zone No. 9 with an overall floor area (including walls) of less than 90 square metres. (b) Roof—no roof forming effective water catchment area connected to the storage tank shall be less than 90m ² projected plan area. 4. Provision for siting, waste disposal and access to the building site on lots 118, 119, 135 and 150 shall be to the Council's specification and satisfaction. No building site area shall be less than 1 000 square metres.
Peel Estate Lot 684 Lyon Road, Wandi Certificate of Title Vol. 1294 Fol. 773	P Dwelling House Stables AA Home Occupation Public Utility X All other uses are not permitted.	1. Subdivision of Special Rural Zone No. 11, Horse Training and Equestrian activities shall be in accordance with Plan of Subdivision No. 1 endorsed by the Town Clerk. 2. The minimum lot size shall be 2 hectares. 3. Minimum dwelling size:— (a) Floor—no dwelling house shall be constructed within Special Rural Zone No. 11 with an overall floor area (including walls) of less than 90m ² . (b) Roof—no roof forming effective water catchment area connected to the storage tank shall be less than 90m ² projected plan area.

Location Lot Description	Permitted and AA Uses	Development Conditions
Peel Estate Lots 117 and 118 Lyon Road, Wandi Certificate of Title Vol. 1236 and 283 Fol. 569 and 160A	P	4. The lots shown as No. 73 and 74 on plan of subdivision No. 1 shall be rehabilitated to the satisfaction of Council.
	AA	5. Within Special Rural Zone No. 11 a well licence must be obtained prior to constructing a well or bore to draw groundwater. Groundwater may be drawn from each of the lots to supplement household water supply needs and to supply water for irrigated development of an area of up to 0.1 hectares. The maximum amount of groundwater permitted to be drawn shall be 1 500 cubic metres annually.
	X	6. Activities carried out on this land shall not contravene the Metropolitan Water Authority By-laws applicable to underground water pollution control.
	P	1. Subdivision of Special Rural Zone No. 12 activities shall be in accordance with Plan of Subdivision No. 1 endorsed by the Town Clerk.
	AA	2. The minimum lot size shall be two hectares.
	X	3. In excess of two horses per lot will not be permitted unless the applicant can demonstrate to Council that the animals are correctly yarded and the lot will be managed in a manner to ensure that the soil and vegetation are not denuded.
	X	4. Minimum dwelling size:
		(a) Floor—no dwelling house shall be constructed within the Special Rural Zone No. 12 with an overall floor area (including walls) of less than 90m ² .
		(b) Roof—no roof forming effective water catchment area connected to the storage tank shall be less than 90m ² projected plan area.
		5. Within Special Rural Zone No. 12 a well licence must be obtained prior to constructing a well or bore to draw groundwater. Groundwater may be drawn from each of the lots to supplement household water supply water needs and to supply water for irrigated development of an area of up to 0.1 hectares. The maximum amount of groundwater permitted to be drawn shall be 1 500 cubic metres annually.
		6. Activities carried out on this land shall not contravene the Metropolitan Water Authority By-laws applicable to underground water pollution control.
Lot 115 Corner of Lyon and Hope Valley Road, Wandu	P	1. Subdivision of Special Rural No. 13, Lot 115, Lyon Road, is to be in accordance with plan of subdivision No. 1 endorsed by the Town Clerk.
	AA	2. The minimum lot size shall be two hectares.
	X	

Location Lot Description	Permitted and AA Uses	Development Conditions
Lot 683 Lyon Road, Mandogalup Lot 676 Lyon Road, Mandogalup Lot 673 Lyon Road, Mandogalup	P Dwelling House AA Home Occupation Public Utility X All other uses are not permitted.	<ol style="list-style-type: none"> 3. Crash barrier fences shall be constructed between the heads of the cul-de-sacs for fire fighting and escape purposes, and the lot owners shall maintain them in a manner such that they serve this purpose. 4. In excess of two horses per lot will not be permitted unless the applicant can demonstrate to Council that the animals are correctly yarded and the lot will be managed in a manner to ensure that the soil and vegetation are not denuded. 5. Minimum dwelling size: <ol style="list-style-type: none"> (a) Floor—no dwelling house shall be constructed within the area specified in column (a) with an overall floor area (including walls) of less than 90m². (b) Roof—no roof forming effective water catchment area connected to the storage tank shall be less than 90m² projected plan area. 6. Within Special Rural Zone No. 13 a well licence must be obtained prior to constructing a well or bore to draw groundwater. Groundwater may be drawn from each of the lots to supplement household water supply needs and to supply water for irrigated development of an area of up to 0.1 hectares. The maximum amount of groundwater permitted to be drawn shall be 1 500 cubic metres annually. 7. Activities carried out on this land shall not contravene the Western Australian Water Authority By-laws applicable to underground water pollution control. <ol style="list-style-type: none"> 1. Subdivision of Special Rural No. 16, Lot 683, 676 and 673 Lyon Road, is to generally in accordance with the approved plan of subdivision No. 1 endorsed by the Town Clerk. 2. The minimum lot size shall be two hectares. 3. No horses shall be permitted unless a management plan with the objective of keeping a full vegetation cover on the soil is submitted to the Local Authority which may, after consultation with the Department of Agriculture, approve the keeping of one horse only. Council may withdraw its permission for the keeping of livestock if in its opinion the number, type or management of the stock is leading, or will lead to degradation of the land or the vegetation, in which event such livestock shall be removed in accordance with the direction of Council.

Location Lot Description	Permitted and AA Uses	Development Conditions
		<p>4. Minimum dwelling size:</p> <p>(a) Floor—no dwelling house shall be constructed within the area specified in column (a) with an overall floor area (including walls) of less than 100m².</p> <p>(b) Roof—no roof forming an effective water catchment area connected to the storage tank shall be less than 120m² projected plan area.</p> <p>5. Within Special Rural Zone No. 16 a well licence must be obtained prior to constructing a well or bore to draw groundwater. Groundwater may be drawn from each of the lots to supplement household water supply water needs and to supply water for irrigated development of an area up to 0.1 hectares. The maximum amount of groundwater permitted to be drawn shall be 1 500 cubic metres annually.</p> <p>6. Activities carried out on this land shall not contravene the Western Australian Water Authority By-laws applicable to underground water pollution control.</p> <p>7. Any increase in stormwater runoff created by the development shall be catered for within the site and outlet flows to the Water Authority's drainage system shall not be increased. The developer shall at the subdivision stage provide the Water Authority with calculations and plans to demonstrate that storm water runoff from the subdivision will not increase discharge to the Water Authority's drainage system. Any improvements or addition to the existing drainage system as a result of any development shall be to the requirements of the Water Authority and shall be at the developers expense.</p> <p>8. Land within the building envelope is to be managed in such a manner as to avoid the land being laid bare of vegetation resulting in loose, wind erodible conditions. Land outside the building envelope is to be managed in such a manner that there will be no further clearing of the land save for vegetation that has to be removed for housing, firebreaks, outbuildings and access-way construction, the Council's approval shall be deemed as Council's written consent to remove vegetation.</p> <p>9. The subdividing owner shall undertake a tree planting programme over those areas shown on the Special Rural Zone No. 16 subdivisional guide plans at a density of not less than 1 000 stems per hectare, to encompass all land outside building envelopes including SECWA easements, with planting and management within easements being in accordance with SECWA's requirements.</p>

Location Lot Description	Permitted and AA Uses	Development Conditions
		<p>10. Notwithstanding Clause 6.10.4 (g), where the Subdivision Guide Plans define effluent disposal areas within building envelopes, these areas shall not be varied and the effluent disposal systems shall be built within.</p> <p>11. Prior to subdividing the owner shall erect a sign in a prominent place to inform future owners of the special conditions imposed on the land under Special Rural Zone No. 16, and that they must consult with Council before commencing development.</p> <p>12. Council may vary building envelopes in order to preserve declared rare flora.</p> <p>13. Prior to the approval of a plan or diagram of subdivision the subdivider shall define to the satisfaction of the Council, the location and size of building envelopes for each of the proposed lots. The Council's approval of the building envelopes shall be signified by the Town Clerk's signature on a plan showing the building envelopes.</p> <p>14. Conventional effluent disposal systems shall be constructed so as to achieve a minimum vertical separation of 2 metres between the system and the highest known groundwater level, and 100 metre horizontal separation from the Water Authority of Western Australia drain and areas of intermittent inundation as shown on the subdivisional guide plan. In addition Council may require the installation of an approved nutrient retentive effluent disposal system. Where Council requires an approved nutrient retentive effluent disposal system to be installed, the effluent disposal area shall be soil amended with a type and quantity of nutrient retentive material to the specification of the Water Authority of Western Australia and Council.</p>

MORTIMER ROAD

Location Lot Description	Permitted and AA Uses	Development Conditions
Lot 18 Mortimer Road and Lot 19 Casuarina Road	<p>P Dwelling House</p> <p>AA Private Recreation Home Occupation Public Utility Stables</p> <p>X All other uses are not permitted.</p>	<p>1. Subdivision of Special Rural Zone No. 4 shall be in accordance with Subdivision Guide Map No. 1 endorsed by the Town Clerk.</p> <p>2. The minimum lot size shall be 2 hectares.</p> <p>3. Minimum dwelling size:—</p> <p>(a) Floor—no dwelling house shall be constructed within the Special Rural Zone No. 4 with an overall floor area (including walls) of less than 90 square metres.</p>

Location Lot Description	Permitted and AA Uses	Development Conditions
		(b) Roof—no roof forming effective water catchment area connected to the storage tank shall be less than 90 square metres projected plan area.
Lot 13 Mortimer Rd Volume 1310 Folio 946	P Dwelling House AA Private Recreation Home Occupation Public Utility Stables X All other uses are not permitted.	1. Subdivision of Special Rural Zone No. 6 shall be in accordance with Subdivision Guide Map No. 1 endorsed by the Town Clerk. 2. The minimum lot size shall be 2 hectares.
Lots 23, 57, 58, 151 Corner of Casuarina and Mortimer Roads	P Dwelling House AA Private Recreation Home Occupation Public Utility Stables X All other uses are not permitted.	1. Subdivision of Special Rural Zone No. 7 shall be in accordance with Subdivision Guide Maps No. 1, 2 and 3 endorsed by the Town Clerk. 2. The minimum lot size shall be 2 hectares. 3. Minimum dwelling size:— (a) Floor—no dwelling house shall be constructed within the Special Rural Zone No. 7 with an overall floor area (including walls) of less than 90 square metres. (b) Roof—no roof forming effective water catchment area connected to the storage tank shall be less than 90 square metres projected plan area.

FROM TOWN OF KWINANA

Location Lot Description	Permitted and AA Uses	Development Conditions
Lots 51, 54 Woolcoot Road, Wellard	P Dwelling House AA Home Occupation Public Utility X All other uses are not permitted.	1. Subdivision of Special Rural Zone No. 15 is to be generally in accordance with the approved Plan of Subdivision for Special Rural Zone No. 15 dated March 7th, 1990 and endorsed by the Town Clerk. 2. The minimum lot size shall be 2 hectares. 3. The keeping of horses within Special Rural Zone No. 15 is prohibited. 4. Minimum dwelling size: (a) Floor—no dwelling house shall be constructed within the area specified in column (a) with an overall floor area (including walls) at less than 100 sq.m. (b) Roof—no roof forming effective water catchment area connected to the storage tank shall be less than 120 sq.m. projected plan area. 5. The subdividing owner shall undertake a tree planting programme over those areas shown on the Special Rural Zone No. 15 subdivision guide plan at a density of not less than 1000 stems per hectare.

Location Lot Description	Permitted and AA Uses	Development Conditions
		<ol style="list-style-type: none"> 6. The Council may specify that groups of trees are required to retain the rural character of the locality. No person shall remove without the prior written consent of Council any of those groups of trees. 7. All on-site effluent disposal systems shall be constructed so as to achieve a minimum vertical separation of 2m, between the system and the highest known groundwater level, and 100m, horizontal separation from the Water Authority of Western Australia drain and areas of intermittent inundation as shown on the subdivision guide plan. 8. Prior to subdivision the subdividing owner shall erect a sign in a prominent place to inform future owners of the special conditions imposed on the land under Special Rural Zone No. 15, and that they must consult with Council before commencing any development. 9. The subdividing owner of the land shall make arrangements to Council's satisfaction to ensure that prospective purchasers are advised of the sand excavation on the adjoining lot. 10. The subdividing owner shall make arrangements to Council's and the Department of Conservation and Land Management's satisfaction, to ensure that prospective purchasers are advised of the possibility of the existence of declared rare flora species of <i>Draberea Jeanensis</i> and <i>Diuris</i> Sp. (Kwinana) in the locality.

THOMAS ROAD

Location Lot Description	Permitted and AA Uses	Development Conditions
Lot 54, 55 Peel Estate and Lot 108 Thomas Road	P Rural Home Dwelling House AA Private Recreation Home Occupation Public Utility X All other uses are not permitted.	<ol style="list-style-type: none"> 1. Subdivision of Special Rural Zone No. 1 Rural Homes is to be in accordance with Subdivision Guide Map No. 1 Thomas Road Rural Homes and endorsed by the Town Clerk. 2. No dwelling house shall be constructed within a Special Rural Zone Area No. 1 with a floor area of less than 110 square metres.
Peel Estate Lot 701 and Lots Pt 54 and Pt 55 Thomas Road, Casuarina	<ol style="list-style-type: none"> 1. No use shall be permitted within any of the Tourist Development sites other than the following uses, the subject of an approval by the Council on 26 July 1972. <ol style="list-style-type: none"> (a) "C" Class Hospital (b) Health studio (c) Squash Court Centre (d) Caravan Park (e) Drive-in Theatre 	<ol style="list-style-type: none"> 1. Subdivision of the land within Special Rural Zone No. 14 being portion of Peel Estate Lot 701 and Lots Pt 54 and Pt 55 Thomas Road is to be generally in accordance with Plan of Subdivision No. 1 endorsed by the Town Clerk. 2. The minimum lot size shall be 0.8 hectares with an average lot size of 0.9 hectares over the whole development, but in calculating the average size the Tourist Development sites shall be excluded.

Location Lot Description	Permitted and AA Uses	Development Conditions
	<ul style="list-style-type: none"> (f) Heliport (g) Service Station (h) Shop (i) An 18 hole Golf Course (j) Tavern/Clubhouse (k) An Adventure Playground for Children (l) Swimming Pool (m) Motel with Ancillary Pumps. <p>Nothing herein shall be taken to have affected the scope and significance of the Council's approval on 26 July 1972 in respect of the Tourist Development Sites.</p>	<p>3. (a) Notwithstanding the provisions of clause 6.10, prior to final approval of a plan or diagram of subdivision the subdivider shall, define to the satisfaction of the Council and the EPA the position of strategic fire breaks and the location and size of the building envelopes for each of the proposed lots, other than those lots designated as Tourist Development sites on the Plan of Subdivision No. 1. The Council's approval of building envelopes shall be signified by the Town Clerk's signature on a plan showing the building envelopes after receiving written advice from the EPA.</p> <p>(b) No buildings shall then be constructed on any lot unless it is located within the boundaries of a building envelope on the approved building envelope plan.</p> <p>(c) Notwithstanding the requirements of condition 3(a) above, no building envelope shall be so located so that a building is capable of being constructed closer than 10 metres to the outside edge of the proposed 9 hole golf course lease area as delineated on Plan of Subdivision No. 1.</p> <p>4. Notwithstanding the provisions of Clause 6.10.4(i), indigenous trees, scrub or other substantial vegetation may be removed for the purpose of construction of a golf course within the lease/easement area of lots containing the golf course shown on Plan of Subdivision No. 1.</p> <p>5. Notwithstanding the provisions of clause 6.10.4(b), the minimum distance between the bottom of any effluent disposal system and the highest known water table shall be no less than 1.2 metres.</p> <p>6. No dwelling house shall be constructed within Special Rural Zone No. 14 with an overall floor area (including walls) of less than 110m².</p> <p>7. Notwithstanding clause 6.10.4(m), reticulated water shall be supplied to the boundary of all lots within Special Rural Zone No. 14 created by the subdivision.</p> <p>8. Within Special Rural Zone No. 14 a well licence must be obtained prior to commencement of a well or bore to extract groundwater. A maximum amount of 1,500 kilolitres of groundwater annually, may be drawn from each lot to supplement household water supply.</p>
	<p>2. (a) The following use is permitted ("P") within Special Rural Zone No. 14 outside those areas delineated as Tourist Development Sites—</p> <ul style="list-style-type: none"> (i) Dwelling house <p>(b) The following uses are not permitted unless the Council grants its approval in writing ("AA") within Special Rural Zone No. 14 outside those areas delineated as Tourist Development Sites—</p> <ul style="list-style-type: none"> (i) Home Occupation (ii) Public Utility. <p>(c) All other uses are not permitted ("X")</p>	

Location Lot Description	Permitted and AA Uses	Development Conditions
		<p>9. Notwithstanding clause 6.10.4(l), except with the approval of the Council, no boundary fence or internal fence shall be constructed of the following materials—</p> <p>(a) asbestos (b) metal sheeting (c) wooden pickets.</p> <p>Any approval of the Council to use any of the materials referred to in this item for a boundary fence shall not be regarded as satisfying the requirements of this condition unless the approval refers in express terms to the request for the use of those materials.</p> <p>10. Prior to the final approval of a plan or diagram of subdivision the developer shall have satisfied the Council that the proposed 9 hole golf course which falls within the boundaries of the rural/residential lots which are to be offered for sale is capable of being appropriately developed and administered by means of a suitable easement or lease agreement or other form of instrument, which inter alia ensures that no fencing, physical structures, uses or building not associated with the effective operation of a golf course are developed within the area designated for that purpose.</p> <p>11. Prior to final approval of a plan or diagram of subdivision the subdivider shall provide fencing along Thomas and Orton Roads to the specification and satisfaction of the Town of Kwinana.</p> <p>12. Prior to final approval of a plan or diagram of subdivision the subdivider shall, to the satisfaction of the Water Authority of WA, demonstrate the adequacy of the sewage disposal method proposed.</p>

THIRD SCHEDULE Special Uses

Description of Land (Lot, Street, Area)	Permitted Uses	Development Conditions
Lot C2 Calista Ave, Calista	Service Station	Refer Scheme Provisions
Lot 107 Thomas Rd, Casuarina	Service Station	Refer Scheme Provisions
Lot 1883, Burlington Street, Naval Base	Service Station	Refer Scheme Provisions
Pt Lot 417, Cnr Patterson Rd and Office Road, Kwinana Beach	Service Station	Refer Scheme Provisions
Pt Lot 4 Loc E5 Cnr Challenger and Meares Ave, Kwinana Town Centre	Service Station	Refer Scheme Provisions

Description of Land (Lot, Street, Area)	Permitted Uses	Development Conditions
Lot 116 Rockingham Rd, Naval Base	Hotel/Tavern	Refer Scheme Provisions
Lot 2 Chisham Ave, Kwinana	Hotel/Tavern	Refer Scheme Provisions
Lot M877 Pace Rd, Medina	Hotel/Tavern	Refer Scheme Provisions
Reserve No. 31245 Barrick Road, Calista	Aged Persons Home	Refer Scheme Provisions
Reserve No. 30070 Sawyer Road, Calista	Aged Persons Home	Refer Scheme Provisions
Lot 643 Bright Road, Calista	Aged Persons Home	Refer Scheme Provisions
Lot 248 Calista Avenue, Calista	Welfare Building	Refer Scheme Provisions
Lot 554 Gilmore Avenue, Kwinana	Pre-Primary	Refer Scheme Provisions
Lot 555 Pace Road, Medina	School	Refer Scheme Provisions
Lot 1 Gilmore Avenue, Medina	Cultural Centre	Refer Scheme Provisions

Appendix 1

BUILDING, OBJECTS AND PLACES THE PRESERVATION OF WHICH SHOULD BE ENCOURAGED

The following is a description of each site or building in the Town of Kwinana which is listed for its historical or aesthetic significance.

KEY COTTAGE

- Location** — Located on the North side of Wellard Road, 500 metres from the Mandurah Road.
- History** — Edward Key built the cottage around 1841, that was named 'Monas Mount'. The cottage is constructed from hand hewn blocks of Rockingham limestone. Small sheoak shingle roofing tiles put up by Edward Key have been covered with sheet metal roofing material.
- 'Monas Mount' is one of the best preserved and possibly the oldest houses in the Kwinana District.

WHEATFIELD COTTAGE

- Location** — Located on the golf course, Wellard Road, eastward of Mandurah Road.
- History** — The land was part of the first wheat producing farm in W.A. The first owner of the cottage was Mr. Marshall McDermott, a Justice of the Peace in 1842. In 1899 the cottage was owned by Alexander and Sir John Forrest.
- In 1954, following a number of owners the cottage was revested in Her Majesty as part of her former estate. Shortly after the cottage was restored back to its former dignified appearance. The cottage is one of the oldest and best preserved in Western Australia. It has subsequently been recorded by the National Trust and is referred to as the 'Greenkeepers Cottage'.

LEAHOLM

- Location** — Located off the Mandurah Road, south of the East Rockingham cemetery and east of the railway line.
- History** — 'Leaholm' is the name of the Mead family cottage nestling among gum trees. In 1895, a new house was built west of the original house, which was pulled down in 1965.
- Rockingham honeycomb limestone was the main material used in the original cottage and provided blocks for the walls of the new 'Leaholm'.

SLOAN COTTAGE AND SURROUNDS

Location — Located on Sloan Reserve, adjacent to Wellard Road and opposite the Kwinana Golf Course. The house was constructed about 1911 by George Samuel Sloan and was restored in the early 1970's by Walter Edward Prockter, J.P., who was a former Deputy Mayor.

The land is classified by the National Trust, nominated in 1982, including Reserve 25132 and Woodlands.

The area classified by the National Trust in June 1986 includes Sloans Reserve, portions of western limestone ridge, World War 2 bunkers, area to the south of Sloans Reserve, Aboriginal archeological and prior campsites.

SMIRK COTTAGE

Location — Located adjacent to the Kwinana Depot and is the second dwelling to bear the same name.

History — The original building was built in about 1856 by Thomas Smirk and has long since been demolished. The present cottage is thought to have been built by Thomas Smirk's son in about 1917. Smirk's cottage should be integrated within the adjacent passive recreation spine.

"PARADISE" Thomas's Cottage built by Joseph and Amelia Thomas 1870. Accessible from Tasker Road between the Pines and Key Cottage.

"THE PINES" Thorpe's Cottage. Built 1855. Owned by Benjamin and Jane Thorpe. The pine trees were planted in 1925 and stand as a landmark. Accessible via Tasker Road east of the railway marshalling yards.

"SCHOOL HOUSE" Mandogalup Cottage/School House—1921 was the first school at Mandogalup with teacher George Forster. The school house has since been demolished, but remains as a site/place of heritage significance.

Appendix 2

TOWN PLANNING AND DEVELOPMENT ACT 1928 (as amended)

Town of Kwinana

FORM FOR APPLICATION FOR PLANNING APPROVAL

Please read instructions and notes prior to completion of Form. (Insufficient detail will delay time of approval.)

This form should be completed and forwarded to the Kwinana Town Council with three (3) copies of site plans showing the dimensions of the development and dimensions of the development relative to the surveyed lot boundaries and existing buildings drawn at an appropriate scale.

A locality plan showing the relationship of the subject land to the area should be provided.

In the case of development requiring State Planning Commission approval, 3 copies of the above plans should be provided together with a completed M.R.S. Form 1, "Application for Approval to Commence Development".

In areas where development is occurring on adjoining land during the course of construction, plans shall show the siting of buildings and uses on lots immediately abutting the subject land.

1. Owner of Land on which development is proposed:

Surname: Given Names:

Address:

2. Submitted by:

3. Address for Correspondence:

4. Locality of Development: No. Street Suburb

5. Titles Office Description of Land:

Lot No.	Plan or Diagram	Location Number	Cert. of Title Vol.	Folio
.....
.....

6. Nearest road junction or intersection:

7. Description of proposed development and land use:

-

8. Purpose for which site will be used:

9. State approximate cost of proposed development:

10. State estimated time of completion (after approval granted):

Signed: Signed:
Applicant Owner or Purchaser of the Land

Date: Date:

Notes

1. This application must only be signed by the owner, or purchaser under option, of the land on which the development is proposed.
2. This is not an application for a building licence. Separate application forms and plans are to be submitted (if required), after Planning Approval has been obtained.
3. This application is to be submitted, together with copies of the required plans requested, to the Kwinana Town Council Office, Gilmore Avenue, Kwinana 6167.

For Office Use Only:

File No: Gross Floor Area
Lot Area Date Received
Zone Effective Frontage
Use Table Symbol Use Class

Appendix 3

TOWN PLANNING AND DEVELOPMENT ACT 1928 (as amended)

Town of Kwinana

DECISION ON APPLICATION FOR PLANNING APPROVAL

Lot No.
House No.
Street
File No.

Description of Proposed Development:
.....
.....

Name of Owner of Land on which Development is Proposed:

Surname: Given Names:

Address:
.....

Council's Planning Approval to the proposed development, described on the application dated and the accompanying plans, is REFUSED/GRANTED subject to the following conditions/for the following reasons:

The Planning Approval is valid for a period of

If development is not completed within this period, a fresh approval must be obtained before commencing or continuing with development.

Date: Signed:

Town Clerk

Appendix 4

INTERPRETATIONS

As provided for in Clause 1.9 to this Scheme, the following terms, unless the context otherwise requires, shall have the respective meanings and interpretations set out hereunder:

Absolute Majority of Council means a total majority of the members for the time being of the Council whether present and voting or not.

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

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.

Amusement Centre means a building or part of a building or land used or adopted for use as a commercial enterprise where slot, pinball and other machines and facilities are available to the public for amusement.

Application for Planning Approval means an application for approval to commence development or change in the use of land made pursuant to Part II of the Scheme.

Approved Plan means any plan forming part of an application for Planning Approval endorsed with the approval of the Council.

- Aquaculture means any fish farming operation for which a fish farm licence issued pursuant of the provisions of Part V of the Fisheries Act 1905 (as amended) and the fisheries regulations 1938 (as amended) is required.
- Arcade means a covered pedestrian way which is designed or used as the principal means of pedestrian access to shops or commercial or civic buildings.
- Awning shall have the same meaning as is given to it in the by-law relating to verandahs and awnings over streets, *Government Gazette* No. 103, of 10th December, 1964.
- Boatel means a building, or group of buildings or place used or intended to be used to accommodate patrons in a manner similar to a hotel or guest house but in which special provision is made for the accommodation of patrons with boats.
- Boat Sales means a building or part of building or land used for the sale of boats and ancillary equipment and includes servicing and minor repairs thereto.
- Building means any structure or appurtenance thereto whether fixed or movable, temporary or permanent, and includes a stall, fence, wall, barrier, hoarding, outbuilding and swimming pool.
- 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.
- Bus Station means land and buildings designed or adapted for use as a public transport bus terminal or transfer station, but does not include associated bus depot facilities.
- Caravan Park means an area set aside for the parking of caravans in conformity with the Health Act (Caravan Park and Camping Grounds) Regulations 1974, made under the provisions of the Health Act, 1911 (as amended) and the Local Government Model By-law (Caravan Parks and Camping Grounds) No. 2 made pursuant to the powers conferred by the Local Government Act, 1960 (as amended) and any amendments to those Regulations or to that Model By-law.
- 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.
- 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.
- Chicken Farm means a caged system of poultry housing as defined in Section V of Part IX Offensive Trade of the Health Act By-laws Series A. Poultry Farm shall have the same meaning.
- Civic Building means a building designed, used or intended to be used by Government Departments, statutory bodies representing the Crown, or by the Council as offices or for administrative or other like purposes.
- Club means a building or premises used or designed for use or adapted for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Act 1970 as amended or re-enacted or not and which building or premises are not otherwise classified under the provisions of the Scheme.
- Colonnade means a covered pedestrian way adjoining a public space which is open to the sky.
- Commercial Hall means any building which is used or designed for use or adapted for use primarily for the purpose of hiring the same for use by others or in respect of the use of which an admission charge is made and which building is not otherwise classified under the provisions of the Scheme.
- Commission means the State Planning Commission constituted under the State Planning Commission Act 1985.
- 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, a chiropractor, a chiropodist, or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments.
- Control of Access has the same meaning as given to it in the Main Road Act No. 5 of 1930 as amended as follows: in relation to any road means that a section or part of that road is intended for use by prescribed traffic without avoidable hindrance, whether from traffic from an intersecting road or otherwise, and that such section or part of the road has been declared by proclamation to be subject to control of access and may be entered or departed from at specified places only.
- Courtyard means pedestrian space enclosed or substantially enclosed by buildings and open to the sky.
- Development means in accordance with the Act the use including a material change in the use of development of any land and includes the erection, construction, alteration or carrying out as the case may be, of any building, excavation, filling or other works on any land.
- Dog Kennels means land and buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.
- District means the Municipality of the Town of Kwinana.
- Drive-in Takeaway Food Shop means any building or part thereof which is used or is adapted for use for the sale of cooked food for consumption off the premises and which provides driveways and car parking spaces for customers.

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.

Dwelling means a building or portion of a building containing at least one living room and includes rooms, outbuildings and other structures attached to or separate from such building but ancillary thereto; such building or portion thereof being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by;

- a single person
- a family, or
- no more than six (6) persons who do not comprise a single family.

Eating House means any house, building or structure or any part thereof in which meals are served to the public for gain or reward. The term does not include:

- (a) any premises in respect of which an hotel licence, a limited hotel licence, a tavern licence, a restaurant licence or winehouse licence has been granted under the Liquor Act.
- (b) any boarding house, lodging house or hostel, or
- (c) any building or other structure used temporarily for serving meals to the public at any fair, show, military encampment, races or other public sports, games or amusements.

Educational Establishment means a school, college, university, technical institute, kindergarten, 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 the lot at the minimum distance from the street alignment at which buildings may be constructed.

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, in accordance with the conditions set out in Part VIII Non-Conforming Use of Land.

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.

Factory Unit means each portion of a factory tenement building which is designed or adapted for occupation as a separate undertaking and factoryette shall have the same meaning.

Family Day Care Centre means a day care centre as defined by the Child Welfare (Care Centres) Regulations 1968, published in the *Government Gazette* of 15th July 1968.

Fish Shop means a shop where the goods kept exposed or offered for sale include wet fish or fish cooked on the premises for consumption off the premises.

Floor Area means the aggregate superficial area of so many horizontal sections of a building as there are floors or storeys in that building and the horizontal section of each floor shall be made at the point of its greatest surface dimensions, inclusive of external walls and of such portions of the party walls as belong to the building and also of all verandah and balcony floors, covered ways and light courts, but does not include the area of any part of the building used exclusively for the parking of wheeled vehicles.

Forestry (Selective) means the use of land for the purposes of planting, growing and felling of timbers nominated by Council for commercial gain.

Frontage means the boundary line between a site and the street which that site abuts, and when the site abuts on more than one street, then the boundary line between the site and the street to which the main building erected thereon, fronts. If no building has been erected, or if the building appears to front on to more than one street, then the frontage shall be the boundary line between the site and the street nominated by the Council.

Fuel Depot means a depot for the storage or sale in bulk 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 this Town Planning Scheme is published in the *Government Gazette*.

General Industry means any industry other than a hazardous, light, noxious, rural, extractive or service industry.

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

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 maternal or X-Ray centre, a district clinic, a masseur's establishment, or a medical clinic.

Health Studio means a building designed and equipped for recreation and sporting activities and includes outdoor recreation if especially approved by Council.

Holiday Accommodation means buildings constructed in accordance with the provisions of Model By-law No. 18 (Holiday accommodation) and used for the short term accommodation of tourists and holiday makers and includes convention centres, halls and other buildings for the amenity of the residents but does not include an Hotel or a Motel.

Home Occupation means an occupation or profession carried on in a dwelling house by a person resident therein 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 waste 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 square metres;
- (d) does not require the provision of any essential service main of greater capacity than normally required in the Zone in which it is located;
- (e) is not advertised by a sign exceeding 0.2 square metres in area;
- (f) does not give rise to any pedestrian or vehicular traffic substantially beyond that which is normal to the neighbourhood in which the business is located;
- (g) is so conducted that, with the exception of a sign complying with paragraph (e) hereof, no indication is given that the house is used for other than residential purposes;
- (h) does not involve the use of commercial vehicles exceeding 1 tonne in weight for the delivery and collection of materials to or from the premises, and
- (i) does not require the outdoor storage of materials or supplies;
- (j) has been granted planning approval of Council for a specified period.

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 premises in respect of which there is granted an hotel licence under the Liquor Act 1970 as amended or re-enacted.

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 of business for gain, other than operations connected with:
 - (i) the carrying out of agriculture;
 - (ii) site work on buildings, work on 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.

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

- The production of grapes, vegetables, flowers, exotic and native plants, fruit, and nuts;
- The establishment and operation of plant and fruit nurseries.
- The development of land for irrigated fodder production and irrigated pasture (including turf farms);
- The development of land for the keeping, rearing or fattening of pigs, poultry (for egg or meat production), rabbits (for meat or fur production), and livestock in feedlots;
- Dairy milking sheds;
- The development of land for the keeping, rearing or fattening of other livestock above those stocking rates recommended by the Department of Agriculture for the applicable pasture type in consultation with surrounding.

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.

Landscaped Area means any area developed with, or by the planting of lawns, garden beds, shrubs and trees and includes any portion of a site developed with rockeries, ornamental ponds, swimming pools, barbecue areas or children's playgrounds and any area approved of by the Council as landscaped area.

Laundry (Industrial) means land or buildings used for the cleaning of garments and other fabrics using water and solvents and wherein customer service is rendered.

Laundry (Laundrette) means land or buildings wherein machines used for the cleaning of garments and other fabrics are available for public use.

Licensed Restaurant means a premises in respect of which there is granted a restaurant licence under the Liquor Act 1970 as amended or re-enacted.

Light Industry means an industry:

- (a) in which the processes carried on, the machinery used, and the carriage of goods and commodities 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, steam, 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.

Liquor Store means premises in respect of which a liquor store licence has been granted under the Liquor Act 1970.

Local Shop means a shop with or without an attached dwelling wherein the only goods offered for sale are foodstuffs, normally available from a delicatessen, toiletries, stationery or goods of a similar domestic nature intended for day to day consumption or use by persons living or working in the locality of the shop. Corner store shall have the same meaning.

Lodging House means a building or structure permanent or otherwise in which provision is made for boarding or lodging more than four persons, exclusive of family members of the keeper thereof, for hire or reward but the terms do not include:

- (a) a motel;
- (b) premises used as a boarding school approved under the Education Act 1928; or
- (c) a building containing flats.

Lot shall have the same meaning as is given to it in and for the purposes of the Act and allotment has the same meaning.

Marina means a safe anchorage for small boats, at which provisions, supplies etc may be obtained.

Medical Clinic means premises in which facilities are provided for the practice of more than one medical practitioner or dental practitioner, physiotherapist, chiropractor or masseur.

Minister means the Minister for Planning or such other member of Executive Council as is for the time being charged by the Governor with the administration of the Act.

Motel means a building, group of buildings or place used or intended to be used, designed or adapted for use to accommodate patrons in a manner similar to a hotel or boarding house but in which special provision is made for the accommodation of patrons with motor vehicles.

Motor 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.

Museum means a place preserving and exhibiting works of nature, art, curiosities, etc., also any collection of such objects.

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.

Non-Residential Health Centre means a health centre which is not used or adapted for use for residential purposes.

Noxious Industry means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act 1911 (as amended) or a scheduled premises within the meaning of the Clean Air Act (as amended) but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, chicken farm, piggery or the carrying out of agriculture for the growing, rearing or producing of animal, bird, fish or vegetable matter for human or animal consumption being a process carried out in the course of trade or business for gain.

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.

One-Way Access means a driveway or accessway within a car parking area which is used or intended to be used by motor vehicles in one direction only.

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

Open Air Storage Yard means land and buildings used for the storage of materials 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.

Parking Angle means the angle of less than ninety degrees, which the long side of a car parking bay makes with the centreline of the driveway or accessway of a car parking area.

Petrol Filling Station means land and buildings used for the supply of petroleum products and automotive accessories.

Piggery means any building, enclosure or yard in which one or more pigs are kept, bred, reared or fattened for the purpose of trade.

Predominant Use means the primary use of land and to which all other uses carried on on the land are subordinate, incidental or ancillary.

Private Hotel means land and buildings in respect of which a limited hotel licence has been granted under the provisions of the Liquor Act 1970.

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 Office means a building used for the purposes of his profession by an accountant, architect, artist, author, barrister, chiropodist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), town planner, or valuer, or a person having an occupation of a similar nature.

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 building or land set aside, designed or intended for use by the public for the purpose of amusement, entertainment or recreation not being a building or land which is otherwise classified under the provisions of the Scheme.

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 means land or 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.

Recreational Facilities means land or buildings designed, used or adapted for use for the purpose of public tennis courts, public or private swimming pools, squash courts or centres, basketball centres, gymnasias and skating rinks and for all other similar purposes in respect of which a charge is made for the use thereof.

Redevelopment means revision or replacement of an existing land use according to a controlled plan.

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

- Temporarily by two or more people; or
- Permanently by seven or more persons who do not comprise a single family, but does not include hospital or sanatorium, a prison, a hotel, a motel or a residential school.

Restricted Premises means any premises, part or parts thereof, used or designed to be used primarily 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.

Service Industry means a light industry carried out 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 supply of petroleum products and automotive accessories and includes greasing, tyre repairs, and minor mechanical repairs.

Shop means any building wherein goods are kept exposed or offered for sale by retail, a receiving depot, a bank, a hairdresser's premises and an estate agency, but does not include a local shop, corner store, pet meat shop, pet shop, eating house, fuel depot, a market, service station, milk depot, marine store, timber yard, vehicle sales premises, or land and buildings used for any purpose falling within the definition of industry.

Showrooms means rooms in connection with warehousing or offices in which goods of a bulky character are displayed but in which the predominant use is not the sale of goods.

Stables means land and buildings used or adapted for use for the keeping of horses.

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.

Tailings Ponds means an area of land excavated, bunded and otherwise developed to secure the tailings liquid or byproducts of an industry or works.

Tavern means premises in respect of which there is granted a tavern licence under the Liquor Act 1970 as amended or re-enacted.

Trade Display means the controlled and moderate display of goods for advertisement as approved by Council.

Transport Depot means land or buildings designed, used or adapted for use:

(a) for the garaging of vehicles used or intended for use for the carriage of goods for hire or reward or

(b) for the transfer of goods from one such vehicle to another such vehicle, and

(c) for the storage of goods associated with the reasonable functioning of such depot,

whether or not such land or buildings are also used for the maintenance and repair of such vehicles.

Vehicle Sales means land and buildings used for the display, sale and/or hiring of vehicles other than bicycles, whether new or second-hand, but does not include a workshop.

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

Veterinary Clinic means any premises used or designed or adapted for use in the practice of his profession by a registered veterinary surgeon other than for the purpose of the hospitalisation or boarding of animals.

Veterinary Hospital means any premises used or designed or adapted for use in the practice of his profession by a registered veterinary surgeon which premises include provision for the hospitalisation or boarding of animals whilst receiving treatment.

Warehouse means any building or enclosed land, or part of a building or enclosed land, used for, designed or adapted for use for the storage of goods whether or not commercial transactions involving the sale of such goods by wholesale are carried out in or on such building or land.

Appendix 5

Town of Kwinana

Town Planning Scheme No. 2

Notice of Public Advertisement of Development Proposal

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

LAND DESCRIPTION

Lot No. Street

Proposal

.....

.....

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

..... 19.....

.....

Town Clerk

Date

Appendix 6

EXEMPTED ADVERTISEMENTS PURSUANT TO DIVISION 11

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (Includes the change of posters on poster signs) and applies to non-illuminated signs unless otherwise stated.	Maximum Area of Exempted Sign
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly.	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-in Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ² .
Shops, Showrooms and other uses appropriate to a Shopping Area.	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	Not Applicable
Industrial and Warehouse Premises.	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. Advertisement greater than six metres in height and 30m in length applied to or affixed to the wall of a building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements shall not exceed 15m ² . Area of sign shall be no more than one third of the height of the height of the wall and two thirds of the length of the wall. Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	N/A
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a government department, public authority or the council of a municipality, and	N/A N/A

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (Includes the change of posters on poster signs) and applies to non-illuminated signs unless otherwise stated.	Maximum Area of Exempted Sign
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A
Railway Property and Reserves.	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.
Advertisements within Buildings.	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
Temporary Signs	Exempted Sign Type and Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Sign
All classes of buildings other than single family dwellings.	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows):		
(i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
(ii) Multiple Dwellings, Shops Commercial and Industrial projects.	One sign as for (i) above.	5m ²
(iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (i) above. One additional sign showing the name of the project builder.	10m ² 5m ²
Sales of Goods or Live-stock.	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
Property Transactions. Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows:		
(a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m ² .

Temporary Signs	Exempted Sign Type and Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Sign
(b) Multiple dwellings, shops, Commercial and Industrial Properties.	One sign as for (a) above.	Each sign shall not exceed an area of 5m ² .
(c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.	One sign as for (a) above.	Each sign shall not exceed an area of 10m ² .
Display Homes.		
Advertisement signs displayed for the period over which homes are on display for public inspection.	(i) One sign for each dwelling on display. (ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m ² 5m ²

Appendix 7

CONTROL OF ADVERTISEMENTS

ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL
(to be completed in addition to Application for Approval to Commence Development)

1. Name of Advertiser (if different from owner):
.....
 2. Address in full:
 3. Description of Property upon which advertisement is to be displayed, including full details of its proposed position within that property:
 4. Details of Proposed Sign:
Height: Width: Depth:
Colours to be used:
Height above ground level (to top of Advertisement:
(to Underside:
Materials to be used:
Illuminated: Yes/No
If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating etc:
If yes, state intensity of light source:
 5. State period of time for which advertisement is required:
.....
 6. Details of signs, if any, to be removed if this application is approved:
.....
.....
.....
- N.B. Application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6 above.
- Signature of Advertiser(s):
(if different from land owners)
- Date:

Adoption

Adopted by Resolution of the Council of the Town of Kwinana at the Meeting of the Council held on the 20th day of May 1986.

J. H. D. SLINGER, Mayor.

R. K. SMILLIE, Town Clerk.

Dated 22 October 1992.

Final Approval

1. Adopted by Resolution of the Council of the Town of Kwinana at the Ordinary Meeting of the Council held on the 22nd day of July 1992 and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

J. H. D. SLINGER, Mayor.

R. K. SMILLIE, Town Clerk.

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in Clause 1.4 of this Scheme and to which formal approval was given by the Hon. Minister for Planning on the date shown below.

2. Recommended/submitted for final approval by the State Planning Commission.

R. N. STOKES, for Chairman,
State Planning Commission.

Dated 26 October 1992.

3. Final approval granted.

Hon DAVID SMITH, Minister for Planning.

Dated 28 October 1992.

PORT AUTHORITIES

PH401**FREMANTLE PORT AUTHORITY ACT 1902****APPLICATION FOR LEASE**

In accordance with the provisions of section 27 (4) of the Fremantle Port Authority Act 1902, Fremantle Port Authority of 1 Cliff Street, Fremantle advertises that application has been received from Perth Diving Academy Pty Ltd for the lease of an area delineated as FPA Lot R6 situated on land vested in the Fremantle Port Authority for a term exceeding three years for the purpose of a diver training facility.

Dated 4 November 1992.

C. LEATT-HAYTER, Planning and Development Manager.

PREMIER AND CABINET

PR401**MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that His Excellency the Governor has approved the following temporary allocation of portfolio for an indefinite period:

Acting Minister for Health—Hon I. F. Taylor MLA.

M. C. WAUCHOPE, Acting Chief Executive,
Department of the Premier.

RACING AND GAMING

RA301

LIQUOR LICENSING ACT 1988

LIQUOR LICENSING AMENDMENT REGULATIONS (NO. 2) 1992

Made by His Excellency the Lieutenant-Governor and Administrator in Executive Council.

Citation

1. These regulations may be cited as the *Liquor Licensing Amendment Regulations (No. 2) 1992*.

Commencement

2. These regulations shall come into operation on 1 January 1993.

Principal regulations

3. In these regulations the *Liquor Licensing Regulations 1989** are referred to as the principal regulations.

[* Published in the Gazette of 27 January 1989 at pp.209-61.
For amendments to 15 October 1992 see 1991 Index to Legislation
of Western Australia, p.402 and Gazette of 21 February 1992.]

Schedule 3 amended

4. Schedule 3 to the principal regulations is amended —

- (a) by deleting item 17 and substituting the following item —
“ 17. Copy of plan — per sheet 10.00 ”;
and
- (b) by deleting item 22 and substituting the following item —
“ 22. For a search of records of
licences — per licence 10.00 ”.

Various fees amended

5. The principal regulations are amended in the provisions specified in column 1 of the Table to this regulation by deleting the fees respectively set out in column 2 of the Table and substituting in each case the corresponding fee set out in column 3 of the Table.

TABLE		
Column 1 Provision	Column 2 Deleted fee \$	Column 3 Substituted fee \$
Regulation 19	100.00	105.00
Regulation 20 (b)	100.00	105.00
Regulation 21 (a)	250.00	265.00
Regulation 21 (b)	100.00	105.00
Schedule 3		
Item 1	200.00	210.00
Item 2	50.00	55.00
Item 3 (a)	8.00	10.00
Item 3 (b)	8.00	10.00
Item 4	150.00	160.00
Item 5	15.00	20.00
Item 8	50.00	55.00
Item 9 a	50.00	55.00
Item 10	10.00	15.00
Item 11	40.00	45.00
Item 12	50.00	55.00
Item 13	10.00	15.00
Item 14	30.00	35.00
Item 15	60.00	65.00
Item 16	6.00	10.00
Item 19	1.50	10.00
Item 20	2.00	10.00
Item 21	2.00	10.00

By His Excellency's command,

D. G. BLIGHT, Clerk of the Council.

RA401

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: 425 1888), or consult a solicitor or relevant industry organisation.

App No.	Applicant	Nature of Application	Last Day for Objections
TRANSFER OF LICENCE			
132	Evangelia Kassinas	Application to transfer restaurant licence in respect of premises known as Burgundy Rose Restaurant and situated at 1514 Albany Highway, Cannington, from Babura Pty Ltd (s.87)	8/12/92
133	P. C. and P. Basioli	Application to transfer liquor store licence in respect of premises known as Sixways Liquor Store, and situated at 262 Kalamunda Rd, Maida Vale from Cog Nominees Pty Ltd	24/11/92
134	IMTC Pty Ltd	Application to transfer tavern licence in respect of premises known as Ballajura Tavern, and situated at Alexander Drive, Ballajura from Bolivia Nominees Pty Ltd	8/12/92
135	P. M. Hine and Leros Pty Ltd	Application to transfer tavern licence in respect of premises known as Henry Africa's and situated at 531 Hay Street, Subiaco from Terara Pty Ltd	23/11/92
136	Huu Phu Nguyen	Application to transfer restaurant licence in respect of premises known as All Seasons Chinese Restaurant and situated at 153 Morley Drive, Morley from Wongs Holdings Pty Ltd	30/11/92
NEW LICENCE			
82	Geograph Bay Yacht Club Inc	Application for the grant of a club licence in respect of premises known as Geograph Bay Yacht Club Inc and situated at 1 King Street, Busselton	17/12/92
84	L. M. Russon	Application for the grant of a restaurant licence in respect of premises known as Pinjarra Motel and situated at 131 McLarty Road, Pinjarra	25/11/92
85	L. Trimboli	Application for the grant of a restaurant licence in respect of premises known as Cafe Galleria and situated at shop 5, 160-166 James Street, Northbridge	4/12/92
86	K. E. Gravenall	Application for the grant of a liquor store licence in respect of premises to be known as Moore River Road House Liquor Store and situated at lot 206 Mortimer Road, Guilderton	27/11/92
87	Scares Resources Pty Ltd	Application for the grant of a restaurant licence in respect of premises to be known as Perogi Cafe and situated at 26 Denis Street, Subiaco	12/12/92

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

G. B. AVES, Director of Liquor Licensing.

SERVICES

SA401

STATE SUPPLY COMMISSION ACT 1991

It is hereby notified for general information that, pursuant to section 28 (3) of the State Supply Commission Act 1991, the State Supply Commission has issued the following supply policy, which is applicable to all public authorities:

Supply Policies—National and International Trade Standards Countertrade.

Dated 20 November 1992.

L. W. GRAHAM, Chairman,
State Supply Commission of Western Australia.

TENDERS

ZT201

MAIN ROADS

Tenders

Tenders are invited for the following projects.

Tender documents are available from the Clerk in Charge, Orders Section, Ground Floor, Main Roads, Waterloo Crescent, East Perth.

Tender No.	Description	Closing Date
		1992
156/92	Litter collection and disposal various roads Carnarvon Division ..	November 26
107/92	Road construction and reconstruction Brand Highway, Rudds Gully Section 356.6 to 359.7 SLK	November 15

ZT202

Acceptance of Tenders

Contract No.	Description	Successful Tenderer	Amount
			\$
77/92	Supply and delivery crushed aggregate. Northam Division	Various suppliers	545 723.70
24/92	Road and bridge construction. Bunbury- Augusta Road, Stratham-Capel Sec- tion	Macmahon Construc- tion	3 072 319.04
92Q34	Supply and delivery ten (10) only per- sonnel carriers	Howard Porter	18 330.00
92Q31	Supply and delivery one (1) only used Autoloader	MCR Computer Resources	7 750.00
92Q33	Supply the services of a database con- sultant for ADABASE/Natural sup- port	Dynamic Business Resources	46 224.00

D. R. WARNER, Director, Corporate Services.

ZT301

STATE SUPPLY COMMISSION

Tenders Invited

Tender forms and full particulars of the Schedule hereunder may be obtained on application at the State Supply Commission, 815 Hay Street, Perth, 6000.

TELEPHONE No. 222 8491 or 222 8241

FACSIMILE No. 321 7918

Date of Advertising	Schedule No.	Description	Date of Closing
1992			1992
Oct. 16	499A1992	Nine (9) only Diesel Alternator Set in accordance with Western Australian Government Railways Commission Specification CME No. 2600-9/92Extended	Nov. 26
Nov. 6	511A1992	Supply and delivery of one (1) to nine (9) only Class 95 Graders for Main Roads	Nov. 26
Nov. 6	512A1992	Supply and delivery of one (1) to three (3) only Triple Axle Low Loaders for Main Roads	Nov. 26
Nov. 6	513A1992	Supply, delivery, installation and commissioning of an Automated Analytical System for the Determination of Chemicals in Plant Material for the Chemistry Centre (WA)	Nov. 26
Nov. 13	455B1992	Supply, installation and commissioning of Diagnostic Ultrasound Scanner for the Vascular Surgery Department at Fremantle Hospital	Dec. 3
Nov. 13	518A1992	Supply and delivery of Meat to Healthcare Foods	Dec. 3
Nov. 13	519A1992	Supply and delivery of one (1) to two (2) Class 110 Grader for Main Roads	Dec. 3
Nov. 13	520A1992	Supply and delivery of one (1) to two (2) Class 150C Crawler for Main Roads	Dec. 3
Nov. 13	524A1992	Construction, supply and delivery of a new Semi Trailer—Mammography Screening Unit for the Health Department	Dec. 10
Nov. 20	525A1992	Supply and delivery of one (1) to three (3) Class 150C Crawler Dozers for Main Roads	Dec. 10
Nov. 20	526A1992	Supply and delivery of one (1) to four (4) Class 4WB Back Hoe Loaders for Main Roads	Dec. 10
Nov. 20	527A1992	Supply and delivery of one (1) to two (2) 16 Tonne Multi Tyred Self Propelled Rollers for Main Roads	Dec. 10
Nov. 20	528A1992	Supply and delivery of one (1) to two (2) 20/23 Tonne Multi Tyred Self Propelled Rollers for Main Roads ...	Dec. 10
Nov. 20	529A1992	Supply and delivery of one (1) to two (2) 4WD Telescopic Materials Handler for Main Roads	Dec. 10
Nov. 20	530A1992	Supply and delivery of one (1) to two (2) Vibrating Road Tandem Rollers for Main Roads	Dec. 10
Nov. 20	533A1992	Supply and delivery of one (1) to two (2) 4WD Tractors Mounted on Rubber Tyred Wheels for Main Roads ...	Dec. 10
Nov. 20	535A1992	Supply, delivery, installation and commissioning of a Gas Chromatography/Mass Spectrometer Facility—Department of Minerals and Energy	Dec. 10
Nov. 20	531A1992	Supply and delivery of one (1) to three (3) Self Propelled Smooth Drum Vibrating Rollers for Main Roads	Dec. 17
Nov. 20	532A1992	Supply and delivery of one (1) to ten (10) Heavy Tractors for Main Roads	Dec. 17
<i>For Service</i>			
Nov. 13	140A1992	Freight Service/s from the Perth metro area to nominated country areas for a two (2) year period with an option exercisable by the Commission of extending for two (2) further one (1) year periods	Dec. 3
Nov. 20	534A1992	Service for the Development of a Computer Based Training Program to Support the Implementation of the Client and Community Services System (CCSS)—Department for Community Development	Dec. 10

STATE SUPPLY COMMISSION—*continued*
Tenders Invited—*continued*

Date of Advertising	Schedule No.	Description	Date of Closing
1992			1992
<i>Expression of Interest</i>			
Nov. 20	ITRI 10/92	The Provision of IT Brokerage Services to assist in the valuation and disposal of surplus computer equipment—State Supply Commission	Dec. 10
<i>For Sale</i>			
Nov. 6	514A1992	1989 Mazda T3500, 3 Tonne, 4WD Truck (6QY 637) and 1988 Toyota Landcruiser HJ75 Tray Body Dropsides (6QR 567) for Agriculture Protection Board at Derby	Nov. 26
Nov. 6	515A1992	Toyota Hilux Crew Cab Utility 4x4 (7QE 277) (MR C215) for Main Roads at Kununurra	Nov. 26
Nov. 6	516A1992	1989 Toyota Landcruiser HJ60 Stn Wagon (6QY 715), 1990 Toyota King Cab/Tray Back HJ75RP-MRQ (6QZ 729), and 1988 Toyota Landcruiser Sleeper Cab/Tray Back (6QS 804) for the Department of Agriculture at Derby	Nov. 26
Nov. 20	536A1992	Fifty (50) only Three Deck Hives of Bees with Plastic Queen Excluders for the Department of Agriculture—(Note: The Hives have recently been tested for American Brood disease and show a negative spore count) .	Dec. 3

Tenders addressed to the Chairman, State Supply Commission, 815 Hay Street, Perth 6000 will be received for the abovementioned tenders until 10.00 am on the date of closing.

Tenders must be properly endorsed on envelopes otherwise they are liable to rejection. No tender necessarily accepted.

L. W. GRAHAM, Chairman, State Supply Commission.

ZT302

Accepted Tenders

Schedule No.	Particulars	Contractor	Rate
<i>Supply</i>			
096A1992	Supply and free delivery of Disinfectants and Antiseptics.	Various	Details on Request
493A1992	Supply and free delivery to Swan River Trust Works Depot, Victoria Park, of a 4WD Backhoe Loader.	CID Equipment P/L	\$66 995.00 each
<i>For Service</i>			
151A1992	Provision of Court Proceeding Services for various jurisdictions sitting in Perth or such other places, or for other Courts or Tribunals throughout WA.	Spark & Canon P/L	Details on Request
183A1992	Provision of a Service for the Transport of Furniture and Effects for the Police Department.	Grace Removals	Details on Request

ZT401

WATER AUTHORITY OF WESTERN AUSTRALIA

Tenders

Tenders are invited for the projects listed below and will be accepted up to 2.30 pm on the closing date specified.

Tender documents are available from the Supply Services Branch, Level 1, Entry 4, John Tonkin Water Centre, 629 Newcastle Street, Leederville, WA 6007.

Tender documents must be completed in full, sealed in the envelope provided and placed in the Tender Box located at the above Leederville address.

The lowest or any tender may not necessarily be accepted.

Contract No.	Description	Closing Date
		1992
M 21036	Supply of 200 mm nominal diameter 0.5 aperture stainless steel screens for the Mirrabooka Artesian Bore M115.	8 December
AM 21037	Supply of 1 800 mm nominal diameter non pressure reinforced concrete pipes class Y complete with necessary rings for Liege Street Branch Drain Section 2.	24 November
AM 21038	Supply of 1 800 mm nominal diameter non pressure reinforced concrete pipes class Z 350 degrees plastic lined complete with necessary rings for Maida Vale Main Sewer Section 1B.	24 November
AP 22040	Supply of copper and copper alloy pipe fittings for a twelve month period.	8 December
AP 22042	Supply of cleaning rags and cloths for a twelve month period.	8 December
AP 22044	Supply of 20 mm ferrule stop taps and meter stop taps for a twelve month period.	8 December
AS 23010	Supply and removal of dry waste disposal bins, Perth metropolitan area for a twelve month period.	8 December
AV 23320	Supply of two (2) only 15 000 kg G V M tip trucks in accordance with specification 92V/17.	1 December
AS 23014	Hire of manned plant to Project Management and Construction Branch for the construction of Ten Mile Brook Dam—Margaret River—Western Australia.	1 December

PUBLIC NOTICES

ZZ101

THE 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 21st December 1992, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bacon, Rosina Lilian, late of St Jude's Hostel, 30 Swan Street, Guildford, died 28/7/92.

Barrass, Grace Ellice, late of Victoria Park Nursing Home, Aldey Street, Saint James, died 1/7/92.

Berkley-Hill, John Davenport, late of 23/60 Queens Gardens, East Perth, died 2/10/92.

Blackman, Pamela Frances, late of 2 Cormorant Way, Yangebup, died 4/9/92.

Brearley, Thomas Henry, formerly of 212 Wilding Street, Doubleview, late of St Georges Nursing Home, Pinaster Street, Coolbinia, died 29/9/92.

Chave, Kathleen Mary, late of 6B Fitzroy Street, Dianella, died 14/10/92.

Cowan, Pearl Mary, late of Charles Jenkins Hospital, Rowethorpe, Bentley, died 18/10/92.

Dennis, Mary Janet, late of 60 Wilson Street, Bassendean, died 21/10/92.

Devine, William Vincent, late of 18/7 Ninth Avenue, Kardinia Gardens, Maylands, died 8/8/92.

Dinning, John Robert, late of 325 Alexander Drive, Dianella, died 18/10/92.

Dixey, Edward Alfred, late of Rowethorpe Nursing Home, Bentley, died 19/7/92.

Gable, Emma, late of Melvista Nursing Home, 20 Betty Street, Nedlands, died 8/10/92.

Garrett, Terence John Albert, late of 1189 Albany Highway, Bentley, died 3/11/92.

Gibson, Joe, late of Salvation Homes, 31 William Street, Nedlands, died 23/9/92.

Hood, Stanley William, late of 2/17 St Leonards Street, Mosman Park, died 17/9/92.
Johnstone, Elvira Tyrie, late of Unit 29 St Ives Retirement Village, Cottrill Street, Myaree, died 21/10/92.
MacDougall, Minnie Florence, late of Home of Peace, Thomas Street, Subiaco, died 16/7/92.
McKenzie-Trout, Stuart Vernon, late of 15/8 Hewett Way, Balga, died 10/8/92.
McKinnon, Ernest John, late of Jalon Nursing Home, Claremont, died 9/7/92.
Maher, Evelyn Annie, late of Rowethorpe Nursing Home, died 29/8/92.
Manson, Gladys Kathleen, late of 32 Victoria Street, Guildford, died 6/9/92.
Matthews, Norma Harriet, late of Cabrini Nursing Home, Maylands, died 20/10/92.
Morgan, Clarice, late of Canning Lodge, 5/8 Caprice Place, Willetton, died 11/9/92.
O'Donoghue, James John Alexander, late of Braille Nursing Home, Kitchener Avenue, Victoria Park, died 21/9/92.
Ritchie, Beryl Francis, late of 25 Wallsend Street, Collie, died 14/9/92.
Simms, Ima, late of Little Sisters of the Poor, Kalgoorlie, died 13/4/92.
Smith, John Patrick, late of Unit 6/84 Murray Road, Bicton, died 18/9/92.
Sorenson, Doris Olive, also known as Sorenson, Olive Doris, late of 116 Kimberley Street, Leederville, died 10/9/92.
Starr, Norman Lawrence, formerly of Unit 38/42 Waterloo Crescent, East Perth, late of Unit 3/49 Leonard Street, Victoria Park, died 10/7/92.
Stevenson, Mary McMillan, formerly of Unit 8/447 Canning Highway, Como, late of Tandara Nursing Home, Jarrah Road, Bentley, died 25/9/92.
Dated this 16th day of November 1992.

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

ZZ201

TRUSTEES ACT 1962
NOTICE TO CREDITORS AND CLAIMANTS
Section 63

Estate of Marie Dorothea Daniel late of 55 Bruce Street, Nedlands in the State of Western Australia, home duties, deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of the deceased who died on the 16th day of June 1992 (and Probate of whose Will was granted by the Supreme Court of Western Australia on 26th day of August 1992) are required by the personal representatives, Melva June Smith and Lindsay Robert Smith both of care of Preuss Mohen, Solicitors, of Suite 22, 88 Broadway, Nedlands, Western Australia, 6009, to send particulars of their claims to the personal representatives by the 24th day of December 1992 after which date the personal representatives may convey or distribute the assets, having regard only to the claims of which they then have notice.

ZZ202

TRUSTEES ACT 1962
NOTICE TO CREDITORS AND CLAIMANTS

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

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

Adamson, Patricia Gertrude, late of Mount Henry Hospital, Como, Spinster, died 29 October 1992.
Burge, Dudley Carlyon, formerly of Frenchman Bay Road, Albany, late of 47 Ormond Road, Mount Barker, Retired Storeman, died 22 July 1992.
Campbell, Mary McIntosh, late of 30 Aurelian Street, Palmyra, Home Duties, died 17 October 1992.
Gale, Lily May, late of 20 Market Street, South Perth, Married Woman, died 3 November 1992.
Gordon, Mary Margaret, late of Undercliffe Nursing Home, Coongan Avenue, Greenmount, Widow, died 18 October 1992.

Grant, Thomas, late of 40 Dempster Street, Esperance, Retired Railway Inspector, died 27 October 1992.

Jones, Robert Graham, late of 11 Wroxton Street, Midland, Pensioner, died 13 October 1992.

Dated this 18th day of November 1992.

J. KMIECIK, Manager Trusts and Estates Administration.

ZZ301

INQUIRY AGENTS LICENSING ACT 1954
APPLICATION FOR LICENCE IN THE FIRST INSTANCE

To the Court of Petty Sessions at Perth.

I, Ross Alexander Emerson, of 215 Main Street, Osborne Park, W.A. 6017, phone number, H 018 94 8735, W 345 1580, Insurance Investigator having attained the age of twenty-one years, hereby apply on my own behalf for a licence under the abovementioned Act. The principal place of business will be at 215 Main Street, Osborne Park W.A. 6017. I am the holder of a current licence issued under the Act.

Dated the 16th day of November 1992.

R. A. EMERSON, Signature of Applicant.

Appointment of Hearing

I hereby appoint the 15th day of December 1992 at 10 o'clock in the forenoon as the time for the hearing of the foregoing application at the Court of Petty Sessions at Perth.

Dated the 16th day of November 1992.

ANTHONY MONTEROSSO, Clerk of Petty Sessions.

Objections to the granting of the application may be served on the applicant and the Clerk of Petty Sessions at any time prior to seven days before the date appointed for the hearing.



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Foreword



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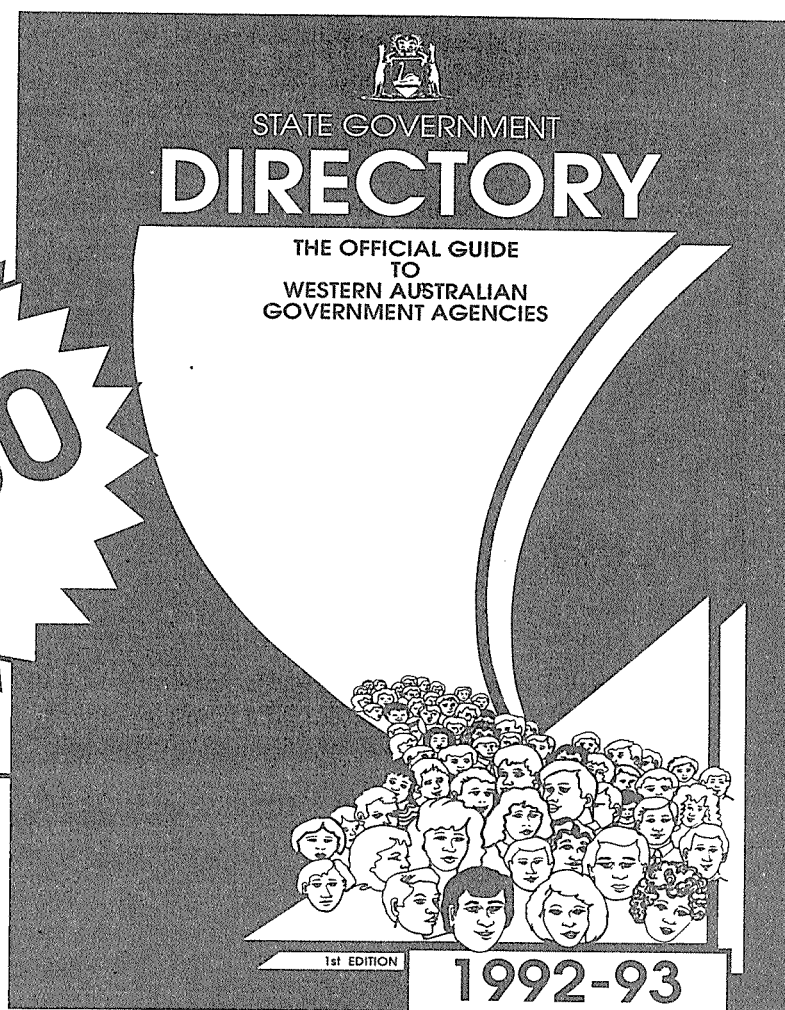
Government offers an enormous range of services to people in our community which enhances their lives.

Departments and agencies do not operate behind closed doors. These organisations are making every effort to be increasingly responsive to the needs of customers and citizens.

This publication consolidates valuable information about agencies of the Western Australian Government. Simple contact details are accompanied by concise descriptions of the role of agencies and the legislation they administer. Future editions will be improved and expanded taking into account the needs of users.

This directory will have many uses and individuals and organisations should find this volume most helpful.

Carmen Lawrence
• PREMIER.



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Where this is done, a charge will be made for each Reprint at the time of supply.

If a customer wishes to be placed on either or both mailing lists, send written notification to:

State Print
Manager, Law Publisher
22 Station Street
Wembley 6014

Statutes Reprinted in 1992

These Statutes are in the process of being reprinted and will be available during this year.

Government Employees Superannuation Act 1987 (available — \$8.10)
Beekeepers Act 1963 (available — \$2.30)
Perth Market Act 1926 (available — \$2.30)
Parliamentary Superannuation Act 1970 (available — \$3.00)
Totalisator Agency Board Betting Act 1960 (available — \$4.60)
Plant Diseases Act 1914 (available — \$3.00)
Commercial Tenancy (Retail Shops) Agreements Act 1985 (available \$3.00)
Workers Compensation and Rehabilitation Act 1981 (available — \$13.40)
Bail Act 1982 (available — \$7.00)
Offenders Community Corrections Act 1963 (available — \$9.40)
Pay-roll Tax Act 1971 (available — \$3.50)
Conservation and Land Management Act 1984 (available — \$8.40)
Petroleum (Registration Fees) Act 1967 (available — \$1.80)
Bush Fires Act 1954 (available — \$7.00)
Justices Act 1902 (available — \$12.40)
Education Act 1928 (available — \$7.00)
Evidence Act 1906 (available — \$8.40)
Petroleum Pipelines Act 1969 (available — \$4.60)
Motor Vehicle (Third Party Insurance) Act 1943 (available \$3.50)
Petroleum (Submerged Lands) Registration Fees Act 1982 (available \$1.80)
Police Act 1892 (available \$9.40)
Petroleum (Submerged Lands) Act 1982 (available \$11.40)
Abattoirs Act 1909 (available \$3.00)
Explosives and Dangerous Goods Act 1961 (available \$4.60)
Public Works Act 1902
Prisons Act 1981 (available \$8.10)
Petroleum Act 1967
Betting Control Act 1954
Parliamentary Commissioner Act 1971
Declarations and Attestations Act 1913
Pay-roll Tax Act 1971
Interpretation Act 1984
Spent Convictions Act 1988

Regulations Reprinted in 1992

These Regulations are in the process of being reprinted and will be available during the year.

Betting Control Regulations 1978
Bunbury Port Authority Regulations 1962
Health (Meat Inspection and Branding) Regulations 1950 (available \$3.00)
Wildlife Conservation Regulations 1970 (available \$3.50)
Workers Compensation and Rehabilitation Regulations 1982 (available \$3.00)
Workers Compensation Board Rules 1982 (available \$3.50)
Real Estate and Business Agents Regulations 1979 (available \$1.80)
Poisons Regulations 1965
Totalisator Agency Board Rules 1961
Valuation of Land Regulations 1979
Totalisator Agency Board (Betting) Regulations 1988

Prices Subject to Change

GGNOTICE-9

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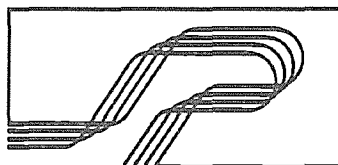


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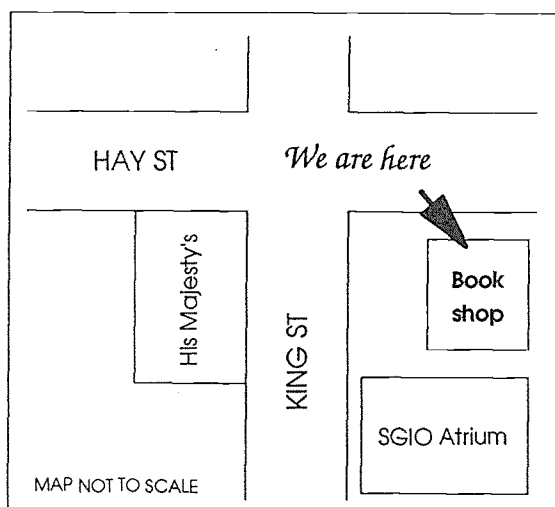
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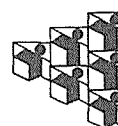
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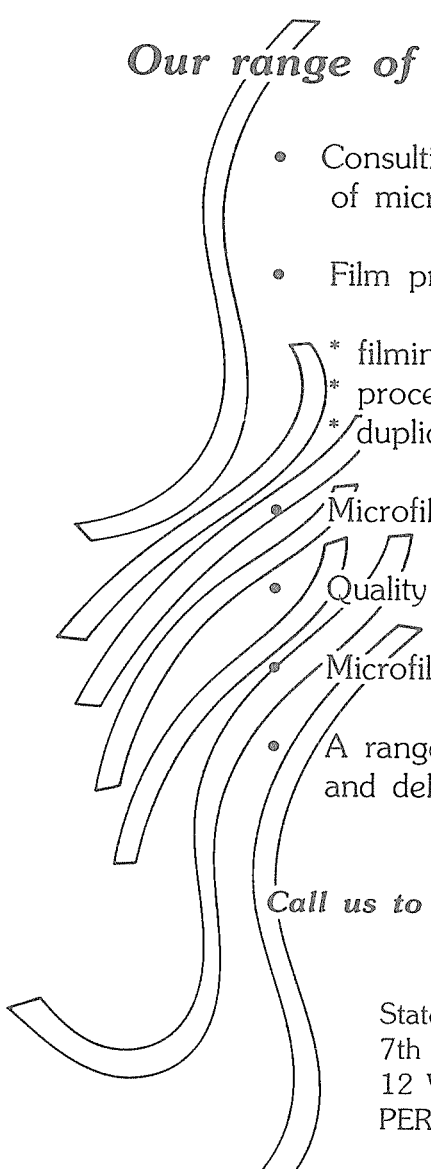
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