

WESTERN  
AUSTRALIAN  
GOVERNMENT

# Gazette

949



PERTH, FRIDAY, 11 MARCH 1994 No. 31

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.

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

- 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.
- Copy should be received by the Manager, Law Publisher no later than 3.00 p.m. on Wednesday (Friday edition) or 3.00 p.m. on Friday (Tuesday edition).
- Lengthy or complicated notices should be forwarded several days before advertised closing date for copy. This is to ensure inclusion in current edition. Failure to observe this request could result in the notice being held over until the following edition.
- Proofs will be supplied only when requested.
- No additions or amendments to material for publication will be accepted by telephone.

Send copy to:

The Manager,  
Law Publisher  
State Print  
Station Street, Wembley, 6014  
Telephone: 383 8851 Fax: 383 8888

## Advertisers should note:

- All Notices should be written in 'plain English'.
- Signatures (in particular) and proper names must be legible.
- All copy should be typed and double spaced.
- If it is necessary through isolation or urgency to communicate by facsimile, confirmation is not required by post. If original copy is forwarded later and published, the cost will be borne by the advertiser.
- Documents not clearly prepared and in the required format for gazettal, will be returned to the sender unpublished.
- Late copy received at Law Publisher will be placed in the following issue irrespective of any date/s mentioned in the copy.

## IMPORTANT COPYRIGHT NOTICE

© State of Western Australia

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without written permission from the Government Printer, State Print. Inquiries should be directed to the Manager, Law Publisher, P.O. Box 38, Wembley, W.A. 6014.

## Advertising Rates and Payments

Effective from 20 September 1993.

Deceased Estate notices, (per estate)—\$15.20

Real Estate and Business Agents and Finance Brokers Licences, (per notice)—\$35.10

Other Public Notices Section articles \$35.10 (except items of an exceptionally large nature, then arrangements will be made for invoicing).

All other Notices

Per Column Centimetre—\$6.95

Bulk Notices—\$128.40 per page

Clients will be invoiced for advertising charges

## COUNTER SALES 1993-94

(As from 1 October 1993)

|                                    | \$     |
|------------------------------------|--------|
| Government Gazette—(General) ..... | 1.90   |
| Government Gazette—(Special)       |        |
| Up to 2 pages .....                | 1.90   |
| Over 2 pages .....                 | 3.80   |
| Hansard .....                      | 11.40  |
| Industrial Gazette .....           | 10.20  |
| Bound Volumes of Statutes .....    | 190.00 |

## IMPORTANT NOTICE

Periodically notices are published indicating a variation in normal publishing arrangements:

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

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

G. L. DUFFIELD, Director.

## AGRICULTURE

**AG401****AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**

Agriculture Protection Board,  
South Perth.

Acting pursuant to the powers granted by section 13 of the Agriculture and Related Resources Protection Act 1976, the Agriculture Protection Board hereby cancels its previous declaration defining the boundary of Zone 9 and instead declares it to be as follows—

Zone 9—The area contained by the boundaries of the Shires of Sandstone, Wiluna, Leonora, Laverton, Menzies, Dundas, Coolgardie, Ngaanyatjaraku and the City of Kalgoorlie/Boulder.

Dated 8 March 1994.

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

**AG402****AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**

Agriculture Protection Board,  
South Perth.

The Agriculture Protection Board, acting pursuant to sections 15 and 16 of the Agriculture and Related Resources Protection Act 1976 hereby—

- (i) appoints persons whose names are listed below to be members of the Authorities for the Zone designated to hold office until 1 August in the years specified—

| Name                  | Zone | Year |
|-----------------------|------|------|
| Brian William Young   | 4    | 1996 |
| Henry Charles Engelke | 7    | 1996 |
| Peter John Roberts    | 7    | 1996 |

- (ii) appoints the following persons to be deputies to the members for the Zone Control Authorities shown—

John Leeds to be deputy to Angus McTaggart Zone 2.

Peter John Nankivell and Desmond John Seymour may deputise for any of the following three members in Zone 7, Henry Charles Engelke, Gavin Francis Drew, Peter John Roberts.

Dated 8 March 1994.

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

**AG403****AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**

Agriculture Protection Board,  
South Perth.

Acting pursuant to the powers granted by sections 35 and 36 of the Agriculture and Related Resources Protection Act 1976, the Agriculture Protection Board hereby

- (i) CANCELS ITS PREVIOUS DECLARATIONS OF:

Little corella (*Cacatua pastinator gymnopsis*)  
Red-capped Parrot or WA king parrot (*Purpureicephalus spurius*)  
Port Lincoln Ringneck or twenty-eight parrot (*Barnardius zonarius*)  
Baudin's or Long-billed White-tailed Black-Cockatoo (*Calyptrorhynchus baudinii*)

- (ii) DECLARES THE BIRDS LISTED BELOW TO BE DECLARED ANIMALS ASSIGNED TO CATEGORY A7 FOR THE AREAS DESIGNATED:

Little corella (Kimberley) (*Cacatua sanguinea sanguinea*) Shires of Wyndham-East Kimberley and Derby-West Kimberley.

Little corella (Pilbara-Murchison and northern wheatbelt) (*Cacatua sanguinea westralensis*) Shires of Carnarvon, Greenough, Irwin, Mingenew, Perenjori and Three Springs.

Long-billed corella (northern & central wheatbelt) (*Cacatua pastinator butleri*) Shires of Irwin, Mingenew, Morawa, Mullewa, Perenjori and Three Springs.

Long-billed corella (Lake Muir) (*Cacatua pastinator pastinator*) Shires of Boyup Brook, Cranbrook and Manjimup.

Western Silvereye (*Zosterops lateralis gouldii*) South-west Division.

Australian Raven (*Corvus coronoides*) Eucla and South-west Divisions, excluding those municipal districts within the Perth Metropolitan Region.  
 Australian Shelduck or Mountain Duck (*Tadorna tadornoides*) South-west and Eucla Divisions, excluding those municipal districts within the Perth Metropolitan Region.  
 Maned Goose or Wood Duck (*Chenonetta jubata*) South-west and Eucla Divisions, excluding those municipal districts within the Perth Metropolitan Region.  
 Red-capped Parrot or WA king parrot (*Purpureicephalus spurius*) Municipal districts of the Shires of Bridgetown-Greenbushes, Capel, Chittering, Donnybrook-Balingup, Harvey, Kalamunda, Manjimup, Mundaring, Murray, Plantagenet, Serpentine-Jarrahdale, Swan and the City of Armadale.  
 Port Lincoln Ringneck or twenty-eight parrot (*Barnardius zonarius*) South-west Division, excluding those municipal districts within the Perth Metropolitan Region and the Cities of Albany, Bunbury and Mandurah.  
 Baudin's or Long-billed White-tailed Black-Cockatoo (*Calyptrorhynchus baudinii*) Zones 5, 6 and 10 as constituted under section 13 of the Act.

Dated 8 March 1994.

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

#### AG404

### AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

Agriculture Protection Board,  
 South Perth.

#### MANAGEMENT PROGRAMS FOR A7 DECLARED ANIMALS

The Agriculture Protection Board having decided Red-capped Parrot (*Purpureicephalus spurius*), Port Lincoln Ringneck (*Barnardius zonarius*), Western Rosella (*Platycercus icterotis*), Galah (*Cacatua roseicapilla*), Little Corella (*Cacatua sanguinea sanguinea* and *C. sanguinea westralensis*), Long-billed Corella (*Cacatua pastinator butleri* and *C. p. pastinator*), Western Silvereye (*Zosterops lateralis gouldii*), Australian Raven (*Corvus coronoides*), Wedge-tailed Eagle (*Aquila audax*), Emu (*Dromaius novaehollandiae*) Baudin's or Long-billed White-tailed Black-Cockatoo (*Calyptrorhynchus baudinii*), Australian Shelduck (*Tadorna tadornoides*), Maned Goose (*Chenonetta jubata*), Agile Wallaby (*Macropus agilis*), Euro (*Macropus robustus*), Red Kangaroo (*Macropus rufus*), Western Grey Kangaroo (*Macropus fuliginosus*) and Long-haired Rat (*Rattus villosissimus*) to be declared animals under section 35 of the Agriculture and Related Resources Protection Act, 1976 and assigned them to Category A7 under section 36 of that Act, has now in accordance with section 66 of the said Act cancelled previous management programs and hereby approves the programs set out herebelow for the management and regulation of those animals and in accordance with section 66 (2) of the Act for the areas specified.

#### MANAGEMENT PROGRAM FOR RED-CAPPED PARROT (WA KING PARROT), PORT LINCOLN RINGNECK (TWENTY- EIGHT PARROT) AND WESTERN ROSELLA

1. Red-Capped Parrots or WA King Parrots may be taken in the Municipal districts of the Shires of Bridgetown-Greenbushes, Capel, Chittering, Donnybrook-Balingup, Harvey, Kalamunda, Manjimup, Mundaring, Murray, Plantagenet, Serpentine-Jarrahdale, Swan and the City of Armadale only if they are causing damage or when reasonably expected to cause damage to commercial fruit production, or commercial flower production.

Port Lincoln Ringnecks or Twenty-eight Parrots may be taken in the South-west Division, excluding those municipal districts within the Perth Metropolitan Region and the Cities of Albany, Bunbury and Mandurah.

Western Rosellas may be taken in the Municipal districts of the Shires of Bridgetown-Greenbushes, Capel, Donnybrook-Balingup, Manjimup, Plantagenet, Serpentine-Jarrahdale only if they are causing damage or when reasonably expected to cause damage to commercial fruit production, or commercial flower production.

2. The Minister for the Environment may from time to time declare an "open season" on such animals during which time such animals may be taken by landholders on their properties without a permit.

3. If an "open season" is not current then no person shall take or attempt to take such animals without first obtaining a damage licence from the Department of Conservation and Land Management.

4. A person shall not take or attempt to take such animals by any other means than a firearm licensed under the Firearms Act, unless authorisation has been obtained from the Department of Conservation and Land Management.

MANAGEMENT PROGRAM FOR GALAH, LITTLE CORELLA, LONG-BILLED CORELLA,  
WESTERN SILVEREYE AND AUSTRALIAN RAVEN

1. Galahs may be taken in the Shire of Westonia and Yilgarn and the South-west Division, excluding those municipal districts within the Perth Metropolitan Region and the Cities of Albany, Bunbury and Mandurah.

Little Corellas (Kimberley) *Cacatua sanguinea sanguinea* may be taken in the Shires of Wyndham-East Kimberley and Derby-West Kimberley.

Little Corellas (Pilbara-Murchison and northern wheatbelt) *C. s. westralensis* may be taken in the Shires of Carnarvon, Greenough, Irwin, Mingenew, Perenjori and Three Springs.

Long-Billed Corellas (northern and central wheatbelt) *C. pastinator butleri* may be taken in the Shires of Irwin, Mingenew, Morawa, Perenjori and Three Springs.

Western Silvereyes may be taken in the South-west Division.

Australian Ravens may be taken in the Eucla and South-west Divisions, excluding those municipal districts within the Perth Metropolitan Region.

2. The Minister for the Environment may from time to time declare an "open season" on such animals during which time such animals may be taken by landholders on their properties without a permit.

3. If an "open season" is not current then no person shall take or attempt to take such animals without first obtaining a damage licence from the Department of Conservation and Land Management.

4. A person shall not take or attempt to take such animals by any other means than a firearm licensed under the Firearms Act, unless authorisation has been obtained from the Department of Conservation and Land Management.

MANAGEMENT PROGRAM FOR EMU AND WEDGE-TAILED EAGLE

1. Emus and Wedge-Tailed Eagles may be taken in the whole of the State only if they are causing damage to agriculture or pastoral production.

2. No person shall take or attempt to take such animals without first obtaining a damage licence from the Department of Conservation and Land Management.

3. A person shall not take or attempt to take such animals by any means other than a firearm licensed under the Firearms Act, unless authorisation has been obtained from the Department of Conservation and Land Management.

MANAGEMENT PROGRAM FOR BAUDIN'S (OR LONG-BILLED) WHITE-TAILED BLACK-  
COCKATOO AND LONG-BILLED CORELLA (LAKE MUIR)

1. Baudin's or Long-billed White-Tailed Black-Cockatoo may be taken in Zones 5, 6 and 10 as constituted under section 13 of the ARRPP Act.

Long-Billed (Lake Muir) Corella may be taken in the Shires of Boyup Brook, Cranbrook, Kojonup and Manjimup.

2. No person shall take or attempt to take such animals without first obtaining a damage licence from the Department of Conservation and Land Management.

3. A person shall not take or attempt to take such animal by any other means than a firearm licensed under the Firearms Act, unless authorisation has been obtained from the Department of Conservation and Land Management.

4. These species are now listed (Schedule 2 under section 14 (2) (ba) of the Wildlife Conservation Act) as fauna that is otherwise in need of special protection.

MANAGEMENT PROGRAM FOR AUSTRALIAN SHELDUCK (MOUNTAIN DUCK) AND MANED  
GOOSE (WOOD DUCK)

1. Australian Shelduck and Maned Goose may be taken in the South-west and Eucla Divisions, excluding those municipal districts within the Perth Metropolitan Region.

2. The Minister for the Environment may from time to time declare an "open season" on such animals during which time such animals may be taken by landholders on their properties without a permit.

3. If an "open season" is not current then no person shall take or attempt to take such animals without first obtaining a damage permit from the Department of Conservation and Land Management.

4. A person shall not take or attempt to take such animals by any other means than a 12 gauge shotgun licensed under the Firearms Act, unless authorisation has been obtained from the Department of Conservation and Land Management.

**MANAGEMENT PROGRAM FOR AGILE WALLABY, EURO, RED KANGAROO AND WESTERN GREY KANGAROO**

1. Agile Wallabies may be taken in the Municipal districts of the Shires of Wyndham-East Kimberley, West Kimberley, Halls Creek and Broome.

Euros, Red Kangaroos and Western Grey Kangaroos may be taken throughout the State.

2. No person shall take or attempt to take such animals without first obtaining a damage licence from the Department of Conservation and Land Management.

3. A person shall not attempt to take such animal by any means other means than a firearm licensed under the Firearms Act, unless authorisation has been obtained from the Department of Conservation and Land Management.

**MANAGEMENT PROGRAMME FOR LONG-HAIRED RAT**

1. The Long-Haired Rat may be subject to control measures within the Shire of Wyndham/East Kimberley only if the populations of the rat are causing or are likely to cause damage to crops in irrigation areas.

2. The Agriculture Protection Board will monitor populations within the Ord River Irrigation Areas monthly, by live-trapping, during the period when rat numbers are likely to increase dramatically (December to May).

3. When control is considered necessary, the Agriculture Protection Board will liaise with the Department of Conservation and Land Management to determine the control measures to be taken.

Dated 4 March 1994.

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

**ELECTORAL COMMISSION**

EL401

**REAL ESTATE AND BUSINESS AGENTS ACT 1978****REAL ESTATE AND BUSINESS SUPERVISORY BOARD**

In accordance with section 16 of the Real Estate and Business Supervisory Board (Elections) Regulations 1980, I hereby declare Robert Urquhart duly elected to the position of Deputy Member of the Western Australia Real Estate and Business Supervisory Board.

Dated 9 March 1994.

LIZ PARKOFF, Returning Officer.

**FISHERIES**

FI401

**FISHERIES ACT 1905****FISHERIES NOTICE No. 639**

Made by the Minister under section 25.

**Citation**

1. This notice may be cited as the *Fisheries Notice No. 639*.

**Second Schedule amended**

2. The Second Schedule to the *Fisheries Act 1905* is amended under the heading "FISH, MARINE OR FLUVIO—MARINE SPECIES" in the item commencing "Cobbler" by deleting "23" and substituting the following—

" 33.5 ".

MONTY HOUSE, Minister for Fisheries.

FI402

**FISHERIES ACT 1905****PILBARA TRAP LIMITED ENTRY FISHERY AMENDMENT NOTICE 1994**

Notice No. 640

FD 134/75.

Made by the Minister under section 32.

**Citation**

1. This notice may be cited as the *Pilbara Trap Limited Entry Fishery Amendment Notice 1994*.

**Principal notice**

2. In this notice the *Pilbara Trap Limited Entry Fishery Notice 1992\** is referred to as the principal notice.

**Clause 3 amended**

3. Clause 3 of the principal notice is amended by inserting in alphabetical order the following—

“ “authorised boat” means a boat which is authorised to be operated in the Fishery by a licence or a supplementary access endorsement issued in accordance with this notice; ”.

**Clause 15 amended**

4. Clause 15 of the principal notice is amended by—

(a) deleting subclause (2); and

(b) inserting the following—

“ (2) An authorised boat, when being operated in the Fishery, shall only be used to carry, set or pull a maximum of 20 traps.

(3) A person operating in the Fishery from an authorised boat shall not pull any trap which—

(a) does not have a surface float attached; or

(b) has a surface float attached which is not marked with the distinguishing number of that boat. ”.

[\*Published in the Gazette of 3 April 1992.]

Dated this 28th day of February 1994.

MONTY HOUSE, Minister for Fisheries.

FI403

**FISHERIES ACT 1905****CLOSED WATERS NETTING (ROTTNEST ISLAND) NOTICE 1994**

Notice No. 641

FD 202/46.

Made by the Minister under sections 9 and 11.

**Citation**

1. This notice may be cited as the *Closed Waters Netting (Rottnest Island) Notice 1994*.

**Prohibition on Taking Fish by Nets**

2. The taking of fish by means of nets in the waters specified in the schedule is prohibited.

**Cancellation**

3. Notice No. 50 published in *Gazette* No. 39 of 3 June 1983 is cancelled.

**Schedule**

All that portion of the Indian Ocean within 800 metres of the high water mark off Rottnest Island.

Dated this 28th day of February 1994.

MONTY HOUSE, Minister for Fisheries.

**FI404****FISHERIES ACT 1905****KIMBERLEY PRAWN LIMITED ENTRY FISHERY AMENDMENT NOTICE 1994**

Notice No. 642

FD 496/84.

Made by the Minister under section 32.

**Citation**1. This notice may be cited as the *Kimberley Prawn Limited Entry Fishery Amendment Notice 1994*.**Principal notice**2. In this notice the *Kimberley Prawn Limited Entry Fishery Notice 1993\** is referred to as the principal notice.**Clause 17 amended**

3. Clause 17 of the principal notice is amended in—

- (a) part (a) (i) of subclause (1) by deleting “1 April” and substituting “ 13 March ”; and
- (b) part (a) (ii) of subclause (1) by deleting “8 June” and substituting “ 7 June ”.

[\*Published in the Gazette of 25 January 1994.]

Dated this 2nd day of March 1994.

MONTY HOUSE, Minister for Fisheries.

**FI405****FISHERIES ACT 1905****ONSLOW PRAWN LIMITED ENTRY FISHERY AMENDMENT NOTICE 1994**

Notice No. 644

FD 134/75.

Made by the Minister under section 32.

**Citation**1. This notice may be cited as the *Onslow Prawn Limited Entry Fishery Amendment Notice 1994*.**Principal Notice**2. In this notice, the *Onslow Prawn Limited Entry Fishery Notice No. 477\** is referred to as the principal notice.**Clause 2 amended**

3. Clause 2 of the principal notice is amended, by inserting in the appropriate alphabetical position the following—

- (a) “ “Onslow Townsite Closed Area” means that part of the Fishery described in schedule 5; ”; and
- (b) “ “stream” means to tow a trawl net on the surface of the water with the cod end open; and ”.

**Clause 12 amended**

4. Clause 12 of the principal notice is amended—

- (a) in subclause (1) by deleting “(2) and (3)” and substituting “ (2), (3) and (4) ”;
- (b) in subclause (4) by—
  - (i) renumbering subclause (4) as subclause (5); and
  - (ii) by deleting “Schedule 5” and substituting “ Schedule 6 ”;
- (c) in subclause (3) by renumbering subclause (3) as subclause (4);
- (d) in subclause (2) by renumbering subclause (2) as subclause (3); and
- (e) by inserting in order the following subclause—

“ (2) A boat which is authorised to operate in area 1 of the Fishery is permitted, in the Onslow Townsite Closed Area to move through that Closed Area and stream the otter trawl nets carried or attached to the boat, provided that the otter boards are securely attached to the boat and kept clear of the water at all times. ”

**Schedule 3 amended**

5. Schedule 3 to the principal notice is amended by—

- (a) deleting items 1 and 2 and substituting the following—

“ 1. Ashburton Nursery: All waters of the Fishery bounded by a line commencing at the intersection of the high water mark on the northwest coast of the mainland of Western Australia and longitude 115°6'24" East; thence due north along that parallel of longitude



to the intersection of latitude 21°36' South and longitude 115°6'24" East; thence generally southwesterly to the intersection of latitude 21°39'12" South and longitude 115°1'54" East; thence generally northwesterly to the intersection of latitude 21°38'12" South and longitude 114°58'12" East; thence generally southwesterly to the intersection of latitude 21°39'27" South and longitude 114°55'48" East; thence due West to the intersection of latitude 21°39'27" South and longitude 114°54' East; thence generally southwesterly to the intersection of latitude 21°41'24" South and longitude 114°52' East; thence due South along the parallel of longitude 114°52' East to its intersection with the high water mark on the mainland; thence along the high water mark to the point of commencement.

2. Coolgra Point Nursery: All waters of the Fishery bounded by a line commencing at the northern most extremity of the Beadon Creek breakwater; thence generally northeasterly to the intersection of latitude 21°35'6" South and longitude 115°9'48" East; thence generally northeasterly to the intersection of latitude 21°29'54" South and longitude 115°15'6" East; thence generally easterly to the intersection of latitude 21°29'30" South and longitude 115°19'24" East; thence due north to the intersection of latitude 21°28'5" South and longitude 115°19'24" East; thence generally northeasterly to the intersection of latitude 21°22'46" South and longitude 115°32'36" East (northern most extremity of Weld Island); thence due South along the parallel of longitude 115°32'36" East to its intersection with the high water mark on the mainland of north-western Western Australia; thence along the high water mark to the point of commencement. "

- (b) deleting item 3;
- (c) renumbering item 4 as item 3; and
- (d) renumbering item 5 as item 4.

#### **Schedule 4 amended**

6. Schedule 4 of the principal notice is amended—

- (a) in the item commencing "Area 1" by deleting "30 March" and substituting " 4 April ";
- (b) in the item commencing "Area 2" by deleting "Coolgra East and Coolgra West" and substituting " Coolgra Point " and by deleting "30 March" and substituting " 4 April ";
- (c) by deleting the item commencing "Coolgra Point Nursery"; and
- (d) in the item commencing "Fortescue West Nursery" by deleting "22 April" and substituting " 15 May ".

#### **Schedule 5 amended**

7. Schedule 5 of the principal notice is amended by deleting "Schedule 5" and substituting " Schedule 6 ".

#### **Schedule 5 inserted**

8. The following schedule is inserted after Schedule 4—

##### **" Schedule 5**

Onslow Townsite Closed Area: All waters of the Fishery east of longitude 115°06'24" East and within a 2 nautical mile radius of latitude 15°38' South and longitude 115°06'24" East (Beadon Point). "

[\*Published in the Gazette of 22 March 1991.]

Dated this 2nd day of March 1994.

MONTY HOUSE, Minister for Fisheries.

**FI406**

#### **FISHERIES ACT 1905**

#### **NICKOL BAY PRAWN LIMITED ENTRY FISHERY AMENDMENT NOTICE 1994**

Notice No. 645

FD 148/75.

Made by the Minister under section 32.

#### **Citation**

1. This notice may be cited as the *Nickol Bay Prawn Limited Entry Fishery Amendment Notice 1994*.

#### **Principal Notice**

2. In this notice the *Nickol Bay Prawn Limited Entry Fishery Notice 1991 No. 488\** is referred to as the principal notice.

#### **Clause 2 amended**

3. Clause 2 of the principal notice is amended by inserting in the appropriate alphabetical order the following—

- (a) " "authorised boat" means a boat licensed under regulation 2 of the Fisheries Regulations 1938 and that is authorised to take prawns from the waters of the fishery; " and

- (b) "preliminary opening" means, in relation to the Nickol Bay Nursery and the Depuch Nursery, the period of fourteen days commencing on 15 March in any year (or such date specified in writing by the Minister); "

**Clause 9 amended**

4. Clause 9 of the principal notice is amended by adding the following subclause—

" (3) An authorised boat shall not enter or remain in any part of the Nickol Bay Nursery or Extended Nickol Bay Nursery from 0600 hours on 14 November in any year to 1800 hours on 1 March or such date specified in writing by the Minister in the following year. "

**Clause 10A inserted**

5. After clause 10 of the principal notice, the following clause is inserted—

**" Stowage of trawl nets**

10A. An authorised boat is permitted to move through the Nickol Bay Nursery and the Depuch Nursery between 1800 hours and 0600 hours during the preliminary opening provided that all other trawl nets and other boards are securely attached to the boat and kept clear of the water at all times. "

**Schedule 3 amended**

6. Schedule 3 of the principal notice is amended—

- (a) in the item commencing "Nickol Bay Nursery" by deleting "Opens at 1800 hours on 1 March and closes at 0800 hours on 1 August" and substituting " During the preliminary opening, from 0600 hours to 1800 hours each day, and thereafter remains open until closure at 0600 hours on 1 August. ";
- (b) in the item commencing "Extended Nickol Bay Nursery" by deleting "0800" and substituting " 0600 ";
- (c) in the item commencing "Depuch Nursery" by deleting "Opens at 1800 hours on 1 March and closes at 0800 hours on 1 August" and substituting " During the preliminary opening, from 0600 hours to 1800 hours each day, and thereafter remains open until closure at 0600 hours on 1 August. "; and
- (d) in the item commencing "De Grey Nursery"—
  - (i) by deleting "15 April" and substituting "1 May"; and
  - (ii) by deleting "0800" and substituting "0600".

[\*Published in the Gazette of 19 April 1991.]

Dated this 2nd day of March 1994.

MONTY HOUSE, Minister for Fisheries.

**FI407**

**FISHERIES ACT 1905**

**PART IIIB—PROCESSING ESTABLISHMENTS**

The public is hereby notified that I have approved an application to transfer the Processing Licence Nos. 1204 and 1202 for the establishment at 12 Mews Road Fremantle. The Processing Licences have been transferred from Tennereef Pty Ltd to Hazelbay Pty Ltd.

P. P. ROGERS, Executive Director of Fisheries.

**FI408**

**FISHERIES ACT 1905**

**PART IIIB—PROCESSING LICENCE**

**FD 140/94**

The public is hereby notified that I have issued a permit to York Yabbies, to establish a processing establishment to process Yabbies in pursuance of the provisions of section 35C of the Fisheries Act 1905 at Lot 2 Trews Road, York subject to the following conditions.

That the processing establishment subject to this permit—

1. Shall comply with the requirements of the Fisheries Act 1905, and all Regulations, Orders in Councils, and Notices and Ministerial Directions issued thereunder.
2. Shall not be used for the processing of any species of fish other Koonacs (*Cherax plebeius* and *c.glaber*) and yabbies (*Cherax destructor-libus*) in accordance with these conditions.
3. Shall comply with the requirements of the Health Act 1911.

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 or the Metropolitan Region Town Planning Scheme Act 1959.
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 you wish 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.
7. Live koonacs and/or yabbies shall not be purchased from any person other than a person authorised under Part V of the Fisheries Act 1905.
8. Shall not be used to process koonacs and/or yabbies other than by cleaning and packing whole.
9. Shall not consign or package koonacs or yabbies unless each container is marked with the species it contains, the place of packaging and the destination of the consignment.

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

P. P. ROGERS, Executive Director of Fisheries.

---

**FI409**

**FISHERIES ACT 1905**

**PART IIIB—PROCESSING ESTABLISHMENTS**

FD 235/81

The public is hereby notified that I have approved an application to transfer the Processing Licence No. 1046 for the establishment at U9, 117 Garling Street, O'Connor, to Parkway Holdings Pty Ltd as T/E Norman and Angic Deng of 10 Chester Way, Winthrop.

P. P. ROGERS, Executive Director of Fisheries.

---

**FI410**

**FISHERIES ACT 1905**

**PART IIIB—PROCESSING LICENCE**

FD 1052/84

The public is hereby notified that I have issued a permit to R. V. Brewer of Lot 334 Bower Street, Jurien to establish a processing establishment to process fish in pursuance of the provisions of section 35C of the Fisheries Act 1905 on board licensed fishing boat "Sentosa III" registered number LFB F166, 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 Tuna, Salmon, Abalone, Rock Lobster, Prawn and Scallops.
3. Shall comply with the requirements of the Health Act 1911.
4. 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 it be used to process fish for export.
5. Shall not be used for the processing of marron (*Cherax tenuimanus*) unless a licence is held under section 39C of the Fisheries Act 1905.
6. Shall not be used for the processing of fish or crustacea caught by any other vessel.

In accordance with the provision 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.

**HEALTH****HE101****PRINTERS CORRECTION****RADIATION SAFETY ACT 1975****RADIATION SAFETY (GENERAL) AMENDMENT REGULATIONS  
(No. 2) 1994**

Errors occurred in the notice published under the above heading on page 837 of *Government Gazette* No. 28 dated 4 March 1994 and are corrected as follows—

Page 837

In Regulation 6 (sub-paragraph 1) delete "1. In the Schedule—" and insert " 1. In this Schedule— ".

In Regulation 6 (sub-paragraph 2 (2) (a)) insert " a " between the words "and qualified".

Page 839

In sub-paragraph 18 (1) (a) delete "Poles" and insert " poles ".

**JUSTICE****JM401****JUSTICES ACT 1902**

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the following appointment to the Office of Justice of the Peace for the State of Western Australia—

Mr Francis John Woods of Mt Keith Project, Leinster.

W. ROWE, Executive Director,  
Courts Development and Management.

**JM402****EX OFFICIO JUSTICES OF THE PEACE**

It is hereby notified for public information that the following Presidents of Shire Councils have been appointed under section 9 of the Justices Act 1902 to be Justices of the Peace for the Magisterial Districts shown during their term of office as Presidents of the Shire Councils mentioned—

Halley William James Cowan of Soldiers Road, Narembeen  
President of the Shire of Narembeen  
For the Avon Magisterial District

Dennis William Hodge of 10 Ethel Creek Street, Newman  
President of the Shire of East Pilbara  
For the Murchison Magisterial District

W. ROWE, Executive Director,  
Courts Development and Management.

**JM403****CHILDREN'S COURT OF WESTERN AUSTRALIA ACT (No. 2) 1988**

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

John Richard Winnett of 21 French Street, Merredin.

W. ROWE, Executive Director,  
Courts Development and Management.

**JM404****DECLARATIONS AND ATTESTATIONS ACT 1913**

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

Lillian Faith Smith-Ince of Morley.

W. ROWE, Executive Director,  
Courts Development and Management.

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

It is hereby notified for public information that Melva Glenys White of Mandurah whose appointment as a Justice of the Peace was notified in the *Government Gazette* of 30 July 1982 on page 2946 is to be known as Melva Glenys Preece.

W. ROWE, Executive Director,  
Courts Development and Management.

**LAND ADMINISTRATION****LA402****LOCAL GOVERNMENT ACT 1960****DECLARATION OF CLOSURE OF STREETS**

Made by the Minister for Lands

Under Section 288A

At the request of the local government nominated, the streets described in the Schedule are now declared to be closed.

**SCHEDULE**

1. City of Melville (DOLA File No. 990/1993; Closure No. M1353).  
All that portion of Cranford Avenue as delineated and bordered blue on Crown Survey Diagram 91518.  
Public Plan: BG34(2) 13.15.
2. Town of Port Hedland (DOLA File No. 2275/992; Closure No. P807).  
All those portions of Right-of-Ways (Port Hedland Townsite) as surveyed and shown on Department of Land Administration Original Plan 11918, as contained in Port Hedland Lots 5580 and 5581 on Department of Land Administration Original Plan 16533.  
Public Plan: Port Hedland Townsite 1:2000 BL66/25.24.

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

**LA403****LOCAL GOVERNMENT ACT 1960****DECLARATION OF PUBLIC STREETS****ORDERS OF THE MINISTER FOR LANDS**

Made under Section 288

At the request of the local government nominated, the portion of land specified in the Schedule is now declared to be absolutely dedicated as a public street.

**SCHEDULE**

Shire of Carnamah (DOLA File No. 1151/993). Road No. 18650 (Mineral Sands Road).  
All that portion of Mineral Sands Road as shown coloured mid brown on Crown Survey Diagram 91345.  
Public Plan: BF40(2) 16.20 and 16.21.

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

**LA401****LAND ACT 1993****DEPARTMENT OF LAND ADMINISTRATION****Declaration That Part 1A Does Not Apply**

I declare under Section 27H of the Land Act 1933 that Part 1A of the Act does not apply to the following proposals affecting the land specified.

| <b>PROPOSAL</b>  | <b>LAND</b>  | <b>DOLA FILE</b> |
|--|--|------------------|
| Declaration of Public Street—Section 288 of the Local Government Act 1960. | Mineral Sands Road (Road No. 18650) as shown coloured mid brown on Crown Survey Diagram 91345.   | 1151/993         |
| Sale—Sections 118A(3) and 118D   | Portion of Wellstead Road and Vacant Crown land as shown on Crown Survey Plan 17444 for inclusion into Certificate of Title Volume 1731 Folio 297. | 3063/894         |
| Lease (Section 117) for "Lime Crushing"                                    | Northcliffe Lot 155  | 2942/972         |
| Lease (Section 116) for "Horticulture"                                     | Forrest Location 138   | 817/978          |
| Lease (Section 116) for "Cultivation & Grazing"                            | Dampier Location 114   | 2958/980         |
| Sale (Section 45B)   | Kalgoorlie Lot 4783  | 1331/990         |
| Sale (Section 45B)   | Wongan Hills Lot 688   | 1211/992         |
| Sale (Section 45B)   | Broome Lot 2549  | 4212/989         |
| Sale (Section 45B)   | Broome Lot 2455  | 2624/989         |
| Sale (Section 45B)   | Kununurra Lot 1820   | 1576/988         |
| Sale (Section 45B)   | Boulder Lot 4277   | 2630/988         |
| Sale (Section 45)  | Boulder Lot 4101   | 482/994          |
| Sale (Section 45)  | Boulder Lot 4095   | 488/994          |
| Sale (Section 45)  | Boulder Lot 4113   | 483/994          |
| Sale (Section 45)  | Boulder Lot 4123   | 484/994          |
| Sale (Section 45)  | Boulder Lot 2421   | 3237/908         |
| Sale (Section 45)  | Denmark Lot 973  | 1630/982         |
| Sale (Section 45)  | Boulder Lot 2410   | 3245/908         |
| Sale—118CA   | Portion of Swan Location 1621 and marked P.A.W. on LTO Plans 16428 and 16163.  | 1495/993v2       |
| Sale under Section 118CA   | Portion Denham Lot 305, being Reserve 1917 for Government Requirements.  | 546/975v2        |
| Sale under Section 118CA   | Portion of dedicated Road No. 2160   | 546/975v2        |
| Sale—Section 118A(3).  | Portion of Cranford Avenue as shown bordered blue on Crown Survey Diagram 91518 for inclusion into Certificate of Title Volume 1205 Folio 108.     | 990/1993         |
| Sale Under Section 118CA   | Portion of Vacant Crown Land as shown orange at page 12 of DOLA File 2452/993.   | 2452/993         |

COLIN J. BARNETT, Acting Minister for Lands.

**LA404****LAND ACT, 1933****NAMING OF ROADS**

It is hereby notified for general information that His Excellency the Governor has been pleased to approve under Section 10 of the 'Land Act, 1933', of the Naming of the following.

**CITY OF MANDURAH**

DOLA File No. 3689/976

MANDURAH BYPASS as coloured yellow at page 271.

**TOWN OF KWINANA**

DOLA File No. 196/971

Lussky Road as coloured orange at page 113.

## SHIRE OF BODDINGTON

DOLA File No. 1128/991

RIVER ROAD to be extended to include the section of road as indicated at page 8.

TANNIN PLACE to be applied to the section of road as shown at page 8.

BOX POISON HILL ROAD (Road No. 7353) as coloured yellow at page 19.

SHEPHERDS TURN (Road No. 3973) as coloured yellow at page 23.

## SHIRE OF COOROW

DOLA File No. 1947/984

FALCONER DRIVE on Miscellaneous Diagram 275 as coloured pink at pages 31 and 32.

A. A. SKINNER, Chief Executive.

## LOCAL GOVERNMENT

## LG401

## CITY OF ARMADALE

## Honorary Inspectors

Pursuant to section 669DA of the Local Government Act the following persons have been appointed as Honorary Parking Inspectors for the Armadale Shopping City—

John Wayne Ryan  
Timothy Lee  
David McIntosh  
Shane Forbes  
Jean-Paul Newcombe

J. W. FLATOW, City Manager/Town Clerk.

## LG402

## SHIRE OF CUE

It is hereby notified for public information that the following charges were resolved at a meeting of the Cue Shire Council on 16 February 1994, for users of the Cue Airport.

## Visiting aircraft—

- (a) Landing Charge—\$7.00 per 1 000 kg Certified Maximum Take Off Weight (MTOW).  
Aircraft less than 20 000 kg (MTOW).
- (b) Parking Fee—First night free. Additional nights thereafter, \$7.00 per night.

## Locally Based Aircraft

Locally based aircraft can opt for an annual rate, monthly rate or daily rate.

- (a) Annual Rate—\$612 per 1 000 kg Certified Maximum Take Off Weight (MTOW). This charge allows for an unlimited number of take offs, landings, circuits and no parking fee.
- (b) Monthly Rate—\$60 per 1 000 kg MTOW. This charge allows for an unlimited number of take offs, landings, circuits and no parking fee.
- (c) Daily Rate—Landing Charge \$7.00 per 1 000kg MTOW and Parking Charge—1 500 kg MTOW and below, \$306 per annum, then the charge increases at the rate of \$0.20 per kg (\$200 per 1 000 kg MTOW).

L. A. WELCH, Shire Clerk.

## LG403

## SHIRE OF LEONORA

It is notified for public information that Mr James Gregory Epis has been appointed Acting Shire Clerk for the period of 11 March 1994 to 25 April 1994, inclusive in the absence of the Shire Clerk.

W. JACOBS, Shire Clerk.

**LG404****DOG ACT 1976**

It is hereby notified for public information that the following persons are authorised officers under the provision of the Dog Act 1976—

Neil Waters  
 Kevin John Dennyhy  
 Graeme John McDonald  
 Paul Murray Ranford  
 William Frederick Broomfield  
 Russell Little  
 Mandy Simmonds  
 Ronald Moses  
 Heather Moses  
 Laurence Frederick Jensen

All previous appointments are hereby cancelled.

K. M. BRAND, President.  
 G. J. McDONALD, Shire Clerk.

**LG405****CITY OF BUNBURY****Recreation/Aquatic Centre Fees**

It is hereby notified for public information the Council of the Municipality of Bunbury has resolved to apply the following fees at the Hay Park Recreation/Aquatic Centre.

|                               |                                  |        |
|-------------------------------|----------------------------------|--------|
| Stadium Entry Fees .....      | Adults .....                     | \$2.80 |
|                               | Juniors .....                    | \$2.00 |
| Heated Pool Entry Fees .....  | Adults .....                     | \$2.20 |
|                               | Child .....                      | \$2.00 |
|                               | Pensioner .....                  | \$2.00 |
|                               | Spectator .....                  | \$1.00 |
|                               | Scholar<br>(school groups) ..... | \$1.10 |
| Outdoor Pool Entry Fees ..... | Adult .....                      | \$2.00 |
|                               | Child .....                      | \$1.80 |
|                               | Pensioner .....                  | \$1.80 |
|                               | Spectator .....                  | \$ .90 |
|                               | Scholar<br>(school groups) ..... | \$1.00 |

GARY P. BRENNAN, City Manager/Town Clerk.

**LG406****LOCAL GOVERNMENT ACT 1960***Town of Port Hedland***Exemption from Municipal Rates**

Notice is hereby given, pursuant to section 532 (12) of the Local Government Act 1960, that Recreation Reserve 41675 occupied by the Police and Citizens Youth Club, being a sporting association defined under section 446A (3) of the Act, be exempt from municipal rates during the term of the lease between the Council and the Federation of Western Australian Police and Citizens Youth Clubs (Inc).

GARY FITZGERALD, Chief Executive Officer/Town Clerk.

**LG901****LOCAL GOVERNMENT ACT 1960***Shire of Tambellup***NOTICE OF INTENTION TO BORROW****Proposed Loan 85 \$20 000**

In accordance with section 610 of the Act, the Shire of Tambellup hereby gives notice that it proposes to borrow money for the following purpose—

\$20 000 for a period of ten (10) years, repayable by twenty (20) equal half yearly instalments of principal and interest.

Purpose of Loan 85 is for purchase of Mower and Club House improvements for the Tambellup Golf Club (Inc).

Ratepayers Note: Repayments of this loan will be made by the Tambellup Golf Club (Inc).

Details of the proposal are available for inspection at the Council Office during normal working hours for a period of 35 days after first publication of this notice.

Dated 2 March 1994.

L. J. NEWING, President.  
 B. R. THOMPSON, Shire Clerk.



**MAIN ROADS****MA501****MRWA 42-23-F****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 Harvey District, for the purpose of the following public works namely, widening of the Old Coast Road (Highway H2 Perth—Bunbury SLK Section 135.60-144.20) and that the said pieces or parcels of land are marked off on MRWA Drawings 9302-0914, 9302-0915-1 to 9302-0919-1, 9302-0920-2 and 9302-921-1 to 9302-0923-1 inclusive which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

**Schedule**

| <b>No.</b> | <b>Owner or Reputed Owner</b>  | <b>Occupier or Reputed Occupier</b>                                      | <b>Description</b>  | <b>Area (Approx)</b> |
|------------|--|--|---|----------------------|
| 1.         | Goodchild Abattoirs Pty Limited  | Goodchild Abattoirs Pty Limited  | Portion of each of Wellington Locations 22 and 48 and being Lot 26 on Diagram 50356 and being part of the land comprised in Certificate of Title Volume 1446 Folio 001.           | 9 420 m <sup>2</sup> |
| 2.         | Executive Director of The Department of Conservation and Land Management | Executive Director of The Department of Conservation and Land Management | Portion of each of Wellington Locations 1 and 48 and being Lot 3 the subject of Diagram 15695 and being part of the land comprised in Certificate of Title Volume 1279 Folio 142. | 3 110 m <sup>2</sup> |
| 3.         | Executive Director of The Department of Conservation and Land Management | Executive Director of The Department of Conservation and Land Management | Portion of Wellington Location 1 and being Lot 22 on Plan 10265 and being part of the land comprised in Certificate of Title Volume 1342 Folio 374.                               | 4.079 ha             |
| 4.         | Executive Director of The Department of Conservation and Land Management | Executive Director of The Department of Conservation and Land Management | Portion of each of Wellington Locations 22 and 48 and being Lot 28 on Diagram 50356 and being part of the land comprised in Certificate of Title Volume 1446 Folio 003.           | 8 890 m <sup>2</sup> |
| 5.         | Executive Director of The Department of Conservation and Land Management | Executive Director of The Department of Conservation and Land Management | Portion of Wellington Location 1 and being Lot 2 the subject of Diagram 60206 and being part of the land comprised in Certificate of Title Volume 1579 Folio 792.                 | 1.665 ha             |
| 6.         | Executive Director of The Department of Conservation and Land Management | Executive Director of The Department of Conservation and Land Management | Portion of Wellington Location 1 and being Lot 204 on Diagram 65505 and being part of the land comprised in Certificate of Title Volume 1673 Folio 873.                           | 1 250 m <sup>2</sup> |
| 7.         | Executive Director of The Department of Conservation and Land Management | Executive Director of The Department of Conservation and Land Management | Portion of each of Wellington Locations 22 and 48 and being Lot 27 on Diagram 50356 and being part of the land comprised in Certificate of Title Volume 1678 Folio 466.           | 7 870 m <sup>2</sup> |
| 8.         | Western Australian Land Authority  | Western Australian Land Authority  | Portion of each of Wellington Locations 1 and 48 and being Lot 9 the subject of Diagram 26113 and being part of the land comprised in Certificate of Title Volume 1279 Folio 517. | 220 m <sup>2</sup>   |

| No. | Owner or Reputed Owner  | Occupier or Reputed Occupier                | Description   | Area (Approx) |
|-----|---|---|---|---------------|
| 9.  | Peter John Hill and Emily Flora Anne Hill   | P. J. Hill and E. F. A. Hill                | Portion of Wellington Location 22 and being part of Lot 22 on Diagram 36115 and being part of the land comprised in Certificate of Title Volume 1866 Folio 687. | 1.167 ha      |
| 10. | Morgan George Smith one undivided half share and Paul Morgan George Smith and Janine Claire Smith as joint tenants of one undivided half share. | M. G. Smith, P. M. G. Smith and J. C. Smith | Portion of Wellington Location 48 and being part of the land comprised in Certificate of Title Volume 1969 Folio 606.   | 1.479 ha      |

Dated this 9th day of March 1994.

D. R. WARNER, Director Corporate Services.

## MINERALS AND ENERGY

### MN401

#### PETROLEUM ACT 1967

#### INVITATION FOR APPLICATIONS FOR THE GRANT OF EXPLORATION PERMITS AND DRILLING RESERVATIONS

I, Samuel George Ernest Cash, the Minister for Mines in the State of Western Australia acting pursuant to Sections 30 (1) and 43A of the Petroleum Act 1967 hereby invite applications for the grant of exploration permits and drilling reservations within Western Australia's onshore Perth Basin only.

Applications will be received up until 4.00 pm on Thursday, 28 April 1994.

Each application for an exploration permit should comprise a single area of contiguous blocks of the applicant's choice. While the Act allows that a maximum of 200 blocks may be applied for in a single application, only applications that propose work programs relative to the whole of the area applied for, shall be considered.

Each application for a drilling reservation shall comprise a block or a contiguous group of blocks continuing potential sites of petroleum deposits. A drilling reservation carries a minimum commitment to drill a well within 12 months of being granted.

This invitation does not include blocks which, at the time of this notice being published—

- are the subject of exploration permits, drilling reservations, production licences, retention leases or applications therefore;
- are capable of being the subject of an invitation under Section 33 of the Act (surrendered etc. licence and location blocks);
- Perth Map Sheet. Block numbers 6961, 6962, 7032 and 7034;
- cover offshore islands.

For the purpose of this advertisement the vacant areas available for application are depicted on plans of the 1:1 000 000 series entitled "Invitation for Petroleum Title Applications" dated 11 March 1994 which are available for inspection at the Public Counter located on the first floor of the Department of Minerals and Energy.

Applications for exploration permits are to be made in accordance with Section 31 of the Act, submitted in duplicate and be accompanied by—

(a) Details of—

- (i) the blocks comprising the application by reference to the numbers of the blocks shown on the Department's 1:1 000 000 series map sheets and by a plan delineating those blocks;
- (ii) the applicant's assessment of the petroleum potential of the area, including a geological and geophysical review and technical assessment of the area, and the concepts underlying the proposed exploration program; and
- (iii) the minimum work program proposed for each of the five years, specifying the number of wells to be drilled, the line kilometres of seismic survey to be carried out and the estimated expenditure. Wells referred to in the work program should not include development wells (the AAPG well classification scheme will be the basis of identification).

## (b) Particulars of—

- (i) the technical qualifications of the applicant and of its employees;
  - (ii) the technical advice available to the applicant;
  - (iii) the financial resources available to the applicant, including evidence of the applicant's ability to fund the work program proposed, and a copy of the latest annual report for each applicant company;
  - (iv) where relevant, the viability of the consortium lodging the application, including evidence that a satisfactory settlement has been, or can be, reached on a Joint Operating Agreement (a copy of a Heads of Agreement dealing will generally suffice);
  - (v) the percentage participating interest of each party to the application; and
  - (vi) a single address for service of notices in respect of the application.
- (c) A fee of \$3,000 (non-refundable) made payable to the Department of Minerals and Energy through an Australian bank or by bank cheque.
- (d) Such other information as the applicant wishes to be taken into account in consideration of the application.

Consideration of an application for the grant of a permit shall take into account the adequacy of the work program for each of the five years of the permit term and the applicant's technical and financial ability to undertake the work. The prior purchase of any speculative or contractor seismic data relevant to the area applied for will be taken into favourable account when considering the adequacy of the work program.

The successful applicant will be required to fulfil the minimum commitment for the first two years without variation. This is known as the firm commitment phase, however, the balance of the program may be re-negotiated based on or taking into consideration the results of prior exploration.

Applications for drilling reservations are to be made in accordance with Section 43B of the Act and shall be submitted in duplicate and be accompanied by—

## (a) Details of—

- (i) the block(s) comprising the application by reference to the number(s) of the block(s) shown on the Department's 1:1 000 000 series map sheets and by a plan delineating those block(s);
- (ii) the applicants proposal for the drilling of a well or wells and other work in respect of the block(s) in the application;
- (iii) a statement as to size and configuration of the potential petroleum deposit(s) and a geological prognosis of the well(s); and
- (iv) a statement as to an approximate time for the completion of the well(s).

## (b) Particulars of—

- (i) the technical qualifications of the applicant and of its employees;
  - (ii) the technical advice available to the applicant;
  - (iii) the financial resources available to the applicant, including evidence of the applicant's ability to fund the work program proposed, and a copy of the latest annual report for each applicant company;
  - (iv) where relevant, the viability of the consortium lodging the application, including evidence that a satisfactory settlement has been, or can be, reached on a Joint Operating Agreement (a copy of a Heads of Agreement dealing will generally suffice);
  - (v) the percentage participating interest of each party to the application; and
  - (vi) a single address for service of notices in respect of the application.
- (c) A fee of \$3 000 (non-refundable) made payable to the Department of Minerals and Energy through an Australian bank or by bank cheque.
- (d) Such other information as the applicant wishes to be taken into account in consideration of the application.

Consideration of an application for the grant of a drilling reservation shall take into account the adequacy of the applicant's assessment of the potential petroleum deposit, the well prognosis and its ability both technically and financially to undertake the work.

In situations where a drilling reservation application may be within an area also the subject of an exploration permit application the award will be on the basis of which application offers the most definitive assessment of a petroleum resource.

Should such a decision result in a drilling reservation being awarded, the balance of the area (the blocks not the subject of the drilling reservation) may be offered to the applicant for the exploration permit.

When selecting an area of interest in preparation for an application, consideration should be given to the likelihood of other land uses within that area, particularly land the subject of nature reserves or other areas of conservation value. While the occurrence of such lands does not necessarily preclude the grant of a title or petroleum operations being conducted, environmental assessment will be necessary.

**Lodgement of Applications**

Applications must be lodged by 4:00 pm Thursday 28 April 1994. Applications, together with supporting data should be submitted to—

Director Petroleum Division  
Department of Minerals and Energy  
Level 3, Mineral House  
100 Plain Street  
East Perth WA 6004

Attention: Petroleum Applications Receiving Officer

The following special instructions should be observed:

- \* two copies of the application and supporting data together with a fee of \$3 000.00 (non-refundable) payable to the Department of Minerals and Energy through an Australian Bank or by bank cheque, should be enclosed in the envelope or package.
  - the application should be sealed and clearly marked "Application for Exploration Permit/Drilling Reservations—Commercial-in-Confidence".
- \* unless delivered by hand to the Petroleum Applications Receiving Officer the sealed application (as described above) should be enclosed in a plain covering envelope or package and forwarded to the above address.

Receipts for applications (received and delivered by hand) will be issued by the Petroleum Applications Receiving Officer.

Enquiries concerning this gazettal should be referred to—

Mr Peter Baillie  
Petroleum Division  
Tel: (09) 222 3133  
Fax: (09) 222 3515

Enquiries concerning the availability of the relevant basic exploration data should be addressed as follows—

- (a) For microfilm data information to—

The Librarian  
Geological Survey Division  
Department of Minerals and Energy  
Mineral House, 100 Plain Street  
East Perth WA 6004  
Tel: (09) 222 3165  
Fax: (09) 222 3633

- (b) For full scale data to—

- (i) Petroleum Information Energy Services  
180 Stirling Highway  
Claremont WA 6010  
Tel: (09) 389 8499  
Fax: (09) 389 8243
- (ii) Advanced Reprographic Services  
1321 Hay Street  
West Perth WA 6005  
Tel: (09) 322 2933  
Fax: (09) 481 5911

**MN402**

---

**PETROLEUM ACT 1967****Surrender of Exploration Permit EP 347**

The surrender of Exploration Permit EP 347 has been registered and will take effect on and from the date this notice appears in the *Government Gazette*.

KEITH GAMMIE, Acting Director, Petroleum Division.

---

**PETROLEUM ACT 1967****Surrender of Exploration Permit EP 348**

The surrender of Exploration Permit EP 348 has been registered and will take effect on and from the date this notice appears in the *Government Gazette*.

KEITH GAMMIE, Acting Director, Petroleum Division.

# **PLANNING AND URBAN DEVELOPMENT**

**PD401**

## **TOWN PLANNING AND DEVELOPMENT ACT 1928 SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

*City of Armadale*

Town Planning Scheme No. 2—Amendment No. 99

Ref: 853/2/22/4, Pt. 99.

Notice is hereby given that the City of Armadale has prepared the abovementioned scheme amendment for the purpose of rezoning Pt Lot 2 and portion Pt Lot 3 Brookton Highway corner Hill Street, Kelmscott from "Residential R10" to "Special Use (Timber and Hardware Store)".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 7 Orchard Avenue, Armadale 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 22 April 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 22 April 1994.

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. W. FLATOW, City Manager/Town Clerk.

**PD402**

## **TOWN PLANNING AND DEVELOPMENT ACT 1928 SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

*City of Cockburn*

District Zoning Scheme No. 2—Amendment No. 93

Ref: 853/2/23/19, Pt. 93.

Notice is hereby given that the City of Cockburn has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 61 (No. 386) Carrington Street from "Residential R15" to "Residential R30", and amending the Scheme map accordingly.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 9 Coleville Crescent, Spearwood 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 22 April 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 22 April 1994.

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.

D. M. GREEN, A/Town Clerk.

**PD403**

## **TOWN PLANNING AND DEVELOPMENT ACT 1928 APPROVED TOWN PLANNING SCHEME AMENDMENT**

*City of Nedlands*

Town Planning Scheme No. 2—Amendment No. 67

Ref: 853/2/8/4, Pt. 67.

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 Nedlands Town Planning Scheme Amendment on 26 February 1994, for the purpose of adding to schedule 1 the following:

| Lot No. | Street        | Zone        | Additional Use permitted      |
|---------|---------------|-------------|-------------------------------|
| 177     | Waroonga Road | Residential | Two (2) Senior Persons' Units |

C. E. BARNES, Mayor.  
N. G. LEACH, Town Clerk.

PD404

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

*Shire of Capel*

Town Planning Scheme No. 4—Amendment No. 5

Ref: 853/6/7/3, Pt. 5.

Notice is hereby given that the Shire of Capel has prepared the abovementioned scheme amendment for the purpose of altering the boundary of the Urban Development and Open Space and Foreshore Protection Zones to recognise approved and proposed subdivisional boundaries.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Forrest Road, Capel 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 8 April 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 8 April 1994.

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

R. G. BONE, Shire Clerk.

PD405

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

*Shire of Greenough*

Town Planning Scheme No. 4—Amendment No. 43

Ref: 853/3/7/6, Pt. 43.

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

- (i) Altering the zoning of Victoria Locations 2351, Part 10083 and Lot 16 Allanooka Springs Road, Mt Hill from General Farming to Special Rural.
- (ii) Modifying Appendix III by the addition of Mt Hill: Victoria Locations 2351, Part 10083 and Lot 16 Allanooka Springs Road along with the Additional Requirements to Clause 3.9 and the Zoning and Development Table.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Geraldton/Mt Magnet Roads, Utakarra 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 22 April 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 22 April 1994.

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.

W. T. PERRY, Shire Clerk.

PD406

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

*Shire of Harvey*

Town Planning Scheme No. 10—Amendment No. 56

Ref: 853/6/12/14, Pt. 56.

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

1. Rezoning of Lot 7 Old Coast Road Myalup, from "General Farming" to "Restricted Use—Short Stay Chalet Park, Stables, Residential Accommodation, Recreation and Horse Agistment".
2. Amending the Scheme Text by adding to Appendix 7—Schedule of Restricted Uses, Lot 7 Old Coast Road Myalup, and restricting the use of the land to permit Short Stay Chalet Park, Stables, Residential Accommodation, Recreation and Horse Agistment.
3. Amending the Scheme Map accordingly.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 102 Uduc Road, Harvey 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 22 April 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 22 April 1994.

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.

K. J. LEECE, Shire Clerk.

PD407

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENTS AVAILABLE FOR INSPECTION**

*Shire of Plantagenet*

Town Planning Scheme No. 3—Amendment Nos. 4 and 5

Ref: 853/5/14/4, Pts. 4 and 5.

Notice is hereby given that the Shire of Plantagenet has prepared the abovementioned scheme amendments for the purpose of:

**AMENDMENT No. 4**

1. Rezoning Plantagenet Location 4634 and portions of Plantagenet Locations 522 and 1785, Mt Barker-Porongurup Road, Mt Barker from Rural to Special Site.
2. Amending the Scheme Map in accordance with the Amendment Map.
3. Amending the Scheme Text to include special provisions within Schedule No. 3 relating to the use and development of the subject land.

**AMENDMENT No. 5**

1. Rezoning Plantagenet Locations 1421, 1422, 3137, Pt 443 and Lot 2 of Pt Location 406 Albany Highway, Mt Barker from Rural to Special Site.
2. Amending the Scheme Map in accordance with the Amendment Map.
3. Amending the Scheme Text to include special provisions within Schedule No. 3 relating to the use and development of the subject land.

Plans and documents setting out and explaining the scheme amendments have been deposited at Council Offices, Lowood Road, Mount Barker 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 22 April 1994.

Submissions on the scheme amendments should be made in writing on Form No. 4 and lodged with the undersigned on or before 22 April 1994.

These amendments are available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

C. E. NICHOLLS, Shire Clerk.

PD408

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

*Town of Kwinana*

Town Planning Scheme No. 2—Amendment No. 20

Ref: 853/2/26/3, Pt. 20.

Notice is hereby given that the Town of Kwinana has prepared the abovementioned scheme amendment for the purpose of introducing the following Additional Use Classes:

Retail Plant Nursery  
Rural Produce Stalls

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Corner Gilmore Avenue/Sulphur Road, Kwinana 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 22 April 1994.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 22 April 1994.

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

G. H. BRYANT, A/Town Clerk.

PD701

**TOWN PLANNING AND DEVELOPMENT ACT 1928****APPROVED TOWN PLANNING SCHEME***Shire of Donnybrook-Balingup*

Town Planning Scheme No. 4

Ref: 853/6/4/4

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928, that the Hon Minister for Planning approved the Shire of Donnybrook-Balingup Town Planning Scheme No. 4 on January 15, 1994—the Scheme Text of which is published as a Schedule annexed hereto.

W. B. HEARMAN, President.  
J. R. ATTWOOD, Shire Clerk.

## Schedule

**TOWN PLANNING AND DEVELOPMENT ACT 1928***Shire of Donnybrook-Balingup*

TOWN PLANNING SCHEME No. 4

Scheme Text

The Shire of Donnybrook-Balingup

DISTRICT ZONING SCHEME No. 4

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

## Executive Summary

Donnybrook-Balingup is an economically, environmentally and socially significant Shire. Since the formulation of the last Town Planning Scheme, the Shire has experienced substantial growth of population and also in production. The Shire produces around one fifth of the State's orchard fruit including over 40% of the state's stone fruit. Additionally, the Shire of Donnybrook-Balingup is experiencing a growth in town, and has been identified as a desirable and attractive tourist destination. The Shire has excellent infrastructure and service industry and is well endowed with fresh water, good soils and attractive topography. The Shire's principal townsites are experiencing some pressure for change, and are well positioned to take advantage of the growth of Bunbury.

This Scheme Text takes these factors into account, and exists as a flexible policy document designed to facilitate development whilst protecting the amenity of the Shire.

It is with pleasure that we submit this Scheme Text for the Shire of Donnybrook-Balingup.

**"SHIRE OF DONNYBROOK-BALINGUP DISTRICT ZONING SCHEME No. 4"**

## TABLE OF CONTENTS

- Part 1—Preliminary
- Part 2—Reserved Land
- Part 3—Zones
- Part 4—Non-Conforming Uses
- Part 5—Conservation and/or preservation of Places of Heritage Value
- Part 6—Development Requirements
- Part 7—Control of Advertisements
- Part 8—Planning Consent
- Part 9—Administration

## SCHEDULES

- 1. Interpretations
- 2. Places of Heritage Value
- 3. Rural Residential Zones
- 4. Special Use Zones
- 5. Application for Planning Consent
- 6. Notice of Public Advertisement of Development Proposal
- 7. Decision on Application for Planning Consent
- 8. Exempted Advertisements Pursuant to Part 7
- 9. Special Residential Zones

## APPENDICES

- 1. Control of Advertisements



## PART 1.—PRELIMINARY

## 1.1 CITATION

This Town Planning Scheme may be cited as the Shire of Donnybrook-Balingup Town Planning Scheme No. 4 hereinafter called "The Scheme" and shall come into operation on the publication of The Scheme in the *Government Gazette*.

## 1.2 RESPONSIBLE AUTHORITY

The authority responsible for implementing the Scheme is the Council of the Shire of Donnybrook-Balingup, hereinafter called "The Council".

## 1.3 SCHEME AREA

The Scheme applies to the whole of the Shire of Donnybrook-Balingup.

## 1.4 CONTENTS OF THE SCHEME

The Scheme comprises—

- (a) This Scheme Text
- (b) The Scheme Maps (Sheets 1—3)

## 1.5 ARRANGEMENT OF SCHEME TEXT

The Scheme Text is divided into the following parts—

- Part 1—Preliminary
- Part 2—Reserved Land
- Part 3—Zones
- Part 4—Non-conforming Use of Land
- Part 5—Conservation and/or Preservation of Places of Heritage Value
- Part 6—Development Requirements
- Part 7—Control of Advertising
- Part 8—Planning Consent
- Part 9—Administration
- Schedules

## 1.6 SCHEME OBJECTIVES

To provide for the orderly and proper land-use management of the Scheme Area;

To control and direct land development through zoning into those locations that will result in the greatest benefit to the community.

## 1.7 REVOCATION OF EXISTING SCHEMES

The Shire of Donnybrook-Balingup Town Planning Scheme No. 2 and 3 (as amended), which came into operation by publication in the *Government Gazette* on 23rd April, 1982 are hereby revoked.

## 1.8 INTERPRETATION

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

1.8.2 In the Scheme unless the content otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meaning given to them in Schedule 1 and the Residential Planning Codes (as above).

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

## PART 2.—RESERVED LAND

## 2.1 SCHEME RESERVES

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

- Parks and Recreation Reserves
- Public Purposes Reserves
- Special Reserves
- Communications Reserves

## 2.2 MATTERS TO BE CONSIDERED BY COUNCIL

Where an application for planning consent is made with respect to land within a reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.

## 2.3 COMPENSATION

2.3.1 Where the Council refuses planning consent for the development of a reserve on the ground that the land is reserved for local authority 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.

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

2.3.3 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 consent or of the grant of consent subject to conditions that are unacceptable to the applicant.

## PART 3.—ZONES

### 3.1 ZONES

The Scheme Area is classified and divided into the following Zones—

1. Urban
2. Residential
3. Special Residential
4. Rural Residential
5. General Farming Pastoral
6. General Farming Scenic
7. Intensive Farming
8. Commercial
9. Craft—Commercial
10. Light Industry
11. General Industry
12. Special Use
13. Road Protection

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

### 3.2 ZONING TABLE

3.2.1 The Zoning Table (Table No. 1.) at Clause 3.5 indicates subject to the provisions of the Scheme the uses permitted in the various zones. The uses are determined by cross reference between the list of "Use Classes" on the left hand side of the Zoning Table and the list of Zones on the top of the Zoning Table.

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

'P' A use that is permitted under this Scheme.

'AA' A use that is not permitted unless approval is granted by council. Council may, at its discretion, require that Notice of Application be given in accordance with Clause 8.3.

'IP' A use or development which is not permitted unless Council is satisfied that the proposed use or development will form a minor and incidental function to the predominant use of the land as may be determined by the Council.

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

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

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

- (a) Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted, or
- (b) Determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and may thereafter be treated as a use that may be permitted unless the Council requires it to be advertised by following the procedures of Clause 8.2 considering an application for planning consent.

### 3.3 SPECIAL USE ZONE

No person shall use land or any building or structure thereon in a Special Use Zone, except for the purpose set against that land in Schedule 4 and subject to compliance with any conditions specified in the Schedule with respect to the land.

### 3.4 RURAL RESIDENTIAL ZONE

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

- (a) The object of the Rural Residential Zone is to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.
- (b) The provision for controlling subdivision and development in specific Rural Residential Zones shall be as laid down in Clause 6.7 and Schedule 3 to the Scheme, and future subdivision will generally accord with the plan of subdivision for the specified area referred to in the Schedule and such plan of subdivision shall form part of the Scheme.

Before making provision for a Rural Residential Zone, Council will prepare, or require the owner(s) of the land to prepare, a submission supporting the creation of the Rural Residential Zone and such submission shall include—

1. A statement as to the purpose or intent for which the zone is being created.
  2. The reasons for selecting the particular area the subject of the proposed zone with particular reference as to how this relates to the Council's Local Rural Strategy, or Limited Rural Strategy.
  3. A plan or plans showing contours at such intervals as to adequately depict the land form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, lakes, river, creeks, swamps, orchards, wells and significant improvements.
  4. Information regarding the method whereby it is proposed to provide a potable water supply to each lot.
  5. The proposed staging of the subdivision and development and the criteria to be met before successive stages are implemented.
- (c) The Scheme provisions for a specific Rural Residential Zone shall include a plan of subdivision showing—
1. The proposed ultimate subdivision including lot sizes and dimensions.
  2. Areas to be set aside for public open space, pedestrian access ways, horse trails, community facilities etc as may be considered appropriate.
  3. Those physical features it is intended to conserve.
  4. The proposed staging of the subdivision where relevant.
  5. Building envelopes, maximum size 2000m<sup>2</sup>.
- (d) In addition to the plan of subdivision, the Scheme provisions for a specific Rural Residential Zone shall specify—
1. The facilities which the purchasers of the lots will be required to provide (eg. their own potable water supply, liquid and solid waste disposal system, etc.).
  2. Proposals for the control of land uses and development which will ensure that the purpose or intent of the zone and the rural environment and amenities are not impaired.
  3. Fire Protection Strategies to the satisfaction of Council and the Bushfires Board of Western Australia.
  4. Any special provision appropriate to secure the objective of the zone.

## 3.5 ZONING TABLE

TABLE No. 1.

| USE CLASSES                           | ZONES |             |                     |                   |                          |                        |                   |            |                  |                |                  |
|---------------------------------------|-------|-------------|---------------------|-------------------|--------------------------|------------------------|-------------------|------------|------------------|----------------|------------------|
|                                       | Urban | Residential | Special Residential | Rural Residential | General Farming Pastoral | General Farming Scenic | Intensive Farming | Commercial | Craft Commercial | Light Industry | General Industry |
| 1. Aged or dependant persons dwelling | AA    | AA          | SA                  |                   |                          |                        |                   |            |                  |                |                  |
| 2. Amusement Centre                   | AA    |             |                     |                   |                          |                        |                   | AA         | AA               |                |                  |
| 3. Art Gallery                        | AA    | AA          | AA                  | AA                | AA                       | AA                     | AAP               |            |                  |                |                  |
| 4. Camping                            | AA    |             |                     |                   | AA                       | IP                     |                   |            |                  |                |                  |
| 5. Caravan Park                       | AA    |             |                     |                   |                          |                        |                   |            |                  |                |                  |
| 6. Caretaker's Dwelling               | AA    |             |                     |                   | IP                       | IP                     | IP                | AA         | IP               | PP             |                  |
| 7. Car Park                           | P     | AA          | AA                  | AA                |                          | AA                     | AA                |            | AA               | AA             | AA               |
| 8. Car Sales                          | AA    |             |                     |                   |                          |                        |                   | AA         | AA               | AA             |                  |
| 9. Car Wreckers                       | AA    |             |                     |                   |                          |                        |                   |            |                  | AA             | P                |
| 10. Cemetary                          | AA    | AA          |                     |                   | AA                       | AA                     |                   |            |                  |                |                  |
| 11. Civic Building                    | P     |             |                     |                   | AA                       | AA                     | AA                | AA         | AA               |                |                  |
| 12. Club                              | AA    |             |                     |                   | AA                       | AA                     | AA                | AA         | AA               | AA             |                  |
| 13. Consulting Rooms                  | AA    |             |                     |                   |                          |                        |                   | P          |                  |                |                  |
| 14. Cottage Industry                  | AA    | AA          | AA                  | AA                | AA                       | AA                     | AA                |            | AA               |                |                  |
| 15. Day Care Centre                   | AA    | AA          | AA                  | AA                | AA                       | AA                     |                   | AA         | AA               |                |                  |
| 16. Dog Kennels                       |       |             |                     |                   | P                        | AA                     | AA                |            |                  |                |                  |
| 17. Drive-In Take Away                | AA    |             |                     | AA                |                          |                        | AA                |            | AA               | AA             |                  |
| 18. Drive-In Theatre                  | AA    |             |                     |                   | AA                       |                        |                   |            |                  |                |                  |
| 19. Dry Cleaning Premises             | AA    |             |                     |                   |                          |                        |                   | AA         | AA               | AA             | P                |
| 20. Dwelling House                    | AA    | P           | P                   | P                 | P                        | P                      | P                 |            | AA               |                |                  |
| 21. Eating House                      | AA    |             |                     |                   | AA                       |                        |                   | AA         | AA               |                |                  |
| 22. Educational Establishment         | P     | AA          |                     |                   | AA                       | AA                     | AA                | P          |                  |                |                  |
| 23. Extractive Industry               |       |             |                     |                   |                          | AA                     | AA                |            |                  |                |                  |
| 24. Fish Shop                         | AA    |             |                     |                   |                          |                        |                   | AA         |                  |                |                  |
| 25. Fuel Depot                        | AA    |             |                     |                   |                          |                        |                   |            |                  | AA             | P                |
| 26. Funeral Parlour                   | AA    |             |                     |                   |                          |                        |                   | AA         |                  | AA             |                  |
| 27. General Industry                  |       |             |                     |                   |                          |                        |                   |            |                  |                | P                |
| 28. Grouped Dwelling                  | AA    | AA          |                     |                   |                          |                        |                   |            |                  |                |                  |
| 29. Health Studio                     | AA    |             |                     |                   |                          |                        |                   | AA         |                  |                |                  |
| 30. Holiday Accommodation             | AA    |             |                     |                   | AA                       | AA                     | AA                |            |                  |                |                  |
| 31. Home Occupation                   | AA    | AA          | AA                  | AA                | AA                       | AA                     | AA                |            |                  |                |                  |
| 32. Hospital                          | AA    |             |                     |                   | AA                       |                        |                   | AA         |                  |                |                  |
| 33. Hotel                             | AA    |             |                     |                   | AA                       | AA                     |                   | AA         |                  |                |                  |
| 34. Institutional Building            | AA    | AA          |                     |                   | AA                       |                        |                   |            |                  |                |                  |
| 35. Institutional Home                | AA    | AA          |                     |                   | AA                       |                        |                   |            |                  |                |                  |
| 36. Intensive Cultivation             | AA    |             |                     | AA                | P                        | AA                     | P                 |            |                  |                |                  |
| 37. Licensed Restaurant               | AA    |             |                     |                   | AA                       |                        |                   | AA         | AA               |                |                  |
| 38. Light Industry                    | AA    |             |                     |                   | AA                       |                        |                   |            |                  | P              | AA               |
| 39. Liquor Store                      | AA    |             |                     |                   |                          |                        | P                 |            |                  |                |                  |
| 40. Medical Centre                    | AA    |             |                     |                   |                          |                        |                   | P          |                  |                |                  |
| 41. Milk Depot                        | AA    |             |                     |                   | AA                       | AA                     |                   | AA         |                  | AA             | AA               |
| 42. Motel                             | AA    |             |                     |                   |                          |                        |                   | AA         |                  |                |                  |
| 43. Motor Repair Station              | AA    |             |                     |                   |                          |                        |                   | AA         |                  | P              | AA               |
| 44. Multiple Dwelling                 | AA    | AA          |                     |                   |                          |                        |                   |            |                  |                |                  |
| 45. Nursery                           | AA    |             |                     |                   | P                        |                        | AA                | AA         |                  | P              |                  |
| 46. Office                            | AA    |             |                     |                   |                          |                        |                   | P          | AA               | IP             | IP               |
| 47. Petrol Filling Station            | AA    |             |                     |                   | AA                       |                        | AA                | AA         |                  | P              | P                |
| 48. Plantation                        |       |             |                     |                   | AA                       | AA                     | AA                |            |                  |                |                  |
| 49. Produce Store                     | AA    |             |                     |                   | AA                       |                        | AA                | AA         |                  | AA             |                  |
| 50. Professional Office               | AA    |             |                     |                   |                          |                        |                   | P          | IP               | IP             | IP               |
| 51. Public Amusement                  | AA    |             |                     |                   |                          |                        |                   | AA         | AA               |                |                  |
| 52. Public Assembly                   | AA    |             |                     |                   | AA                       |                        |                   | AA         | AA               | AA             |                  |
| 53. Public Recreation                 | P     | P           | P                   | P                 | P                        | AA                     | AA                | IP         | IP               | P              | AA               |

As Specified in Schedule 4

| USE CLASSES                     | ZONES |             |                     |                   |                          |                        |                   |            |                  |                |                  |
|---------------------------------|-------|-------------|---------------------|-------------------|--------------------------|------------------------|-------------------|------------|------------------|----------------|------------------|
|                                 | Urban | Residential | Special Residential | Rural Residential | General Farming Pastoral | General Farming Scenic | Intensive Farming | Commercial | Craft Commercial | Light Industry | General Industry |
| 54. Public Utility              | AA    | AA          | AA                  | AA                | AA                       | AA                     | AA                | AA         | AA               | AA             | AA               |
| 55. Public Worship              | AA    | AA          | AA                  |                   | AA                       | AA                     | AA                | AA         | AA               | AA             | AA               |
| 56. Radio/TV Installation       | AA    |             |                     |                   | AA                       |                        | AA                | AA         | AA               |                | AA               |
| 57. Reformatory                 |       |             |                     |                   | AA                       |                        |                   |            |                  |                |                  |
| 58. Residential Building        | AA    | AA          | AA                  |                   | AA                       |                        | AA                | AA         |                  |                |                  |
| 59. Restaurant                  | AA    |             |                     |                   | AA                       |                        |                   | AA         | AA               |                |                  |
| 60. Rural Industry              | AA    |             |                     |                   | AA                       | AA                     | AA                |            |                  | AA             | AA               |
| 61. Rural Pursuit               | AA    |             |                     | AA                | P                        | AA                     | P                 |            |                  |                |                  |
| 62. Service Station             | AA    |             |                     |                   | AA                       |                        | AA                | AA         | AA               | AA             | P                |
| 63. Single House                | P     | P           | P                   | P                 | P                        | P                      | P                 | AA         | AA               | P              |                  |
| 64. Shop                        | AA    |             |                     |                   |                          |                        |                   | P          | AA               | IP             |                  |
| 65. Showroom                    | AA    |             |                     |                   |                          |                        |                   | P          | AA               | AA             |                  |
| 66. Sportsground                | AA    |             |                     |                   | AA                       |                        | AA                |            |                  |                |                  |
| 67. Stable                      | AA    |             |                     | AA                | P                        | AA                     | P                 |            |                  |                |                  |
| 68. Tavern                      | AA    |             |                     |                   | AA                       | AA                     |                   | AA         |                  |                |                  |
| 69. Tourist Use                 | AA    |             |                     |                   | IP                       | IP                     | IP                |            | AA               |                |                  |
| 70. Trade Display               | AA    |             |                     |                   |                          |                        |                   | AA         | AA               | AA             | AA               |
| 71. Transport Depot             | AA    |             |                     |                   |                          |                        | AA                |            |                  | AA             | AA               |
| 72. Veterinary Consulting Rooms | AA    |             |                     | AA                | AA                       | AA                     | AA                | AA         |                  |                |                  |
| 73. Veterinary Hospital         | AA    |             |                     |                   | AA                       |                        |                   |            |                  |                |                  |
| 74. Warehouse                   | AA    |             |                     |                   |                          |                        | AA                | AA         |                  | P              | P                |
| 75. Zoological Garden           | AA    |             |                     |                   | AA                       | AA                     | AA                |            |                  |                |                  |

As Specified in Schedule 4

#### PART 4.—NON-CONFORMING USES

##### 4.1 NON-CONFORMING USE RIGHTS

No provision of the Scheme shall prevent—

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

##### 4.2 EXTENSION OF NON-CONFORMING USE

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

##### 4.3 CHANGE OF NON-CONFORMING USE

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

##### 4.4 DISCONTINUANCE OF NON-CONFORMING USE

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

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

#### 4.5 DESTRUCTION OF BUILDINGS

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

### PART 5.—CONSERVATION AND/OR PRESERVATION OF PLACES OF HERITAGE VALUE

#### 5.1 PLACES OF HERITAGE VALUE

The places described in Schedule 2 (and shown upon the Scheme Map) as places of Heritage Value are considered by Council to be components of the natural environment or the cultural environment of Australia, which have aesthetic, historic, scientific or social value for future generations as well as for the present community and therefore are worthy of conservation and/or preservation.

#### 5.2 AMENDMENTS TO SCHEDULE 2

The Council may by an amendment to the Scheme in accordance with the Act and Regulations made thereunder—

- (a) delete from Schedule 2 a place of heritage value described therein.
- (b) insert, a place of heritage value as described in the amendment.

#### 5.3 NOTICE OF AMENDMENT TO SCHEDULE 2

If the Council resolves to amend the Scheme by inserting in Schedule 2 a place of heritage value, it shall forthwith give written notice of that resolution to—

- (a) the owner of the land on which the place is situated—
- (b) the occupier of that land, if such person is not the owner; and
- (c) all other persons whose names appear on the Certificate of Title to the land as having an interest therein.

Council may also give notice of a resolution to one or more of the following bodies—

- (a) Australian Heritage Commission,
- (b) Western Australian Heritage Commission,
- (c) National Trust of Australia (WA),
- (d) Environmental Protection Authority,
- (e) Registrar of Aboriginal Sites,
- (f) any other persons or body who in the opinion of the Council has an interest in the object, place or thing or could give to the Council information to assist it in arriving at a decision whether or not to proceed with the proposed amendment.

#### 5.4 DEVELOPMENT CONTROL

Notwithstanding the provision of any other part of this Scheme Text expressing a contrary intent, no development at or on a place of heritage value or within a lot or lots upon which such a place exists may be commenced without the planning consent of the Council. Without limiting the generality of the foregoing, development in this context includes the following—

- (a) Alteration (whether internal or external), demolition, adaptation or modification of any building or structure.
- (b) Works resulting in a change in the external appearance of a building or structure, including treatment of the external surfaces thereof.
- (c) Erection or construction of any new building or structure.
- (d) Removal of vegetation whether indigenous or exotic or the felling, lopping or topping of trees, shrubs and hedges.
- (e) Erection or display of any advertisement sign.
- (f) Works resulting in a change in the appearance or type of fencing.
- (g) Any variation in agricultural landuse from the traditional agricultural landuse.

#### 5.5 POLICIES

The Council may in accordance with the provisions of this Scheme make and adopt a policy, policy plan or code with respect to the places of heritage value described in Schedule 2 generally or with special reference to any one or more of them. No such policy or code or any part thereof shall conflict with the provisions of the Scheme.

#### 5.6 WAIVER OF SCHEME PROVISIONS

In the interests of conserving or preserving places of heritage value, the Council may, subject to the provisions of Clause 8.1 grant planning consent to proposals for the maintenance and repair, reconstruction or restoration of any building or place notwithstanding that the proposal may not comply with the other provisions of this Scheme.

Where in the interest of conserving or preserving places of heritage value, it is not appropriate, in the Council's view, to grant planning consent to a particular development proposal but that alternative arrangements can be made to accommodate the required development in a better form and/or at a different location, the Council may, notwithstanding non-compliance with the Residential Planning Codes or the other provisions of this Scheme, approve the alternative

development or may permit the transfer of part or all the development potential from the lot concerned to one or more nearby lots provided that the overall general objectives of the Scheme will not be jeopardised thereby.

Where in the interests of conserving a place of heritage value, it is appropriate in the Council's view to grant planning consent to the use of a building so classified for a purpose for which it may be suited, the Council may approve any such use notwithstanding that it may not comply with the zoning and/or development provisions of the Scheme.

#### 5.7 ARBITRATION

If the parties cannot agree upon the amount of compensation which may become payable pursuant to this Scheme it shall be determined by arbitration in accordance with the Arbitration Act, 1895.

#### 5.8 PURCHASE OR RESUMPTION

The Council may purchase or, subject to the Act, resume the land on which a Place of Heritage Value described in Schedule 2 is situated or so much thereof as is in the opinion of the Council necessary for the conservation of that place. The Council may, in lieu of paying compensation pursuant to Clause 5.7 above, elect to purchase or resume the property concerned.

#### 5.9 AGREEMENTS

The Council may enter into agreements—

- (a) with the owners or occupiers of land on which places described in Schedule 2 are situated or the subject of a proposed amendment to the Scheme for the inclusion thereof in that Schedule for the conservation of the place of heritage value.
- (b) with any person or organisation for the conservation of a place of heritage value described in Schedule 2 or, if the owner thereof agrees, for the conservation of an object, place or thing which in the opinion of the Council is worthy of conservation even though it is not described in that Schedule.
- (c) relating to the determination and setting of compensation.

### PART 6.—DEVELOPMENT REQUIREMENTS

#### 6.1 DEVELOPMENT OF LAND

6.1.1 Subject to clause 6.1.2 a person shall not commence or carry out development or commence or change the use of any land zoned or reserved under the Scheme without first having applied for and obtained the planning consent of the Council.

6.1.2 The Planning consent of the Council is not required for the following development of land—

- (a) The use of land in a reserve, where such land is held by the Council or vested in a public authority—
  1. For the purpose for which the land is reserved under the Scheme; or
  2. In the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.
- (b) The carrying out of any works on, in over or under a street or road by a public authority acting pursuant to the provision of any Act;
- (c) 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;
- (d) The carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

6.1.3 A building shall not be constructed upon any land defined by the Council as being liable to flooding or inundation.

6.1.4 All new residential dwellings within the scheme area shall have a minimum floor area of forty (40) square metre.

#### 6.2 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

If a development, other than a residential development, the subject of an application for planning consent, 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 amenities of the locality;
- (b) The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and
- (c) The spirit and purpose of the requirements or standard will not be unreasonably modified.

#### 6.3 DEVELOPMENT IN THE RESIDENTIAL ZONE: RESIDENTIAL PLANNING CODES

6.3.1 For the purpose of this Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendices 2 and 3 to the Statement of Planning Policy No. 1, together with any amendments thereto.

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

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

#### 6.4 RESIDENTIAL PLANNING CODES: VARIATIONS AND EXCLUSIONS

6.4.1. In the area zoned Residential, unless otherwise provided for in the Scheme, the R10 development standards shall apply.

6.4.2 In the area coded R10/15, whilst the Health Department will not permit lots smaller than 1000 sq.m. in an unsewered area, there are a number of existing lots in the Town's of Donnybrook and Balingup which do not comply with this standard. In these areas, the R10 development standards shall apply unless Council is satisfied in a particular case, that the drainage conditions are suitable to ensure that on-site effluent disposal methods will continue to function effectively on a permanent basis under the R15 development standards.

6.4.3 In the area coded R5/10, the R5 development standards shall apply unless Council is satisfied in a particular case, that the drainage conditions are suitable to ensure that on-site effluent disposal methods will continue to function effectively on a permanent basis under the R10 development standards.

6.4.4 Where a connection to reticulated sewer is not available, and cannot reasonably be made available, the development of grouped dwellings shall be assessed by the responsible authorities, in accordance with the "Bacteriolytic Treatment of Sewerage and Disposal of Liquid Waste Regulations" made pursuant to the Health Act 1911 and responsible authorities may recommend to the Council approval, with or without conditions, or refusal of the development.

6.4.5 In an area coded R12.5, R15, R17.5 or R20, where a lot has an area in excess of 1 050 m<sup>2</sup> and is sewer, Council may consider approval of a grouped dwelling in accordance with the R25 code of the Residential Planning Codes.

6.4.6 In considering an application for approval of a grouped dwelling Council shall give notice of the application in accordance with Clause 8.2 of the scheme.

6.4.7 In the areas zoned other than Residential wherein residential development is permitted (i.e. "dwelling house" under Clause 3.2 Zoning Table), such development shall, in all respects be in accordance with the requirements of the R10 Code of the Residential Planning Codes unless otherwise specified.

#### 6.5 DEVELOPMENT IN THE URBAN ZONE

6.5.1 Aims and Objectives: Council wishes to encourage the creation of a harmonious urban environment by separating conflicting land uses and implementing better road planning. The Urban Zone has been created to provide a generalised zoning category for a number of its gazetted townsites; Kirup and Mullalyup.

In considering applications for approval to develop land under this zone, the Council shall—

- (a) Separate incompatible uses
- (b) Protect the residential environment from conflicting uses.
- (c) Note the Main Roads Department requirements on ingress to and egress from lots fronting onto roads under its control.
- (d) Ensure that the existing standard of roads, water supply and other services are sufficient to cater for the additional demands that the proposed development will create.
- (e) Encourage and foster development in the Urban Zone.

6.5.2 In considering applications for light industrial uses within the zone, the Council shall have regard to the need for on-site landscaping and on site parking.

6.5.3 Within the Urban Zone, the following site requirements will apply—

| Use              | Minimum Lot Size           | Development Control (Frontage, Setbacks, Landscaping).                      |
|------------------|----------------------------|---|
| Residential      | As per the R-Code "R10/15" | As per the R-Code "R10/15"  |
| Commercial       | 400m <sup>2</sup>          | Frontage of 15m other site requirements as per Clause 6.11 and Clause 6.14. |
| Light Industry   | 2000m <sup>2</sup>         | Frontage of 25m other site requirements as per Clause 6.13 and Clause 6.14. |
| General Industry | 2000m <sup>2</sup>         | Frontage of 15m other site requirements as per Clause 6.13 and Clause 6.14. |

6.5.4 For lots smaller than 2 000 m<sup>2</sup>, the supply of reticulated water will be a mandatory condition of subdivision.

6.5.5 Subject to the provision of Clause 6.5.4 where there is no reticulated water supply system, or where an existing system cannot be upgraded to provide a sufficient supply, each dwelling shall be provided with a supply of potable water from an underground bore or a rainwater storage system with a minimum capacity of 92 000 litres to the satisfaction of the Council.



## 6.6 DEVELOPMENT IN THE SPECIAL RESIDENTIAL ZONE

6.6.1 Aims and Objectives: Council's main objective for its Special Residential Zone is to provide for residential development in a close to rural setting, near to the services and facilities of the townsite. The aim is to provide for larger than normal size residential lots.

In considering applications for approval to subdivide and/or develop land within this zone the Council shall require—

- (a) The co-ordination and construction of the roads and drainage system in the locality.
- (b) A subdivisional sketch plan showing the eventual subdivision pattern of all the land within the zone.
- (c) All lots to be serviced with a reticulated water supply.
- (d) Lot sizes generally to be between 2000m<sup>2</sup> and 1ha, but, if it can be shown that lots of 1000m<sup>2</sup> can be effectively drained, then Council may permit the smaller lot size.
- (e) Lot configurations to be designed to minimise the impact of subdivision and development on the topography and create minimal disturbance to existing natural vegetation.
- (f) Preparation of a Fire Protection Strategy to the satisfaction of Council and the Bush Fire Board of Western Australia.
- (g) All applications for development made pursuant to Clause 6.1 and Part 8 for development within a Special Residential Zone to show the entire lot, the areas of natural vegetation, the site contours, the extent of any earthworks, the siting setbacks, design and external appearance of all new buildings nominating the reason for the choice of the materials and the manner in which these will assist the integration of the buildings into the natural landscape.
- (h) Not more than one single dwelling house per lot shall be permitted.
- (i) In addition to such other provisions of the scheme as may affect it, any land which is included in a Special Residential zone shall be subject to those provisions as may be specifically set out against it in Schedule No. 9.

6.6.2 When a subdivisional sketch plan has been adopted by the Council and the land subdivided generally in accordance with that plan, no further subdivision shall be permitted within the zone.

6.6.3 Council may require that the subdivision owner undertake tree planting in accordance with an approved plan.

6.6.4 Reticulated water and sewerage: Requirement—

- (i) All "Special Residential" Lots smaller than 2 000 m<sup>2</sup> must be supplied with reticulated water.
- (ii) All "Special Residential" Lots below 2 000 m<sup>2</sup> must be sewerage.
- (iii) For a subdivision involving the creation of five or more "Special Residential" lots less than 4 000 m<sup>2</sup> the provision of a reticulated sewer may be required. On site effluent disposal may be approved for subdivision of between 2 000 m<sup>2</sup> and 4 000 m<sup>2</sup> where less than five lots are created and subject to the approval of the Environmental Protection Authority and the Health Department of Western Australia.

## 6.7 DEVELOPMENT IN THE RURAL RESIDENTIAL ZONE

6.7.1 Aims and Objectives: Council wishes to provide the opportunity for the creation of residential style living within a rural setting/environment. Council's major objective for the Rural Residential Zone is to ensure that community services and facilities are convenient, that the landscape is retained as much as possible in its natural form, or improved, and that areas selected for this use do not impinge on the Shire's agricultural production.

Development in a Rural Residential Zone shall comply with the following requirements—

- (a) Not more than one single dwelling house per lot shall be erected.
- (b) In order to conserve the rural environment or features of natural beauty all trees shall be retained (unless their removal is authorised by the Council) other than those within the building envelopes as shown on the approved plan of subdivision.
- (c) In addition to such other provisions of the Scheme as may affect it, any land which is included in a Rural Residential Zone shall be subject to those provisions as may be specifically set out against it in Schedule 3.
- (d) Notwithstanding the provisions of the Scheme and what may be shown in the plan of subdivision specified in clause 3.4.1 (c) the Department of Planning and Urban Development may approve a minor variation to the subdivisional design but further breakdown of the lots so created shall be deemed to be contrary to the provisions of the Scheme.
- (e) Each dwelling shall be provided with a supply of potable water from an underground bore or a rainwater storage system with a minimum capacity of 92,000 litres to the satisfaction of the Council.
- (f) In addition to dwellings which may be approved by Council pursuant to the foregoing subclauses, Council may also approve the erection of such outbuildings that would reasonably be associated with residential or agricultural use or other use as may be approved by Council.
- (g) No lot shall be cleared of more than 10% of its area including the area of buildings on the lot. Council may require replanting of denuded areas.

- (h) The Council may, in the interest of landscaping preservation, require building envelopes to be shown on one or more lots in the Subdivisional Guide Plan. Where a building envelope is defined for a lot in the Subdivisional Guide plan no building shall be constructed on that lot unless it is within the defined building envelope, except where it is shown to the satisfaction of the Council that the proposed location will be less detrimental to the preservation of the landscape.
- (i) All applications for development made pursuant to Clause 6.1 and Part 8 for development within a Rural Residential Zone shall show the entire lot, the areas of natural vegetation, the site contours, the extent of any earthworks, the siting setbacks, design and external appearance of all new buildings and the manner in which these will assist the integration of the buildings into the natural landscape.
- (j) All applications for development shall embody the basic premise that development and the provision of associated services are secondary to the natural features of the site and therefore shall show the extent of any earthworks and/or clearing.
- (k) The siting and erection of any building, outbuilding or fence shall not be approved by Council unless or until it is satisfied that the design, construction, materials and position will be in harmony with the rural character of the land within the zone and the area generally.
- (l) Siting of driveway crossovers. In addition to the requirements which apply at Clause 6.7.1 (i), an application for development shall also show the location of any proposed driveway crossovers.
- (m) Appropriate measures for the control and prevention of bush fires, which would include—
  - (1) Satisfactory emergency access to buildings
  - (2) Firebreaks on each lot or strategically placed. Special attention to be given for developments abutting State Forest.
  - (3) Emergency water supply if a reticulated water supply is not available.
  - (4) Siting of buildings to minimise dangers of damage from bush fires. No buildings to be situated within 100m of an existing plantation.
  - (5) Any other requirements that the Local Authority and Bush Fires Board deem necessary.

#### 6.7.2 Land Use—

- (a) No person shall use or permit to be used any lot or any part of a lot for any purpose which would—
  - detract from the rural/residential amenity of adjoining lots;
  - detract from the rural character of the area generally;
  - adversely affect the land by exceeding usual stocking rates with the resultant prospect of soil erosion, soil compaction, and nutrient accumulations;
  - adversely affect the established vegetation on the land.
- (b) In approving any application to use or develop land as a small rural holding, the Council may require each lot owner to undertake a programme of tree planting related to the degree to which the land or buildings are exposed to view and such a programme may be in addition to that carried out as a part of the subdivision of the land for the purpose of this Clause. A proposal to allow the lot to revert to its former natural condition may be acceptable to the Council.
- (c) No lot within a Rural Residential Zone shall be used for any other purpose than for residential purposes (rural retreat) or for agricultural purposes (small holding or hobby farm) or for such other use as the Council may approve pursuant to this Scheme.

#### 6.7.3 Subdivision Requirements—

- (a) Each Rural Residential lot shall be provided with frontage to a fully constructed and sealed road connected by a fully constructed and sealed road to the fully constructed and sealed road system in the district.
- (b) Except as may be provided in Schedule 3 no Rural Residential lot to be created pursuant to this Scheme, shall have an area of less than 1 hectare and generally the lot size within the entire zone shall not exceed 5 hectares.
- (c) In making a recommendation to the Commission on an application for approval to subdivide, the Council may take into account—
  - The number of similar lots already available for development both within and outside the particular Rural Residential Zone;
  - The rate of development of existing lots;
  - Any other factors relevant to the subdivision of the land.

### 6.8 DEVELOPMENT IN THE GENERAL FARMING PASTORAL ZONE

6.8.1 Aims and Objectives: Council wishes to assist in maintaining the agricultural viability and productivity of its rural lands.

In considering applications for approval to develop land under this zone, the Council shall—

- (a) Seek to protect the economic viability of the General Farming Pastoral Areas.
- (b) Seek to encourage developments which will improve the Shire's population base.

- (c) In recognition of the aesthetic and tourism importance or the scenic landscape, realise the need to retain the rural scenic character of a site and of the district by ensuring through siting and landscaping provision that any development does not change the scenic rural character.

6.8.2 In considering applications for ancillary industrial uses within the zone, the Council shall have regard to the need for on site landscaping, on site parking and reinstatement methods.

6.8.3 The planning consent of council is required for the development of a second dwelling house on a lot within the General Farming Pastoral Zone. Council shall not approve the development of more than two dwelling houses on a lot within this zone.

6.8.4 Whilst Tourist uses may be permitted in the General Farming Pastoral Zone with the discretion of Council (IP), if the level of development is such as to predominate over the use for which the General Farming Pastoral Zone is applied, then a rezoning will be required.

6.8.5 The minimum lot size that Council shall recommend for approval to the Department of Planning and Urban Development within this zone shall be forty (40) hectares where soils, climate, topography, water availability and service provision justify subdivision down to this size.

6.8.6 A minimum building boundary setback of ten (10) metres shall apply to all lot within this zone. A lesser setback may be approved by Council where for topographical reasons a ten (10) metre setback can not be achieved and development would otherwise be prohibited.

#### 6.9 DEVELOPMENT IN THE GENERAL FARMING SCENIC ZONE

6.9.1 Aims and Objectives: Council recognises that there are large areas of its municipality which are exposed to tourist road views, or which contain significant environment, or heritage attributes. Its major objective for the General Farming Scenic Zone is to foster the retention of these highly visible areas either in their current natural state or in a form which will complement the appearance of the existing landscape and rural use.

In considering applications for approval to develop land under this zone, the Council requires the submission of an Application for Planning Consent (refer to Schedule 5)

6.9.2 The Council, in considering an Application for Planning Consent and an application for subdivision, shall—

- (a) Seek to protect the scenic beauty of the area by retaining the rural character.
- (b) Seek to protect the economic viability of the rural area.
- (c) In recognition of the aesthetic and tourism importance of the scenic landscape, realise the need to retain the rural scenic character of a site and of the district and by ensuring through siting and landscaping provisions that any development does not detrimentally change the scenic rural character.

6.9.3 Whilst Tourist Uses may be permitted in the General Farming Scenic Zone with the discretion of Council (IP), if the level of development is such as to predominate over the use for which the General Farming Scenic Zone is applied, then a rezoning will be required.

6.9.4 The minimum lot size that Council shall recommend for approval to the Department of Planning and Urban Development within this zone shall be forty (40) hectares where soils, climate, topography, water availability and service provision justify subdivision down to this size.

6.9.5 A minimum building boundary setback of ten (10) metres shall apply to all lots within this zone. A lesser setback may be approved by Council where for topographical reasons a ten (10) metre setback can not be achieved and development would other wise be prohibited.

6.9.6 The planning consent of Council is required for the development of a second dwelling house on a lot within the General Farming Scenic Zone. Council shall not approve the development of more than two dwelling houses on a lot within this zone.

#### 6.10 DEVELOPMENT IN THE INTENSIVE FARMING ZONE

6.10.1 Aims and Objectives: Council seeks the wise use and management of resources, and the proper direction and control of development in this zone. It seeks to promote the existing intensive agricultural land use, and to encourage other similar or complementary activities.

In considering applications for approval to develop land under this zone, the Council shall—

- (a) Seek to protect the economic viability of the rural use zone in the light of its importance to the economy of the District.
- (b) Seek to protect the area from uses which will reduce the amount of land available for rural use purposes.
- (c) In recognition of the aesthetic and tourism importance of the scenic landscape, realise the need to retain the rural scenic character of a site and of the district and by ensuring through siting and landscaping provisions that any development does not detrimentally change the scenic rural character.

6.10.2 The minimum lot size that Council shall recommend for approval to the Department of Planning and Urban Development within this zone shall be twenty (20) hectares where soils, climate, topography, water availability and service provision justify subdivision down to this size.

6.10.3 The planning consent of Council is required for the development of a second dwelling house on a lot within the Intensive Farming Zone. Council shall not approve the development of more than two dwelling houses on a lot within this zone.

6.10.4 A minimum building boundary setback of ten (10) metres shall apply to all lots within this zone. A lesser setback may be approved by Council where for topographical reasons a ten (10) metre setback can not be achieved and development would otherwise be prohibited.

#### 6.11 DEVELOPMENT IN THE COMMERCIAL ZONE

6.11.1 In considering applications for approval to develop land under this zone, the Council shall—

- (a) Encourage a high standard of development in the Commercial Zone.
- (b) Promote areas for warehouse/showrooms, shops and comprehensive commercial businesses which are safe convenient and attractive for people and traders alike.
- (c) Encourage the use of building materials and architectural styles which harmonise visually with nearby buildings.

6.11.2 Plot Ratio and Site Coverage: The maximum plot ratio and site coverage shall be as follows—

- (a) No building shall have a plot ratio exceeding 1.0, the site coverage shall not exceed 60 per cent, and there shall be a maximum of two storeys.
- (b) Council may permit a building to have a plot ratio up to 20 per cent in excess of that prescribed and may permit the site coverage of that building to be increased by adding a further 20 per cent to that prescribed if the development proposed to be carried out—
  - 1. Incorporates on the site of the development at street level and adjoining a street an area or areas freely accessible to the public and open to the sky or such an area or areas at some other level in circumstances which the Council considers justify an increase in the permissible plot ratio and/or site coverage;
  - 2. Is set back from the side boundaries of the site at such level or levels and at such distances as the council considers justifies an increase in the permissible plot ratio;
  - 3. Includes a community or other facility or amenity which the Council considers justifies an increase in the permissible plot ratio and/or site coverage.

6.11.3 The Council shall not permit a building to have a plot ratio in excess of that prescribed in Clause 6.11.2 unless—

- (a) It is satisfied that the development complies with one or more of the criteria set out in Clause 6.11.2;
- (b) It is satisfied that the design, standard and nature of the development as a whole is such as to constitute a significant improvement to the amenities or environment of the Commercial Zone.

6.11.4 Set Back: Every building within the Commercial Zone shall be set back such distances from the boundaries of the lot on which it is to be erected as may be required by the Council as a condition of approval of the application for Planning Consent relating to the building.

6.11.5 Landscaping: Within the Commercial Zone Council shall require an area of at least ten (10) per cent of the lot area to be designed, developed and maintained as landscaped area in accordance with the approved plan relating thereto. Where in the opinion of the Council sufficient landscape features exist on the lot or nearby streets and reserves, the landscaped area may be reduced by up to 50 per cent.

6.11.6 Car Parking: Carparking spaces shall be provided, designed, constructed and maintained in accordance with the provisions of Clause 6.14 of the Scheme and the approved plan relating thereto.

#### 6.12 DEVELOPMENT IN THE CRAFT COMMERCIAL ZONE

6.12.1 Aims and Objectives: In recognition of the area's popularity for the manufacture and sale of locally produced art and craft work, Council is seeking to encourage and foster development of this industry. In this respect land has been specifically zoned for the purpose in this Scheme.

In considering applications for approval to develop land under this zone the Council shall—

- (a) Encourage attractive and efficient facilities for the manufacture, display, and sale of art and craft work.
- (b) Promote selected areas for art and craft shops and business which are safe, convenient and attractive for people and traders alike.

6.12.2 Development Control: Plot ratio and site coverage, setbacks, and car parking shall be required in accordance with Clauses 6.11.2, 6.11.3, 6.11.4, and 6.11.6.

6.12.3 Landscaping: Within the Craft Commercial Zone Council shall require an area of at least twenty (20) percent of the lot or lease area to be designed, developed and maintained in accordance with the approved plan relating thereto. Where in the opinion of Council sufficient landscape features exist on the lot or nearby streets and reserves, the landscaped area may be reduced by up to fifty (50) per cent.

#### 6.13 DEVELOPMENT IN INDUSTRIAL ZONES

6.13.1 In considering applications for approval to develop land under these zones, the Council shall—

- (a) Encourage pleasant and efficient industrial facilities;
- (b) Encourage consolidation and improvement of appropriately located industrial areas;
- (c) Enable industrial areas to expand where the need for such expansion can be sustained;
- (d) Promote safe movement of vehicular and pedestrian traffic;
- (e) Protect the amenity of adjacent areas.

6.13.2 Plot Ratio and Site Coverage: In the Industrial Zones the following plot ratios and site coverage shall not be exceeded.

|                  | Plot Ratio | Site Coverage |
|------------------|------------|---------------|
| Light Industry   | 1.0        | 65 per cent   |
| General Industry | 0.8        | 60 per cent   |

6.13.3 Set Back: Within the Industrial Zones the building line set back from the road reserve shall be—

Light Industry: 9 metres

General Industry: 18 metres

Side and rear setbacks shall be at the discretion of Council.

6.13.4 Landscaping: Within the Industrial Zones an area of at least 5 per cent of the site shall be developed and maintained as a landscaped area in accordance with the approved plan relating thereto.

6.13.5 Carparking: Carparking spaces shall be provided, designed, constructed and maintained in accordance with the provisions of Clause 6.14 of the Scheme.

6.13.6 Turning and manoeuvring of vehicles, loading and unloading, and rubbish disposal is to be provided for on-site.

#### 6.14 CAR PARKING

A person shall not develop or change use of or use land, or erect, use or adapt any building for use for the purpose indicated in Table No. 2 unless car parking spaces of the number specified in the second column of Table No. 2 are provided and such spaces are constructed and maintained in accordance with the provisions of this Scheme.

Parking is to be provided on the same site as the approved use or development unless otherwise approved by the Council.

TABLE No. 2—Car Parking

---

Use: Residential

Parking: As prescribed in the Residential Planning Codes

---

Use: Shop

Parking: 1 for every 20 m<sup>2</sup> gross floor area and 1 for every 50 m<sup>2</sup> gross floor area within the Craft-Commercial zone for shops less than 3000 m<sup>2</sup> gross floor area. For shops in excess of 3000 m<sup>2</sup> gross floor area as determined by Council.

---

Use: Showroom Industry (excluding Factory Warehouse Unit Building)

Parking: 4 for up to the first 200 m<sup>2</sup> gross floor area and thereafter 1 for every additional 100 m<sup>2</sup> gross floor area or part thereof.

---

Use: Office

Parking: 1 for every 50 m<sup>2</sup> gross floor area.

---

Use: Factory Unit Building

Parking: As for showroom, warehouse—2 for every factory unit whichever produces the greatest number of car parking spaces.

---

Use: Hotel, Motel, Tavern Club, Eating House, Licensed Restaurant, Public Assembly

Parking: Where applicable to the particular use—

- 1 for every 2 m<sup>2</sup> 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 4 m<sup>2</sup> of eating area or part thereof which ever 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 4.5 m<sup>2</sup> of assembly area which ever produces the greater number of car parking spaces;
  - 1 for every 3 m<sup>2</sup> of public lounge drinking area;
  - 1 for every 4.5 m<sup>2</sup> of beer garden or outdoor drinking area.
- 

Use: Amusement Centre, Non-residential club and church, Art Gallery, 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: Consulting Rooms, Veterinary

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: 1 for each lubrication and maintenance bay plus 1 for each person working on the site.

---

- (a) 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. 2 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.
- (b) Where it is demonstrated that the combined or shared car parking of different uses would result in the same effective number of parking spaces, Council may vary the requirements of Table No. 2.

6.14.1 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 of private footpaths within the lot, and the effect on both pedestrian and vehicular traffic movement and safety.

6.14.2 Donnybrook and Balingup Townsites: Notwithstanding the provisions of Clause 6.14 and Table No. 2 the following provisions shall apply to uses, developments and redevelopments of land or buildings within the Donnybrook and Balingup townsites.

Council may establish and maintain a Parking Fund in respect of the two townsites.

Where public off street parking facilities are or are to be located in proximity to land or a building the subject of an application for Planning Approval the Council may—

- (a) if satisfied that those facilities are sufficient to cater for the parking requirements of the land or building; or
- (b) if the applicant for Planning Approval pays into Council's Townsite Parking Fund an amount per parking bay as fixed by Council from time to time, the number of bays required being determined in accordance with Table No. 2 of Clause 6.14

approve the application notwithstanding that the required number of car parking spaces will not be provided within the land or building.

6.14.3 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 close proximity 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 on a permanent basis.

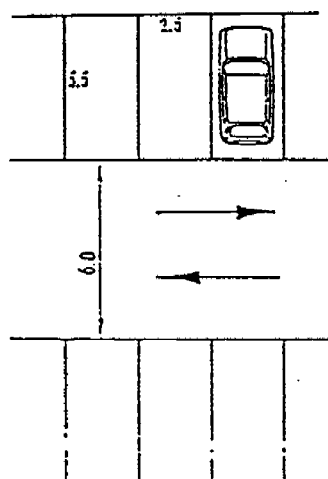
6.14.4 Dimensions: The dimensions of car parking spaces, parking angle, driveway widths and landscaping detail specified in Figure 1 shall be used by Council in determining the layout of car parking areas.

Council may vary the dimensions specified by up to 10 per cent 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.

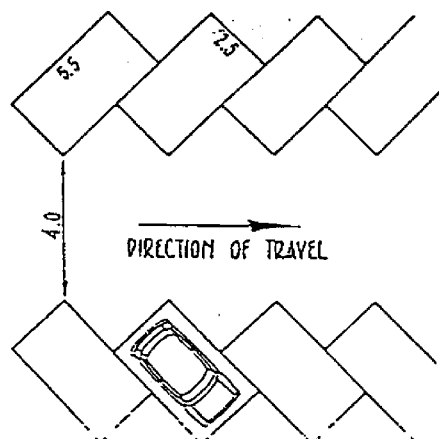
6.14.5 Landscaping Construction and Maintenance: The owner and occupier of premises on which car parking spaces are provided shall ensure that—

- (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 clearly marked out at all times to the satisfaction of Council.

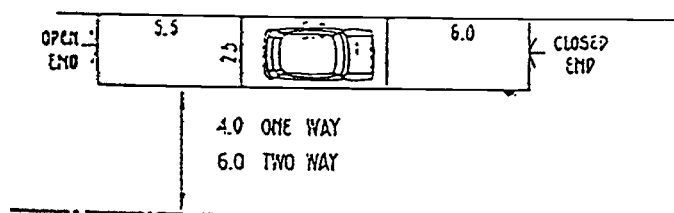
Figure 1  
carparking layout



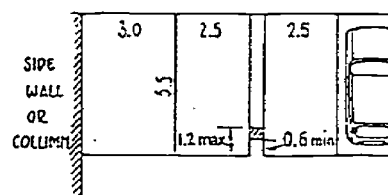
90° PARKING



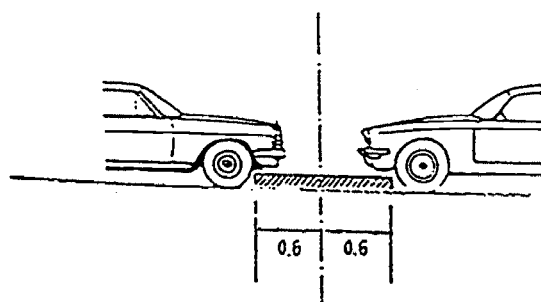
45° PARKING



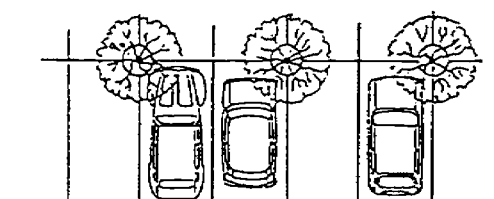
PARALLEL PARKING



OBSTRUCTIONS



WHEEL STOP MODIFICATIONS  
NOT TO AFFECT DRAINAGE



SHADE TREE LANDSCAPING

KERB RING NOT TO EXCEED 900mm DIA.

### 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° - 6.0m access

45° - 4.0m one-way access

PARALLEL - 6.0m two-way access  
4.0m one-way access

## 6.15 ROAD PROTECTION

6.15.1 Road Protection Lines: Land bounded by the Road Protection Lines defined on the Scheme Map as being 50 metres from either side of the centre line of the South Western Highway, the Donnybrook-Kojonup Road, the Nannup-Balingup Road, the Capel-Donnybrook Road, and the Collie-Mumballup Road or by the boundary of the railway reserve, where such reserve adjoins these roads, shall be a Road Protection Area within which special conditions shall apply to uses allowable under the Scheme Zoning provisions in order to protect the function, amenity and visual character of these roads.

6.15.2 Road Protection Area: Within the Road Protection Area the following conditions will apply in addition to, or in limitation of any other conditions or limitations imposed under the zoning provisions of this Scheme.

- (a) No public sign, advertisement, hoarding or notice shall be erected unless written approval is granted by the Council.
- (b) The Council shall not approve the erection of any advertisement for a service or commodity, which is not produced, offered or sold on the lot on which the advertisement is erected.
- (c) The Council will not approve the erection of an advertisement for the sale of land other than on the lot which is offered for sale.
- (d) The Council may remove any public sign, advertisement, hoarding or notice which has been erected contrary to sub-clause 6.15.2 (a) of this Part.
- (e) Subdivision of land zoned Rural Residential in the Road Protection Area shall not be approved without the responsible authority being satisfied that ribbon development control measures have been considered and that access points to these roads are limited to those approved by Council and the Main Roads Department. Service roads may be provided in the Rural Residential zoned land to connect to the approved access points on these roads.
- (f) A building line of 30 metres from the edge of the road reserve will apply. Service roads may be constructed within this building line.
- (g) Notwithstanding the provisions of sub-clause (f) of this clause the building lines within the Rural Residential Zone shall be determined by Council in accordance with its policies or any Town Planning (Guided Development) Scheme which is implemented from time to time in order to carry out those policies.

## 6.16 PINE PLANTATIONS

6.16.1 Notwithstanding that Plantation is an AA use in the General Farming Pastoral, General Farming Scenic and Intensive Farming Zones, plantations shall not be permitted within the area delineated by a broken line on the 1:50 000 scale map of the Donnybrook and Balingup townsites.

6.16.2 In establishing a tree plantation, no native vegetation shall be removed from any land for the purpose of being replaced by plantation species. Native vegetation includes individual trees which have been retained on "Parkland Cleared" rural land.

6.16.3 Suitable measures including replanting shall be taken after the clearing of plantations to prevent soil erosion.

6.16.4 Existing plantations in State Forest, within the delineated areas around Donnybrook and Balingup will have a continuing use right but if they are re-established strict fire control and prevention measures must be taken.

6.16.5 Plantations should be established in accordance with the fire protection guidelines set out in the Bush Fires Board and the Department of Planning and Urban Development's publication "Guidelines for Plantation Fire Protection."

## PART 7.—CONTROL OF ADVERTISING

### 7.1 POWER TO CONTROL ADVERTISEMENTS

7.1.1 For the purpose of this Scheme, the erection, placement and display, and, subject to the provisions of Clause 7.5, the continuance of advertisements is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Such an approval for planning consent is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting Bylaws.

7.1.2 Applications for Council's planning consent pursuant to this Part shall be submitted in accordance with the provisions of Clause 8.1 of the Additional Information Sheet in the form set out at appendix 1 giving details of the advertisement(s) to be erected, placed or displayed on the land.

### 7.2 EXISTING ADVERTISEMENTS

Advertisements which—

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



### 7.3 CONSIDERATION OF APPLICATIONS

7.3.1 Without limiting the generality of the matters which may be taken into account when making a decision upon an application for planning 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.

7.3.2 Generally, the Council will not approve the erection of any advertisement for a service or commodity, which is not provided, offered or sold on the lot on which the advertisement is erected.

### 7.4 EXEMPTIONS FROM THE REQUIREMENT TO OBTAIN PLANNING CONSENT

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 7.1.1, the Council's planning consent is not required in respect of those advertisements listed in Schedule 8 which for the purpose of this Part are referred to as "exempted advertisements".

### 7.5 DISCONTINUANCE

Notwithstanding the Scheme objectives and Clause 7.4, where in the opinion of the Council, an exempted or existing advertisement so seriously conflicts with the objectives of this Part, it may by notice in writing require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement.

### 7.6 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 give notice in writing requiring the advertiser to—

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

### 7.7 NOTICES

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

7.7.2 Any notice served pursuant to Clauses 7.5 and 7.6 shall be served upon the advertiser and/or owner 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; and
- (iii) the period, not being less than 28 days, within which the action specified shall be completed by the advertiser.

7.7.3 Any person upon whom a notice is served pursuant to this Part may within a period of 28 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 the decision.

### 7.8 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.

### 7.9 ENFORCEMENT AND PENALTIES

An advertiser who—

- (i) erects, places or displays or who permits to be erected, placed or displayed an advertisement otherwise than in accordance with the provisions of this Part; or
- (ii) fails to comply with any notice issued pursuant to this Part;

commits an offence and is liable to the remedies available to the Council pursuant to Section 10 of the Act.

## PART 8.—PLANNING CONSENT

### 8.1 APPLICATION FOR PLANNING CONSENT

8.1.1 Every Application for Planning Consent shall be made in the form prescribed in Schedule 5 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

8.1.2. Unless Council waives any particular requirement every Application for Planning Consent shall be accompanied by—

- (a) A plan or plans to a scale of not less than 1:500 drawing showing—
  - 1. Street names, lot number(s), north point and the dimensions of the site;
  - 2. 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;
  - 3. The existing and proposed means of access for pedestrians and vehicles to and from the site;

4. The location, number, dimensions and layout of all car parking spaces intended to be provided;
  5. 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;
  6. The location, dimensions and design of any landscaped, open storage or trade display areas and particulars of the manner in which it is proposed to develop the same;
  7. The type of external materials and colours.
- (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.

## 8.2 ADVERTISING OF APPLICATIONS

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

8.2.2 Where the Council decides to give notice of an application for Planning Consent 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 Consent stating that submissions may be made to the Council within twenty one days of the service of such notice;
- (b) Notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty one days of the service of such notice;
- (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.

8.2.3 The notice referred to in Clause 8.2.2. (a) and (b) shall be in the form contained in Schedule 6 with such modifications as circumstances require.

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

## 8.3 DETERMINATION OF APPLICATIONS

8.3.1 In determining an application for planning consent the Council may consult with any authority which, in the circumstances, it thinks appropriate.

8.3.2 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 consent or may grant its approval unconditionally or subject to such conditions as it thinks fit.

8.3.3 The Council shall issue its decision in respect of any application for planning consent in the form prescribed in Schedule 7 to the Scheme where the Council approves an application for planning consent under this Scheme the council may limit the time for which that consent remains valid.

## 8.4 DEEMED REFUSAL

8.4.1 Where the Council has not within sixty days of the receipt by it of an application for planning consent either conveyed its decision to the applicant or given notice of the application in accordance with Clause 8.2 the application may be deemed to have been refused.

8.4.2 Where the Council has given notice of an application for planning consent in accordance with Clause 8.2 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.

8.4.3 Notwithstanding that an application for planning consent may be deemed to have been refused under Clauses 8.4.1 or 8.4.2 the Council may 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.

## PART 9.—ADMINISTRATION

### 9.1 POWERS OF THE SCHEME

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

- (a) The Council may enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.

- (b) The Council may acquire any land or buildings within the district pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with law 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.

9.1.1 Notwithstanding anything herein contained the Council may in any particular case, and on such conditions as it thinks fit, relax the provisions of the Scheme, provided that the resolution so to do is passed by an absolute majority of the Council, and, provided also that the said resolution is confirmed within three (3) months by an absolute majority of the Council at a subsequent meeting.

9.1.2 Council shall only exercise its powers under Clause 9.1.1 if the proposed use or development of land is not already covered under the provisions of the Scheme. Clause 9.1.1 does not permit Council to change the Zoning Table or the Zoning on the Scheme Maps without following the normal Scheme Amendment procedure as defined by the Town Planning Regulations 1967 (As Amended).

9.1.3 In considering applications made with respect to Clause 9.1.1, Council shall have regard to the following matters—

- (a) The ability of the use or development to complement existing adjoining land use;
- (b) The effect of the proposal on traffic circulation;
- (c) The need for landscaping; and
- (d) The visual appearance of the proposal.

9.1.4 If Council decides not to exercise its discretionary powers which are conferred by Clause 9.1.1, this does not in turn confer any right of appeal.

## 9.2 OFFENCES

9.2.1 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 part have been and continue to be complied with.

9.2.2 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.

## 9.3 TIME LIMITS FOR ACTIONS UNDER THE TOWN PLANNING AND DEVELOPMENT ACT (as amended)

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

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

## 9.4 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.

## 9.5 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.

## 9.6 POWER TO MAKE POLICIES

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

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

- (a) The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the Draft policy may be inspected and where, in what Form, and during what period (Being not less than 21 days) representations may be made to the council.
- (b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy.

- (c) Following final adoption of a Town Planning Scheme Policy details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.

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

- (a) Preparation and final adoption of a new policy pursuant to this Clause, specifically worded to supercede an existing Policy.
- (b) Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.

9.6.4 For the purpose of assisting in evaluating the effects and impacts of prospective developments within the Scheme Area, and to advise it on such matters as the conservation of places of heritage value, the council may appoint an Advisory Panel.

#### 9.7 ADVISORY PANEL

9.7.1 For the purpose of assisting in evaluating the effects and impacts of prospective developments within the Scheme Area, and to advise it on such matters as the conservation of places of heritage value, the Council may appoint an Advisory Panel.

9.7.2 The Advisory Panel shall consist of the President of the Council or his nominee, who shall act as Chairman, and three members, at least one of whom is a ratepayer or a resident of the municipal district of the Council and who, in the opinion of the Council, has knowledge and experience of matters referred to the panel.

9.7.3 The Council may from time to time revoke the appointment of any member of the panel and may appoint persons in the place of the member of the panel whose appointment has been revoked or who resign or are unable to act.

9.7.4 A person shall not in a particular case act as a member of the panel if that person has a pecuniary interest in a matter before it.

9.7.5 The panel shall consider any such applications as are referred to it by the Council or the Town Planning Committee of the Council and the Council is not bound by a recommendation of the panel, provided that, if it does not accept a recommendation of the Advisory Panel, it shall advise the panel of its reasons.

---

#### SCHEDULE No. 1

##### Interpretations

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

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

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.

Art Gallery: means a building for the display and/or sale of art and craft work and may include a residential dwelling provided the concurrence of Council has first been obtained.

Camping Grounds: means an area set aside for camping in conformity with the Caravan and Camp Regulations 1961, made pursuant to the provisions of the Health Act, 1911 (as amended) and the Local Government Model By-laws (Caravan Parks) No. 2 made pursuant to the powers conferred by the Local Government Act, 1960 (as amended) and any amendments to those Regulations or to the Model By-laws.

Caravan Park: means land and buildings used for the parking of caravans under the Caravan Parks & Camping Grounds Regulations, 1974 (as amended) made pursuant to the provisions of the Health Act, 1977-1979 (as amended).

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

Car Park: means land and buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.

Car Sales: means land and buildings used for the storage and sale of cars and/or trucks.

Car Wreckers: means land and/or buildings used for the storage, dismantling, and subsequent sale of car and/or truck parts.

Civic Building: means a building designed, used or intended to be used by a Government Department, statutory body representing the Crown or Councils as offices or for the administrative or other like purposes.

Club: means a building or premises used or designed for use or adopted 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.

**Consulting Rooms:** means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors, and persons ordinarily associated with a practitioner, in the prevention or treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combination of professions or practices.

**Cottage Industry:** "Cottage Industry" means an industry which consists of a workshop or studio and sales outlet located within a dwelling unit or outbuilding from which arts and crafts are produced and sold and is subject to the following requirements-

- (a) The only goods that may be sold on-site are those which are specifically produced in the workshop or studio located on the lot subject to application.
- (b) Does not cause injury to or prejudicially affect the amenity of the locality including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, smell, fumes, smoke, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.
- (c) Does not occupy an area greater than 55m<sup>2</sup> unless special approval is granted by Council.
- (d) Does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located.
- (e) Does not display a sign exceeding 1.0m<sup>2</sup> in area.
- (f) May be carried out from an outbuilding which blends with the character of the area and does not detract from the area.
- (g) Makes provision for suitable access and parking facilities as determined by Council.

**Day Care Centre:** means land and building used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended).

**Development:** means the use or development of any land and includes the erection, construction, alteration or carrying out, as the case may be of any building, excavation, filling or other works on any land. Development includes the felling of timber on property.

**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.

**Drive-In Take-Away Food:** means any building or part thereof which is used or is adopted for use for the sale of cooked food for consumption off the premises and which provides drive-ways and car parking spaces for customers.

**Drive-In Theatre:** means land and buildings used to make provision for an audience 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.

**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 a 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.

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

**Extractive Industry:** means an industry which involves—

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

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

**Fuel Depot:** means land and building used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station.

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

**Gazettal Date:** means the date of which this Scheme is published in the Government Gazette.

**General Industry:** means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry.

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

**Holiday Accommodation:** means accommodation made available for holiday purposes for occupation by persons other than the proprietor in conformity with the Local Government Model By-laws (Holiday Accommodation) No. 18 made pursuant to the powers conferred by the Local Government Act, 1960 (as amended) and any amendments to the Model By-Laws.

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

- (a) 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 light, noise, vibration, electrical interference, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted;
- (b) does not entail employment of any person not a member of the occupier's immediate family who is resident on the premises;
- (c) does not occupy an area greater than twenty square metres;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;
- (e) does not display a sign exceeding 0.2m<sup>2</sup> in area;
- (f) in the opinion of the Council it is compatible with the principal uses to which land in the zone it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area;
- (g) does not entail the presence, use or calling of a vehicle of more than two tonnes tare weight;
- (h) does not entail the presence of more than one commercial vehicle and does not include provision for the fuelling or repairing of motor vehicles within the curtilage of the dwelling house or domestic out-building;
- (i) does not entail the offering for sale or display of motor vehicles, machinery or goods (other than goods manufactured or serviced on the premises); and
- (j) does not entail a source of power other than an electric motor of not more than 0.373 kilowatts (0.5hp).

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

**Hotel:** means land and buildings providing accommodation for the public the subject of an Hotel Licence granted under the provisions of the Liquor Act, 1970 (as amended).

**Institutional Building:** means a building used or designed for use as wholly or principally for the purpose of—

- (a) a home or other institution for care of persons who are physically or mentally handicapped;
- (b) a rehabilitation centre or home for alcoholics, drug addicts, persons released from prison or other persons requiring treatment as provided by such a centre.

**Institutional Home:** means a building used for residential purposes for the care and maintenance of children, the aged or the infirm and includes a benevolent institution.

**Intensive Cultivation:** means land used for horticultural purposes and includes orchards and vegetable production, floriculture, viticulture, herb and mushroom farming.

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

**Liquor Store:** means a building the subject of a Store Licence granted under the provisions of the Liquor Act, 1970 (as amended).

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

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

**Motel:** means land and buildings used or intended to be used to accommodate patrons in a manner similar to an Hotel or Boarding House but in which special provision is made for the accommodation of patrons with motor vehicles.

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

**Nursery:** means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden decor.

**Office:** means a building used for 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.

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

**Plantation:** means a lot or Crown Reserve or land under the control of the Department of Conservation and Land Management or a part of a lot, Crown Reserve or land under the control of the Department of Conservation and Land Management which is used for the purpose of cultivating trees for commercial gain or producing timber, but does not include areas being reforested.

**Produce Store:** means land and buildings wherein fertilisers, grain and stockfeeds are displayed and offered for sale.

**Professional Office:** means a building used for the purposes of his profession by an accountant, architect, artists, author, barrister, chiroprapist, 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 land and buildings used for the amusement or entertainment of the public, with or without charge.

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

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

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

**Public Worship—Place of:** means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary or higher education, or as residential training institution.

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

**Residential Building:** means a building, other than a dwelling house designed for used of human habitation together with such outbuildings as are ordinarily used therewith, and the expression includes a hostel, an hotel designed primarily for residential purposes and a residential club.

**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.

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

**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.

**Rural Pursuit:** means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith—

- (a) the growing of vegetables, fruit, cereals or food crops;
- (b) the rearing or agistment of goats, rabbits, deer, sheep, cattle or beasts of burden;
- (c) the stabling, agistment or training of horses;
- (d) the growing of grain, legume and oil seed crops;
- (e) aquaculture or bee keeping;
- (f) the sale of produce grown solely on the lot.

but does not include the following except as approved by the Council—

- (a) the keeping of pigs;
- (b) poultry farming;
- (c) the processing, treatment or packing of produce;

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

**Shop:** means a building wherein goods are kept, exposed or offered for sale by retail.

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

- Sports Ground:** means any land used for any sport but does not include land within the curtilage of a dwelling, if not used commercially.
- Stable:** means land and buildings used or adopted for use for the keeping of horses.
- Tavern:** means land and buildings the subject of a Tavern Licence granted under the provisions of the Liquor Act, 1970 (as amended).
- Tourist Use:** means land and buildings used for the purpose of attracting tourists and visitors to the Shire of Donnybrook—Balingup and includes accommodation, entertainment, shopping and business uses.
- Trade Display:** means land and buildings used for the display of trade goods and equipment for the purposes of advertisement.
- Transport Depot:** means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.
- Veterinary Consulting Rooms:** means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight.
- Veterinary Hospital:** means a building used in connection with the treatment of sick animals and includes the accommodation of sick animals.
- Warehouse:** means a building wherein goods are stored and may be offered for sale by wholesale.
- Wholesale:** means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a "wholesale merchant" for Sales Tax purposes under the provisions of the Sales Tax Assessment Act No. 1 1930, (as amended).
- Zone:** means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of land, but does not include reserved land.
- Zoological Gardens:** means land and buildings used for the keeping, breeding or display of fauna and the term includes Zoo but does not include kennels or keeping, breeding or showing of domestic pets.

#### SCHEDULE No. 2

##### PLACES OF HERITAGE VALUE

1. The following list of "Place of Heritage Value" includes places and buildings which are either—
  - \* Classified by the National Trust
  - \* Recorded by the Heritage Committee, or
  - \* Comprise an aboriginal site as determined by the Western Australian Museum.
2. Each place, building or site is numbered, with a corresponding number shown on the Scheme Map.

##### NUMBER DESCRIPTION OF PLACE OF HERITAGE LOCATION VALUE

###### BALINGUP

1. St. Peter's Anglican Church (1898) Jayes Road, Balingup
2. Brooklands Farm Homestead (1904) Balingup-Nannup Road
3. Golden Valley Farm Homestead (1895) Padbury Hill Road
4. Southampton Farm Homestead (1862-82) Jones Road
5. Former Balingup Hotel Brockman Street
6. Former Post Office (now quarters) Brockman Street
7. Balingup Hall Jayes Road
8. Reserve 25446 12km from Balingup

###### DONNYBROOK

9. Brookhampton Hall (Brookhampton 1900)
10. Old Brookhampton Farm Homestead Old Brookhampton Road (1860)
11. Brookview Farm Homestead (1886) Old Brookhampton Road
12. St. Thomas Church (1906) Thompson Brook Road
13. Soldiers' Memorial Hall (1919-24) Bentley Street
14. Careydale Farm Homestead (1888) Cemetery Road
15. Paynedale Farm Homestead (1883) Goodwood Road
16. All Saints Anglican Church (1906) South West Highway
17. Anchor & Hope Inn (1862) South West Highway
18. (Crendon) Farm Homestead Upper Capel Road
19. St. Philomena's Convent School Bentley Street



- 20. Uniting Church Collins Street
- 21. CBA Bank South West Highway
- 22. Donnybrook Hotel South West Highway
- 23. Masonic Hall South West Highway
- 24. Post Office South West Highway
- 25. Railway Hotel South West Highway

## KIRUP

- 26. Kirup Tavern South West Highway
- 27. Forests Department Regional Office South West Highway

## LOWDEN

- 28. Woodlands Farm Homestead Boyup Brook Road
- 29. Lowden Store Boyup Brook Road

## MULLALYUP

- 30. Mullalyup Inn & Barn South West Highway
- 31. Hawterville Farm Homestead (1895) South West Highway

## MUMBALLUP

- 32. Forest Tavern

## NEWLANDS

- 33. Torridon Farm Homestead

## YABBERUP

- 34. Yabberup Hall (1896)

SCHEDULE No. 3  
RURAL RESIDENTIAL ZONES

| SPECIFIED AREA   | SPECIAL PROVISIONS   |
|--|--|
| 1. Wellington Location 2419<br>Irishtown Road<br>Locality<br>Donnybrook              | 1. Subdivision is to be in accordance with Plan of Subdivision included in the Scheme Amendment Report.<br>2. The minimum standard of fencing shall be 1.4m post and 4 strand wire or such similar materials as approved by Council but such materials as asbestos, metal sheeting or wooden pickets shall not be used.<br>3. No dwelling house or outbuilding shall be constructed closer than 40 metres to a lot boundary unless the topography or flora of the site or the shape of the lot dictate otherwise. Where the topography, flora of the site or the shape of the lot make the construction of a dwelling house or outbuilding difficult the Council may set an alternative setback.<br>4. Council may in any case where it deems necessary stipulate animal stocking rates in order to preserve the vegetation and amenity of the site. |
| 2. Lots 1 and 2<br>Wellington Location 1108<br>Irishtown Road<br>Locality Donnybrook | 1. Subdivision is to be generally in accordance with the Subdivision Guide Plan included in the Scheme Amendment Report.<br>2. No dams shall be permitted except those that were existing at the time of approval of this Special Rural Zone.<br>3. The minimum standard of fencing shall be 1.4m post and 4 strand wire or such similar materials as approved by Council but such materials as asbestos, metal sheeting or wooden pickets shall not be used.<br>4. No dwelling house or outbuilding shall be constructed closer than 10 metres to a lot boundary except where indicated on the Subdivision Guide Plan.<br>5. A dwelling house and outbuildings shall not be constructed on a lot except within the area shown on the Subdivision Guide Plan as the Building Area.   |

| SPECIFIED AREA                           | SPECIAL PROVISIONS  |
|--|---|
| 3. Grimwade Road Locality,<br>Balingup   | <p>6. Access from a lot to a public road shall be prohibited except at the place shown on the Subdivision Guide Plan as Access Place unless written approval to an alternative access place is granted by Council.</p> <p>7. Council may stipulate animal stocking rates in order to preserve the vegetation and amenity of a lot.</p> <p>8. The Council when considering an application for Council Planning Consent in accord with Clause 7.1.1 shall have regard to the following additional matters—</p> <ul style="list-style-type: none"> <li>(a) The intent of this special rural zone is to provide primarily for rural-residential retreats with incidental uses such as intensive agriculture and the keeping of animals for recreation purposes, but not for the intensive keeping of any animals.</li> <li>(b) Council shall not approve any development which shall cause visual, rural and residential amenities of adjoining lots to be adversely affected by reason of noise, smoke, dust, smell or by any other cause.</li> <li>(c) The location and design of access ways, water runoff points, and water discharge points in order to minimize soil erosion.</li> </ul>  |
| 4. Brockman Street Locality,<br>Balingup | <p>1. Subdivision is to be in accordance with the Plan of Subdivision included in the Scheme Amendment Report.</p> <p>2. The minimum standard of fencing shall be 1.4m post and 4 strand wire or such similar materials as approved by Council but such materials such as asbestos, metal sheeting or wooden pickets shall not be used.</p> <p>1. The minimum lot size shall be not less than 2 ha. with an average lot size of 2.5 ha. respectively.</p> <p>2. The Plan of Subdivision specified in Clause 3.4.1 shall be generally in accordance with the Subdivision Guide Plan as endorsed by the Shire Clerk.</p> <p>3. The Subdivision Guide Plan defines areas as building envelopes, and no dwelling house, outbuilding or structure shall be constructed within the Scheme Area unless it is within an area defined as a Building Envelope on the Subdivisional Guide Plan.</p> <p>4. No vehicular access shall be permitted from Lots onto the South Western Highway.</p> <p>5. No clearing shall be permitted outside the building envelope as designated on the Subdivision Guide Plan of this schedule except for the following—</p> <ul style="list-style-type: none"> <li>(a) The removal of trees which are dead, diseased or dangerous.</li> <li>(b) Council may vary the position of a firebreak in the interests of conserving the quality of the area.</li> <li>(c) For the purpose of providing any access driveway for a residential dwelling as approved by Council.</li> </ul> <p>6. On receipt of a written request from the landowner to amend the building envelope, the Council may—</p> <ul style="list-style-type: none"> <li>(a) agree to relocate the building envelope;</li> <li>(b) agree to extend the building envelope;</li> <li>(c) refuse to amend the boundaries of the envelope.</li> </ul> <p>Notwithstanding Clause 6, the building envelope shall not be located nearer to a boundary of a lot than 10 metres.</p> <p>7. Prior to the subdivision of the land described as Area 4 in this schedule, the subdivider shall—</p> <p>— within the Tree Planting Area defined on the Subdivision Guide Plan, plant trees within 10 metres of the road frontages, and arrange for all trees planted to be maintained to the satisfaction of council until such time as the lot is transferred to the purchaser.</p> |

| SPECIFIED AREA  | SPECIAL PROVISIONS   |
|---|--|
| 5. Wellington Location 1244,<br>Irishtown Road, Donnybrook              | <p>8. The trees planted within the Tree Planting Area designated on the Subdivision Guide Plan shall be maintained by the purchaser of the lot.</p> <p>9. (a) All applications for planning approval made pursuant to Clause 8.1.1 for development within this Special Rural Zone shall indicate the entire lot, the areas of natural vegetation, the site contours, the extent of any earthworks, the siting, setbacks, design and external appearance of all new buildings nominating the reason for choice of materials and the manner in which these will assist the integration of the buildings into the natural landscape.</p> <p>(b) All applications for planning approval shall embody the basic premise that development and the provision of associated services are secondary to the natural features of the site and therefore shall show the extent of any earthworks and/or clearing.</p> <p>(c) The siting and erection of any building, outbuilding, or fence shall not be approved by Council unless or until it is satisfied that the design, construction, materials and position will be in harmony with the rural character of the land within the zone and the area generally.</p>   |
| 6. Portion of Wellington Location 2088,<br>Upper Capel Road, Donnybrook | <p>1. The minimum standard of fencing shall be 1.4 m post and 4 strand wire or such similar materials as approved by Council but such materials as asbestos, metal sheeting or wooden pickets shall not be used.</p> <p>2. No dwelling house or outbuilding shall be constructed closer than 40 metres to a lot boundary unless topography or flora of the site or the shape of the lot dictate otherwise. Where the topography of the lot makes the construction of a dwelling house or outbuilding difficult the Council may set an alternative setback.</p> <p>3. Council may in any case where it deems necessary stipulate animal stocking rates in order to preserve vegetation and amenity of the site.</p> <p>1. Subdivision shall be in accordance with Plan of Subdivision No. 353-80 included in the Scheme Amendment Report.</p> <p>2. The minimum distance any building or structure shall be constructed—</p> <p>(a) to the Upper Capel Road shall be 50m; and</p> <p>(b) to any other lot boundary shall be 20m.</p> <p>3. The minimum standard of fencing shall be 1.4m post and 4 strand wire or such similar materials as approved by Council but such materials as asbestos, metal sheeting or wooden pickets shall not be used.</p> <p>4. Dwellings are to be constructed within the building envelopes indicated on the subdivision plan.</p> <p>5. Council may in any case where it deems necessary stipulate animal stocking rates in order to preserve the vegetation and amenity of the site.</p> |
| 7. Wellington Location 3816<br>Irishtown Road, Donnybrook               | <p>1. Subdivision is to be generally in accordance with the Subdivision Guide Plan and endorsed by the Shire Clerk.</p> <p>2. 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, and that they must consult with Council before commencing any development.</p> <p>3. Within the Building Envelope identified on the Plan of Subdivision an area no greater than 1 000 square metres may be cleared to allow for the construction of a residential dwelling and any outbuildings ancillary thereto on the site.</p>   |

## SPECIFIED AREA

## SPECIAL PROVISIONS

In the land which is outside this area, indigenous trees or other substantial vegetation may not be felled except as hereunder:

- (a) Trees which are dead, diseased or dangerous;
- (b) 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 or avoid destruction of vegetation or due to the physical features of the subject land;
- (c) For the purpose of any access driveway for a residential dwelling as approved by Council.

4. Strategic Firebreaks and the hardstand area depicted on the endorsed Subdivision Guide Plan shall be provided as a condition of subdivision, and constructed to a standard approved by the Council and the Bushfires Board.

5. On-going management of the strategic firebreaks and other fire control measures required by the Bushfires Act is the responsibility of individual lot owners.

6. An easement is to be provided over the access leg and hard stand area shown on the endorsed Subdivision Guide Plan.

7. Revegetation shall include trees which are native to the locality and are capable of growing to a height of 3 metres to be located and planted to the specification and satisfaction of Council.

8. At the subdivisional stage, Council and the Commission shall require evidence of revegetation of the subject land.

9. 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.

10. The keeping of livestock will not be permitted unless the applicant can demonstrate to Council that the animals are correctly yarded and lots will be managed in a manner to ensure that the soil and vegetation are not denuded.

11. The land is to be managed in such a manner as to avoid the land being laid bare of vegetation resulting in loose, wind erodible conditions. For the said vegetation that has to be removed to make way for housing, fences, firebreaks, outbuildings and access way construction, the council's approval shall be deemed as Council's written consent to remove vegetation. Clearing for all other purposes is to be contained within the building envelope.

12. Fences shall be maintained to the satisfaction of the Council on all boundaries between freehold land and State Forest.

13. No dwelling house shall be constructed unless a domestic water supply consisting of at least an adequate roof catchment area, and a water storage tank of not less than ninety two thousand (92 000) litres is incorporated in the plans and specifications of the building and constructed at the same time as the building provided that the Shire may relax this requirement if it is satisfied that there is an adequate natural supply of potable water available on the site.

14. 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 ground-water level, and 100m horizontal separation from any standing water bodies.

15. All household rubbish and refuse shall be transported to, and deposited in, a disposal site gazetted under the "Health Act".

| SPECIFIED AREA | SPECIAL PROVISIONS  |
|----------------|---|
|                | <p>16. Signs to the satisfaction of the Department of Conservation and Land Management and the Environmental Protection Authority shall be erected along the boundary fence abutting the State Forest notifying residents of the implications of illegal dumping and the possible threat to wildlife by domestic animals.</p> <p>17. No building, outbuilding or fence shall be constructed of materials or be of a colour which in the opinion of Council is detrimental to the character or natural landscape of the locality.</p> <p>18. All buildings constructed shall by virtue of materials and design be reasonably fire resistant. The Council shall from time to time specify its standards for fire resistant buildings.</p> <p>19. No soil, rock or gravel reasonably suspected of being affected by plant disease and no declared plant or animal shall be introduced into the Special Rural Zone.</p> <p>20. A well licence must be obtained from the Water Authority of Western Australia prior to construction of a well or bore to draw groundwater.</p> |

## SCHEDULE No. 4

## SPECIAL USE SITES

| AREA STREET                       | PARTICULARS OF LAND           | SPECIAL USE PERMITTED AND ANY SPECIFIC CONDITIONS OF OPERATION  |
|-----------------------------------|-------------------------------|---|
| 1. South West Highway, Donnybrook | 33927, Lot 484                | Caravan Park, Camping Ground and Chalets.   |
| 2. South West Highway, Donnybrook | Lots 17,19,25,26              | Showroom, Open Air Display and Ancillary uses.  |
| 3. South West Highway, Donnybrook | 9791, Lot 467                 | Caravan Park and Camping Ground.  |
| 4. Airstrip Road                  | Locations 8123, 8124 and 8125 | Residential Building, intensive cultivation, dwellings, and ancillary uses.   |
| 5. Brockman Street                | Lot 20 & 21                   | Tourist Use.  |
| 6. South West Highway             | Pt Lot 156                    | Restaurant and Function Rooms.  |
| 7. Meotti Road                    | Pt Lot 1 of Location 1244     | <p>Extractive industry—Donnybrook Stone, under which the following conditions of extraction shall apply:</p> <p>Hours of operations: shall commence no earlier than 0700 hours and shall finish no later than 1700 hours on the days Monday to Friday.</p> <p>Noise levels are not to exceed the levels specified under Section 65 of the Environmental Protection Act of Western Australia 1986.</p> <p>The land which has been excavated is to be re-contoured as near as possible to its original condition.</p> <p>All vegetation that is removed is to be replaced with similar species of vegetation.</p> <p>The developers are required to contribute towards the cost of sealing all unsealed sections of Meotti Road from Irishtown Road to the northern boundary of Lot 1, prior to operation commencing, and to maintain road thereafter to the specification and satisfaction of Council.</p> |

| AREA STREET                      | PARTICULARS OF LAND | SPECIAL USE PERMITTED AND ANY SPECIFIC CONDITIONS OF OPERATION  |
|----------------------------------|---------------------|---|
| 8. Marmion Street,<br>Donnybrook | Pt Lot 14           | <p>The development of the quarry is subject to a licence firstly being obtained under Council's Extractive Industry By-laws.</p> <p>Screen planting along the southern boundary of Lot 1, where it adjoins Lot 2, is to be undertaken to Council specifications.</p> <p>No drainage waters or dust are to be exported off the site.</p> <p>Veterinary Hospital under which the following conditions shall apply:</p> <ol style="list-style-type: none"> <li>Existing road reserve crossover limited to use by vehicles of not more than 30 tonnes tare weight.</li> </ol> |

## SCHEDULE No. 5

## TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

## SHIRE OF DONNYBROOK-BALINGUP

## APPLICATION FOR PLANNING CONSENT

1. SURNAME OF APPLICANT ..... GIVEN NAMES .....

FULL ADDRESS .....

2. SURNAME OF LAND OWNER ..... GIVEN NAMES .....

(if different from above) .....

3. SUBMITTED BY .....

4. LOCALITY OF DEVELOPMENT .....

5. TITLE DETAILS OF LAND .....

6. NAME OF ROAD SERVING PROPERTY .....

7. STATE TYPE OF DEVELOPMENT .....

NATURE & SIZE OF ALL BUILDINGS PROPOSED .....

.....

MATERIALS TO BE USED ON EXTERNAL SURFACES OF BUILDINGS .....

.....

GENERAL TREATMENT OF OPEN PORTIONS OF THE SITE .....

.....

DETAILS OF CAR PARKING AND LANDSCAPING PROPOSALS .....

.....

APPROXIMATE COST OF PROPOSED DEVELOPMENT .....

.....

ESTIMATE TIME FOR CONSTRUCTION .....

.....

SIGNATURE OF OWNER ..... SIGNATURE OF APPLICANT OR AGENT .....

(Both signatures are required if applicant is not the owner)

.....

DATE ..... DATE .....

NOTE: This form should be completed and forwarded to the Shire Council together with 2 copies of detailed plans showing complete detail of the development including a site plan showing the relationship of the land to the area generally. In areas where close development exists, or is in the course of construction, plans shall show the siting of buildings and uses on lots immediately adjoining the subject land.

SCHEDULE No. 6  
SHIRE OF DONNYBROOK-BALINGUP  
TOWN PLANNING SCHEME No. 4

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 ..

SHIRE CLERK .....

DATE .....

SCHEDULE No. 7  
TOWN PLANNING AND DEVELOPMENT ACT, 1928 (AS AMENDED)  
SHIRE OF DONNYBROOK-BALINGUP  
DECISION ON APPLICATION FOR PLANNING CONSENT

The Council having considered the application

Dated .....

Submitted by .....

On behalf of .....

hereby advise that it has decided to—

REFUSE/GRANT APPROVAL—

TO COMMENCE DEVELOPMENT

—TO DISPLAY AN ADVERTISEMENT

subject to the conditions/for the following reasons.

SHIRE/TOWN CLERK .....

DATE .....

SCHEDULE No. 8  
EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 5

| Land Use and/or<br>Development<br>Requiring<br>Advertisement                | Exempted Sign Type and Number<br>(All non-illuminated unless otherwise stated)   | Maximum Area of<br>Exempted Sign              |
|---|--|---|
| Dwellings   | One professional name-plate as appropriate   | 0.2 sq.m.                                     |
| Home Occupations  | One advertisement describing the nature of the home occupation   | 0.2 sq.m.                                     |
| Places of Worship,<br>Meeting Halls and<br>Assembly                         | One advertisement detailing the function and/or the activities of the institution concerned  | 0.2 sq.m.                                     |
| Cinemas, Theatres<br>and Drive-In Thea-<br>tres                             | 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 5 sq.m. |
| Shops, Showrooms<br>and other uses ap-<br>propriate to a Shop-<br>ping Area | All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs, Hoarding and Bill Posting By-Laws. | Not applicable                                |

| Land Use and/or Development Requiring Advertisement  | Exempted Sign Type and Number<br>(All non-illuminated unless otherwise stated)   | Maximum Area of Exempted Sign  |
|--|--|--|
| Industrial and Warehouse Premises  | A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building<br>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 5 sq.m.<br><br>Maximum permissible total area shall not exceed 10 sq.m. individual advertisement signs shall not exceed 6 sq.m. |
| Showroom, race courses, major racing tracks, sports stadium, major sporting grounds and complexes              | All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets  | N/A  |
| Public Places and Reserves   | (a) Advertisement signs (illuminated and non-illuminated relating to the functions of government, a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and<br>(b) Advertisement signs (illuminated or non-illuminated) required for the management or control of traffic on any public road, car park, cycleway railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a municipality, and<br>(c) Advertisement signs (illuminated or non-illuminated required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein | N/A<br><br>N/A<br><br>N/A  |
| Railway Property and 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 2 sq.m. 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  |
| 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   | 2 sq.m.  |
| Building Construction Sites (advertising 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  | 2 sq.m.  |
| (ii) Multiple Dwellings Shops, Commercial and Industrial Projects  | One sign as for (i) above  | 5 sq.m.  |



| Land Use and/or Development Requiring Advertisement  | Exempted Sign Type and Number<br>(All non-illuminated unless otherwise stated)  | Maximum Area of Exempted Sign                   |
|--|---|---|
| (iii) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height                      | One sign as for (i) above<br><br>One additional sign showing the name of the project builder  | 10 sq.m.<br><br>5 sq.m.                         |
| Sales of Goods or Livestock  | 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              | 2 sq.m.   |
| Property Transactions Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows— |   |   |
| (i) 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 2 sq.m.   |
| (ii) Multiple Dwellings, Shops, Commercial and Industrial properties   | One sign as for (a) above   | Each sign shall not exceed an area of 2 sq.m.   |
| (iii) Large properties comprised of shopping centres, buildings in excess of 4 storeys and rural properties in excess of 5 ha                              | One sign as for (a) above   | Each sign shall not exceed an area of 10 sq.m.. |
| 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<br><br>(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 | 2 sq.m.<br><br>5 sq.m.                          |

## APPENDIX 1

## CONTROL OF ADVERTISEMENTS

## ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL

(to be completed in addition to Application for Approval to Commence Development Form 1)

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:

NB. 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 landowners)

Date: .....

## ADOPTION

Adopted by Resolution of the Council of the Shire of Donnybrook-Balingup at the meeting of the Council held on the sixteenth day of March 1988.

W. B. HEARMAN, President.  
J. R. ATTWOOD, Shire Clerk.

Date: 1 December 1993.

## FINAL APPROVAL

1. Adopted by Resolution of the Council of the Shire of Donnybrook-Balingup at the meeting of the Council held on the fifteenth day of September 1993 and the seal of the Municipality was pursuant to that Resolution hereunto affixed in the presence of—

W. B. HEARMAN, President.  
J. R. ATTWOOD, Shire 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 data shown below.

2. Recommended/submitted for final approval by the Department of Planning and Urban Development.

M. R. ALLEN, for Chairman, State Planning Commission.

Date: 7 January 1994.

## 3. Final approval granted—

RICHARD LEWIS, Hon Minister for Planning.

Date: 15 January 1994.

**POLICE****PE401****POLICE AUCTION**

The following property will be offered by public auction on behalf of the Commissioner of Police on Saturday, 26 March 1994 at the Broome Auction Centre, Clementson Street, Broome to commence at 0900 hours.

Electrical goods including 1 cassette player, assorted cassettes and carry case, 1 Sony video camera

Assorted tools

Assorted items of jewellery including gold neck chains, earrings

Assorted bicycles and parts including 3 x ladies bicycles, 13 x gents bicycles, 3 x childrens bicycles, assorted bicycle parts

Inspection of the above items can be made at the Broome Auction Centre, Lot 2096 Clementson Street, Broome, phone (091) 93 5309.

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

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a cycle race by members/entrants of the Karratha Cycle Club on 17 July 1994, between the hours of 0800 and 1100 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Mystery Road, Maitland Road, Millstream Road, Dampier Road, Church Road, The Esplanade, out to Burrup Security Gate and return to start.

All participants to wear approved head protection at all times.

Dated at Perth this 8th day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

**ROAD TRAFFIC ACT 1974**

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a cycle race by members/entrants of the Karratha Cycle Club on 17 July 1994, between the hours of 0800 and 1000 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Searipple Road, Millstream Road, Maitland Road, Mystery Road and return.

All participants to wear approved head protection at all times.

Dated at Perth this 8th day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

**ROAD TRAFFIC ACT 1974**

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a cycle race by members/entrants of the Karratha Cycle Club on 30 July 1994, between the hours of 1000 and 1200 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—commencing at western end of Balmoral Road. Finishing 2 km/s east of starting point on Balmoral Road, Karratha.

All participants to wear approved head protection at all times.

Dated at Perth this 8th day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

**ROAD TRAFFIC ACT 1974**

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a cycle race by members/entrants of the Karratha Cycle Club on 30 July 1994, between the hours of 1330 and 1630 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Mystery Road, Maitland Road, Millstream Road, Dampier Road, Parker Point Road, The Esplanade, Church Road Ave and return to Karratha.

All participants to wear approved head protection at all times.

---

**ROAD TRAFFIC ACT 1974**

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a cycle race by members/entrants of the Karratha Cycle Club on 3 July 1994, between the hours of 0800 and 1000 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Balmoral Road, Warambie Road, Searipple Road, Mystery Road, Maitland Road, Millstream Road, Karratha Road, North West Coastal Highway and return.

All participants to wear approved head protection at all times.

Dated at Perth this 8th day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

---

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

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a footrace by members/entrants of the W.A. Marathon Club on 3 July 1994, between the hours of 0800 and 0930 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Rotary Park, Scenic Drive, Wanneroo.

Dated at Perth this 8th day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

---

**ROAD TRAFFIC ACT 1974**

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a footrace by members/entrants of the W.A. Marathon Club on 26 June 1994, between the hours of 0730 and 1000 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Esplanade Reserve, Marine Terrace, Cliff Street, Phillimore Street, Elder Place, Beach Place, Victoria Quay, Ocean Road, Hubert Street, Duoro Road, Marine Terrace, and repeat.

Dated at Perth this 2nd day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

PE404

**ROAD TRAFFIC ACT 1974**

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a marathon by members/entrants of the Youth Endeavour on 16, 17, 18 April 1994, between the hours of 2000 on 16th and 0930 am on 18th, do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Wungong Road in Armadale, South West Highway, to Bussell Highway in Margaret River.

Dated at Perth this 8th day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

**ROAD TRAFFIC ACT 1974**

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a marathon by members/entrants of the Eastern Hills Senior High School on 11 March 1994, between the hours of 1600 and 1800 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Keane Street, Mt Helena, Lion Street, Elliot Road, Thomas Street, Rosedale Road, Lake Leschenaultia.

Dated at Perth this 3rd day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

PE405

**ROAD TRAFFIC ACT 1974**

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a triathlon by members/entrants of Katanning Triathlon on 13 March 1994, between the hours of 0830 and 1100 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Park Street, Conroy Street, Harris Street, Adam Street, Nyabing/Park Street, Katanning.

Dated at Perth this 3rd day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

**ROAD TRAFFIC ACT 1974**

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a triathlon by members/entrants of the Mount Magnet Triathlon on 27 March 1994, between the hours of 0700 and 1200 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—from Mt Magnet for 10 kilometres on Great Northern Highway and return, Hill 50 Road, Laurie Street, Naughton Street, Hepburn Street, Mount Magnet.

Dated at Perth this 8th day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

**ROAD TRAFFIC ACT 1974**

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a triathlon by members/entrants of the Narrogin Senior High School on 17 March 1994, between the hours of 1145 and 1345 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Clayton Road, Narrogin for 7.5 kilometres and return to swimming pool.

Dated at Perth this 8th day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

**ROAD TRAFFIC ACT 1974**

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a triathlon by members/entrants of the Albany Triathlon Club Incorporated on 1 May 1994, between the hours of 0900 and 1130 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Firth Street, Birss Street, Medcalf Parade, Emu Point Drive, Troode Street, Lower King Road to Lower Kalgan Hall and return to start.

Dated at Perth this 2nd day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

**ROAD TRAFFIC ACT 1974**

I, Angelo Neville Scaini, Acting Commander (Metropolitan Traffic) being the delegated officer of the Minister for Police under section 83 (6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83 (1) of that Act and the consent of the local authorities having been obtained and nominated for the purpose of a triathlon by members/entrants of the Albany Triathlon Club incorporated on 17 April 1994, between the hours of 0900 and 1100 do hereby approve the temporary suspension of regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Princess Royal Sailing Club Chipana Way, Frenchmans Bay Road, Gap Road, Bayview Drive and return to start.

Dated at Perth this 2nd day of March 1994.

A. N. SCAINI, Acting Commander (Metropolitan Traffic).

**WATER AUTHORITY**

**WA301**

**WATER AUTHORITY ACT 1984****WATER AUTHORITY VESTING ORDER (No. 2) OF 1994**

Made by His Excellency the Governor in Executive Council under section 8 (3).

**Citation**

1. This Order may be cited as the *Water Authority Vesting Order (No. 2) of 1994*.

**Vesting of Schedule 1 Interest in Land**

2. The interest of Metropolitan Water Supply Sewerage and Drainage of 2 Havelock Street, West Perth as Grantee of an easement over that part of the land specified in Schedule 1 shall be vested in the Water Authority of Western Australia of 629 Newcastle Street, Leederville.

**Vesting of Schedule 2 Interest in Land**

3. The interest of Metropolitan Water Supply Sewerage and Drainage Board of 2 Havelock Street, West Perth as registered proprietor of an estate in fee simple of all that piece of land specified in Schedule 2 shall be vested in Water Authority of Western Australia of 629 Newcastle Street, Leederville.

**Vesting of Schedule 3 Interest in Land**

4. The interest of Metropolitan Water Supply Sewerage and Drainage Board as purchaser of an estate in fee simple of that land specified in Schedule 3 shall be vested in the Water Authority of Western Australia of 629 Newcastle Street, Leederville.

## Schedule 1

1. Portion of Canning Location 32 and being Lot 11 on Diagram 38786 and being that part of the land in Transfer A929750 coloured blue on the map in the margin to the Second Schedule to the Certificate of Title Volume 279 Folio 61A.

## Schedule 2

1. Portion of Canning Location 8 and being Lot 6 the subject of Diagram 49998 and being the whole of the land comprised in Certificate of Title Volume 1470 Folio 511.
2. Portion of Canning Location 12 and being part Lot 38 on Plan 2976 as is now comprised in Plan 11563 and being the resumed land remaining in Certificate of Title Volume 1230 Folio 556.

## Schedule 3

1. Portion of Swan Location 1179 and being that part of Lot 76 on Plan 2207 and being that land shown on the plan attached to Caveat 40033/65 and being part of the land comprised in Certificate of Title Volume 1265 Folio 140.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

## WA401

**WATER BOARDS ACT 1904**  
**PRELIMINARIES TO CONSTRUCTION**

Notice of Intention

Notice is hereby given pursuant to section 41 (c) of the Water Boards Act No. 4 of 1904, of the intention of the Board to undertake the construction of the following works within the Busselton Water Boards area.

Description and Locality of Proposed Works

- (i) The construction and equipping of a 500 m Bore (Bore 17) at the Boards No. 1 Plant (Kent St, Busselton).

The times and place at which the plans and estimates may be inspected

At the office of the Busselton Water Board, Unit 1, 8-10 Prince Street, Busselton, for one month on and after 10 March 1994, between the hours of 10.00 am and 4.00 pm.

I. W. DEVOY, Chairperson.  
D. G. McCUTCHEON, Executive Officer.

**WATERWAYS COMMISSION**

## WB401

**WATERWAYS CONSERVATION ACT 1976**

For the purpose of making an appointment to the Leschenault Inlet Management Authority His Excellency the Governor acting pursuant to the powers conferred by sections 14 and 16 of the Waterways Conservation Act 1976 as amended and on the recommendation of the Minister for the Environment has been pleased on the 1st day of March 1994 to appoint:

Geoff De Chanee as member  
Farran Dixon as Deputy Member

**ZOOLOGICAL GARDENS**

## ZG401

**ZOOLOGICAL GARDENS ACT 1972**

For the purpose of making an appointment to the Zoological Gardens Board His Excellency the Governor acting pursuant to the powers conferred by sections 6 (1) and 6 (2) of the Zoological Gardens Act 1972 and on the recommendation of the Minister for the Environment has been pleased on the 1st day of March 1994 to appoint:

Mr C. W. MacKinnon, President, 18 December 1994  
to the position and for the period shown.

D. G. BLIGHT, Clerk of the Council.

**TENDERS****ZT201****MAIN ROADS***Tenders*

Tenders are invited for the following projects.

Tender documents are available from the Contracts Clerk, Supply Branch, Ground Floor, Waterloo Crescent, East Perth.

| Tender No.   | Description  | Closing Date |
|--------------|--|--------------|
|              |  | 1994         |
| 111/93 ..... | Road and bridge construction, Ludlow deviation bridge numbers 1367, 1368, 1369. Bunbury-Augusta Road | 19 April.    |

**ZT202***Acceptance of Tenders*

| Contract No. | Description   | Successful Tenderer                             | Amount     |
|--------------|---|---|------------|
|              |   |   | \$         |
| 16/93 .....  | Supply of safety vests and hats   | JEB Distributors and Medirite Australia Pty Ltd | 86 840.75  |
| 67/93 .....  | Supply and implementation of wide area network equipment and software and associated maintenance and support services | IBM Australia Limited                           | 131 628.00 |
| 102/93 ..... | Bituminous sealing, Great Northern Highway, Geraldton Division  | Boral Asphalt .....                             | 98 969.21  |
| 119/93 ..... | Supply and delivery of one (1) 2.7 m <sup>3</sup> crew cab tip truck with crane                                       | Major Motors Pty Ltd                            | 74 951.00  |

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

FACSIMILE No. 321 7918

| Date of Advertising | Schedule No. | Description   | Date of Closing |
|---------------------|--------------|---|-----------------|
| 1994                |              |   | 1994            |
| February 18         | 448A1994     | Computer Based Training for Homeswest .....   | Mar. 17         |
| February 25         | 449A1994     | Supply, Delivery and Installation of Photocopiers for Fremantle Hospital .....  | Mar. 17         |
| March 4             | 047A1994     | Supply "New", Refurbished/Remanufactured Laser Printer Toner Cartridges .....   | Mar. 24         |
| March 4             | 445A1994     | Supply, Delivery and Installation of IBM Compatible Computer Network for Willetton Senior High School—Ministry of Education ..... | Mar. 24         |



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

| Date of Advertising  | Schedule No. | Description   | Date of Closing |
|--|--------------|---|-----------------|
| 1994   |              |   | 1994            |
| February 25  | 450A1994     | Supply, Installation, Maintenance and Management of a Computer System for the Ministry of Fair Trading ...<br>Note: Prospective tenderers are advised that a pre-tender briefing will be held on Wednesday 9th March, 1994 at 10.00 am at: Amenities Room, 7th Flr., 251 Hay St., East Perth. For further information contact Mr David Finn on (09) 222 0622. | Mar. 24         |
| March 4  | 454A1994     | Supply and Delivery of One (1) only Forward Control Truck for the Ministry of Justice .....   | Mar. 24         |
| March 4  | 456A1994     | Supply and Delivery of twenty-five (25) Personal Computers and twenty-five (25) Laser Printers for the Police Department .....  | Mar. 24         |
| March 11   | 059A1994     | Supply, Delivery and Installation of Disposable Skin Staplers and Associated Products for the Health Department of WA .....   | Mar. 31         |
| March 11   | 464A1994     | Supply and Delivery of one (1) only Diesel Powered Track Type Bulldozer for Department of Conservation and Land Management, Nannup .....  | Mar. 31         |
| March 11   | 100A1994     | Supply and delivery of Drugs, Disinfectants and Antiseptics and Nutritional Products .....  | Apr. 14         |
| <i>Invitation to Register Interest</i>   |              |   |                 |
| February 25  | ITRI 7/94    | Radiological Services for Swan District Hospital .....  | Mar. 17         |
| February 25  | ITRI 6/94    | Network (LAN) Management Support Services for the Department of Land Administration .....   | Mar. 24         |
| Note: Prospective respondents are advised that a briefing will be held on Tuesday, 8th March, 1994 at 9.30 am at: DOLA Midland, Executive Conference Room, Information Systems Division. For further information contact Mr Ray Nayar on (09) 273 7214.                    |              |   |                 |
|  |              |   |                 |
| <i>Request for Proposal</i>  |              |   |                 |
| March 4  | RFP 5/94     | Request for Proposal for UNIX and Ingres Systems Administration and Support and Database Administration Services for the College Management Information System and People Management System for the Department of Training .....  | Mar. 31         |
| Note: A briefing session will be held on March 14, 1994 at 9.30 to 11.30 am, at Seminar Room 2, Grd. Flr., East Perth Government Offices (Health Dept/Community Services) 189 Royal Street, East Perth. Please contact Marie Drury on (09) 235 6285 to confirm attendance. |              |   |                 |
|  |              |   |                 |
| March 11   | RFP 8/94     | Request for Proposal for the Supply and Installation of Personal Computers, Local Area Network Associated Facilities and Software for the Great Southern Development Authority .....  | Apr. 7          |
| <i>Service</i>   |              |   |                 |
| February 25  | 453A1994     | Consulting Service for the Maternal and Child Module of HCARE for Health Department .....   | Mar. 17         |
| March 4  | 455A1994     | Shelving—extension requirements—Archive Storage—LISWA .....   | Mar. 17         |
| March 4  | 457A1994     | Tree Relocation of three (3) Port Jackson Fig Trees for the Zoological Gardens .....  | Mar. 17         |
| March 4  | 204A1994     | Training Programmes—Ministry of Premier and Cabinet .....   | Mar. 24         |
| March 4  | 291A1994     | Provision of Scanning Functions for the Image System—Land Registration Programme—Dept. of Land Administration .....   | Mar. 24         |
| March 4  | 460A1994     | Post-acute Domiciliary Care Services for Fremantle Hospital .....   | Mar. 24         |

STATE SUPPLY COMMISSION—continued  
Tenders Invited—continued

| Date of Advertising | Schedule No. | Description   | Date of Closing |
|---------------------|--------------|---|-----------------|
| 1994                |              |   | 1994            |
|                     |              | <i>Service—continued</i>  |                 |
| March 11            | 465A1994     | Redevelopment of the Cervical Cytology Registry at the Womens Cancer Prevention Unit .....  | Mar. 24         |
| March 11            | 466A1994     | Request for Proposal for the Provision of Consultancy for the Campion Health Study .....  | Mar. 24         |
| March 11            | 117A1994     | Provision of a Client Personal Laundry Service for Disability Service Commission residents .....  | Mar. 31         |
| March 11            | 467A1994     | Provision of Chemical Analysers for the Menzies and Leonora Regions for the Department of Mineral and Energy's Regional Geochemical Mapping Program ..... | Mar. 31         |
| March 11            | 468A1994     | Consultancy Service for Financial Services for the Health Department of WA .....  | Mar. 31         |
|                     |              | <i>For Sale</i>   |                 |
| February 25         | 452A1994     | 1992 VP Commodore Sedan (BD 15695) for the Eastern Goldfields Transport Board .....   | Mar. 17         |
| March 4             | 458A1994     | 1991 Toyota Mechanics Van 4WD (MR C182) (7QE 937) (with Alternator Welder MR C540) for Main Roads WA, Bunbury .....                                       | Mar. 24         |
| March 4             | 459A1994     | Two (2) only Toyota HJ75 Landcruiser Personnel Carriers (6QY 656)(6QY 142) for the Agriculture Protection Board of WA, Kununurra .....                    | Mar. 24         |
| March 11            | 461A1994     | Various vehicles (7QG 000) (6QU 560) and (6QU 564) for Department of Agriculture, Carnarvon .....   | Mar. 31         |
| March 11            | 462A1994     | 1991 Holden Commodore Sedan (6QN 910) for Kimberley Development Commission, Kununurra .....   | Apr. 7          |
| March 11            | 463A1994     | 1991 Holden Commodore Exec. Sedan (6QY 409) for Kimberley Development Commission, Derby .....   | Apr. 7          |

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 and Delivery</i>     |                        |
| 414A1994     | Supply of Corrugated Roof Sheeting Mouldings and Purlins for Homeswest  | Stratco (WA) P/L .....         | Details on Request     |
| 415A1994     | Supply, Instal, Commission and free delivery of Video Conferencing/Video Production Equipment Upgrade to Leederville Centre | Optel Audio Visual .....       | Details on Request     |
| 434A1994     | Item 1: One (1) only Self Propelled Plot Combine Harvester for Avondale Research Station                                    | Kingaroy Engineering Works P/L | Item 1:<br>\$74 470.00 |
|              | Item 2: One (1) only Self Propelled Plot Combine Harvester for Chapman Research Station                                     |                                | Item 2:<br>\$74 535.00 |

## STATE SUPPLY COMMISSION—continued

## Accepted Tenders—continued

| Schedule No. | Particulars   | Contractor                      | Rate               |
|--------------|---|---------------------------------|--------------------|
|              | <i>Service</i>  |                                 |                    |
| 227A1993     | Provision of Home Detention Security Services for the Ministry of Justice   | MSA Guards & Patrols .          | Details on Request |
| 229A1994     | Service and Supply of Sanitary Napkins, Incontinent Napkins and Medical Waste Disposal Units for the Education Department | Industrial Hygiene Services P/L | Details on Request |
| 409A1994     | Provision of a Consultancy Service for the Pilbara Heavy Industrial Site Study  | BHP Engineering P/L ....        | Details on Request |
| 484A1994     | Provision of a Consultancy Service for preparing a Plan for the Sale of Health Care Linen                                 | Arthur Anderson .....           | 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 |
|--------------|---|--------------|
|              |   | 1994         |
| AM 40611     | The construction of a treatment building at Augusta Water Treatment Plant   | 29 March     |
| AS 40713     | Engineering consultancy services for Woodman Point Wastewater Treatment Plant new sludge digestion, dewatering and energy recovery facilities | 5 April      |
| FM 41006     | Supply of precast concrete bridge beam units for South West Region 1993/1994 bridge replacement program                                       | 22 March     |
| AP 42001     | Supply of nuts, bolts and washers for a twelve month period   | 29 March     |

W. COX, Managing Director.

## ZT501

## MARINE AND HARBOURS

## Tenders

| Contract No. | Project   | Closing Date  | Tender Document from      |
|--------------|---|---------------|---------------------------|
| E129         | Geraldton-Batavia Coast Marina Reticulation—Supply and Installation | 22 March 1994 | Administrative Assistant. |

Tender documents are available from Tuesday, 1 March 1994 on payment of a non-refundable deposit of \$15.00.

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

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before 11 April 1994, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Cass, Harriet Kate, late of Tandara Nursing Home, 73 Jarrah Road, Bentley, died 26/2/94. (D268412/TP4).

Clarkson, Beatrice Annie (also known as Thomas, Beatrice Annie), late of 279 Collins Street, Kalgoorlie, died 22/1/94. (D268097/TA2).

Coleman, Kevin Joseph, late of Mt Henry Hospital, Cloister Avenue, Como, died 27/11/93. (D265993/TD4).

Davies, Joseph, late of Lot 3 Clifton Street, Chidlow, died 29/11/93. (D266053/TA2).

Firstenberg, Philip, late of 21 Streatley Road, Lathlain, died 14/2/94. (D268149/TE4).

Greenhalgh, Edna May, late of Montrose Nursing Home, 12 Grange Street, Claremont, died 5/2/94. (D267651/TP3).

Grljusich, Pete, late of 266 Hamilton Road, Spearwood, died 3/11/93. (D268322/TE3).

Honejsek, Konel, late of Room 5, 166 Aberdeen Street, Northbridge, died 25/11/93. (D265923/TG4).

Hurlock, Janet Dinah, late of Unit 9/10 Roebuck Drive, Salter Point, died 26/1/94. (D267484/TE2).

Kerr, Enid Maria, late of Flat 5, Pingelly Cottage Home, Brown Street, Pingelly, died 7/1/94. (D267489/TP4).

Marshall, Robert George, late of Unit 8, 25 St Leonard's Street, Mosman Park, died 13/1/94. (D267716/TK2).

Needham, Albert Sidney, formerly of 82 Birdwood Avenue, Como, late of Dean Lodge, Bullcreek Drive, Bullcreek, died 20/2/94. (D268134/TE4).

Newman, Kenneth George William, late of 340 Morley Drive, Dianella, died 11/2/94. (D267891/TL3).

Oleiski, Gladys, (also known as Oleiski, Christine Gladys), late of 21A Rotohine Place, Cooloongup, Died 7/2/94. (D267672/TA2).

Nicholson, John, formerly of 11 Seventh Road, Armadale, late of Kimberley Nursing Home, 78 Kimberley Street, Leederville, died 15/2/94. (D268138/TP2).

Pamer, Viktor, (also known as Palmer, Victor), late of Cottage Hospice, 11 Bedbrook Place, Shenton Park, died 22/10/93. (D264910/TP4).

Rayfield, Albert Thomas Ralph, late of 30 King William Street, South Fremantle, died 10/1/94. (D267099/TA2).

Ross, Johanna Sophia Magdalena, late of 20 Hough Street, Narrogin, died 8/2/94. (D267704/TE2).

Scott, Barry Francis David, late of Sunset Hospital, Birdwood Parade, Dalkeith, died 19/12/93. (D266449/TG4).

Thorpe, Norman James, late of Victoria Park Nursing Home, 38 Alday Street, St James, died 29/1/94. (D267402/TG4).

Williams, Rose Florence Rees, late of 2/1 Dobie Street, Bullcreek, died 11/2/94. (D268102/TD2).

Wolstencroft, Gertrude, late of 120 Seacrest Drive, Sorrento, died 29/12/93. (D268283/TG4).

Dated this 11th day of March 1994.

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

**ZZ401****NOTICE OF DISSOLUTION OF PARTNERSHIP**

Take notice that the partnership existing Herbie Eugene Schaal, Denise Joy Schaal, Graeme Douglas Ancell and Sandra Maree Ancell trading as Dunsborough Lakes Holiday and Caravan Park at corner Caves and Commonage Roads Dunsborough is dissolved from 4 March 1994 under the provisions of section 43 of the Partnership Act 1895.

Graeme Douglas Ancell and Sandra Maree Ancell accept no responsibility for any or all debts arising after 4 March 1994 in respect of the partnership.

Dated 3 March 1994.

GRAEME DOUGLAS ANCELL,  
SANDRA MAREE ANCELL,  
By their solicitor and agent Kevin Hogg and Associates.

**Do you need  
something printed?**

*Tried the  
Print lately?*



**3 Reasons why you should:**

- **QUALITY WORK**
- **COMPETITIVE RATES**
- **FAST EFFICIENT SERVICE**

Telephone our Marketing section for a quote or advice  
on how to produce your next publication in the  
most efficient and economical way

**WE KNOW YOU'LL BE IMPRESSED!**



STATE PRINT  
DEPARTMENT OF STATE SERVICES

STATION STREET, WEMBLEY 6014, PHONE 383 8811

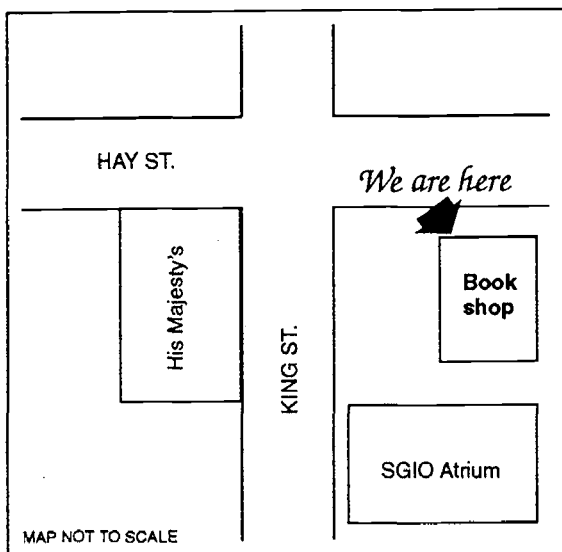
## *State Government Bookshop*

### AGENTS FOR STATE PRINT, STATE LAW PUBLISHER:

- ★ Acts and Regulations
- ★ Budget Papers
- ★ Bills and Reports

### OTHER PUBLICATIONS OF INTEREST:

- ★ W.A. Primary and Secondary School curriculum materials
- ★ W.A. History , Authors and Special Interest Books
- ★ Government Department Publications



### STATE GOVERNMENT BOOKSHOP

Ground Floor, "Supply House"

815 HAY ST., PERTH 6000

PH : (09) 222 8227; 222 8216

222 8228

FAX: (09) 321 2192, 481 3445

Credit Cards Accepted – Master Card, Bankcard and Visa Card

*Whatever your interest, we're worth a look, whatever the book !*

**A unit of the Department of State Services**



# ***PERTH OBSERVATORY***



## **THE W.A. SPECIALISTS IN ASTRONOMICAL**

**Research & Educational Astronomy  
PUBLIC TOURS (DAY & NIGHT)  
FIELD NIGHTS, LECTURES  
Astronomical Information**

Astronomical Handbook

Sun rise & set; Moon rise & set

Legal advice

Chronometer calibration

Astronomical souvenirs

**SERVING WESTERN AUSTRALIA SINCE 1896**

**WALNUT ROAD, BICKLEY 6076**

**TELEPHONE 293 8255 FAX 293 8138**

# **ASTRONOMY IS LOOKING UP**

## CONTENTS

## REGULATIONS, BY-LAWS, RULES, DETERMINATIONS, ORDERS

|  | Page           |
|--|----------------|
| <b>Fisheries Act—</b>  |                |
| Fisheries Notice No. 639 .....   | 954            |
| Pilbara Trap Limited Entry Fishery Amendment Notice 1994—Notice No. 640 ....   | 955            |
| Closed Waters Netting (Rottnest Island) Notice 1994—Notice No. 641 .....       | 955            |
| Kimberley Prawn Limited Entry Fishery Amendment Notice 1994—Notice No. 642     | 956            |
| Onslow Prawn Limited Entry Fishery Amendment Notice 1994—Notice No. 644 .      | 956-7          |
| Nickol Bay Prawn Limited Entry Fishery Amendment Notice 1994—Notice No. 645    | 957-8          |
| <b>Water Authority Act—Water Authority Vesting Order (No. 2) of 1994 .....</b> | <b>1010-11</b> |

## GENERAL CONTENTS

|  | Page            |
|--|-----------------|
| <b>Agriculture .....</b>                             | <b>951-4</b>    |
| <b>Electoral Commission .....</b>                    | <b>954</b>      |
| <b>Fisheries .....</b>                               | <b>954-9</b>    |
| <b>Health .....</b>                                  | <b>960</b>      |
| <b>Justice .....</b>                                 | <b>960-1</b>    |
| <b>Land Administration—General Information .....</b> | <b>961-3</b>    |
| <b>Local Government .....</b>                        | <b>963-4</b>    |
| <b>Main Roads .....</b>                              | <b>965-6</b>    |
| <b>Minerals and Energy .....</b>                     | <b>966-8</b>    |
| <b>Planning and Urban Development .....</b>          | <b>969-1006</b> |
| <b>Police .....</b>                                  | <b>1007-10</b>  |
| <b>Public Notices—</b>                               |                 |
| Deceased Persons Estates .....                       | 1016            |
| Partnerships .....                                   | 1016            |
| <b>Tenders—</b>                                      |                 |
| Main Roads Department .....                          | 1012            |
| Marine and Harbours .....                            | 1015            |
| State Supply .....                                   | 1012-15         |
| <b>Water Authority .....</b>                         | <b>1010-11</b>  |
| <b>Waterways Commission .....</b>                    | <b>1011</b>     |
| <b>Zoological Gardens .....</b>                      | <b>1011</b>     |

