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JOHN A. STRIJK,  
Government Printer.

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## AGRICULTURE

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**AG401****GRAIN MARKETING ACT 1975**Agriculture Western Australia,  
South Perth WA 6151.

Agric. 1166\85

I, Monty House, Minister for Primary Industry; Fisheries, acting in accordance with the provisions of section 9 (2) (b) of the Grain Marketing Act 1975, hereby appoint Martine Daniele Francoise Pop as a Director of the Grain Pool of Western Australia for a term of office expiring on 31 July 2002.

MONTY HOUSE, Minister for Primary Industry; Fisheries.

**AG402\*****AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**Agriculture Protection Board,  
South Perth.

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

declares Nodding thistle (*Carduus nutans*) to be a declared plant and assigns it to the categories P1, P2 for the whole of the State.

declares Horsetails (all plants within the genus *Equisetum*) to be declared plants and assigns them to the categories P1, P2 for the whole of the State.

declares the assignment of Mexican poppy (*Argemone mexicana* and *Argemone ochroleuca*) and Thornapple (*Datura wrightii*, *Datura stramonium*, *Datura metel*, *Datura leichardtii* and *Datura innoxia*), as declared plants for that portion of the State constituted as Zone 2 under Section 13 of the Act, and.

declares Calotropis (*Calotropis procera*) to be a declared plant and assigns it to the categories P1, P2 for that portion of the State constituted as Zone 2 under Section 13 of the Act.

Dated 7 August 1998.

KERYL ENRIGHT, Chairman,  
Agriculture Protection Board.

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## FISHERIES

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**FI401\*****FISH RESOURCES MANAGEMENT ACT 1994**

## SHARK BAY SNAPPER MANAGEMENT PLAN AMENDMENT 1998

FD 942/97 [162]

Made by the Minister under section 54(2).

**Citation**

1. This amendment may be cited as the *Shark Bay Snapper Management Plan Amendment 1998*.

**Principal Plan**

2. In this amendment the *Shark Bay Snapper Management Plan 1994\** is referred to as the principal Plan.

**Clause 1 amended**

3. Clause 1 of the principal Plan is amended by deleting "*Limited Entry Fishery Notice*" and substituting the following—

"*Management Plan*".

**Clause 2 amended**

4. Clause 2 of the principal Plan is amended by—
  - (a) deleting from the item commencing "Fishery" the words "Limited Entry" and substituting the following—

"Managed";

- (b) deleting the item commencing “licence” and substituting the following—  
“licence” means a managed fishery licence authorising a person to fish in the Fishery;”;
- (c) deleting the item commencing “licensed fishing boat” and substituting the following—  
“licensed fishing boat” has the meaning provided for in the regulations;”;
- (d) inserting after the item commencing “licensed fishing boat” the following—  
“licensed fishing boat number” has the meaning provided for in the regulations;”;
- (e) deleting the item commencing “Regulations” and substituting the following—  
“regulations” means the *Fish Resources Management Regulations 1995*;”;
- and
- (f) deleting the item commencing “snapper” and substituting the following—  
“snapper” means fish of the common name Pink Snapper described by the scientific classification opposite that common name in column 2 of Schedule 7 of the regulations;”.

**Clause 3 amended**

- 5. Clause 3 of the principal Plan is amended by—
  - (a) deleting “It is hereby declared that snapper” and substituting the following—  
“The fishing for snapper”;
  - (b) inserting after “Schedule 1” the following—  
“, previously declared under the repealed Act to”; and
  - (c) inserting after “Fishery” the following—  
“and taken to be a managed fishery under item 8 of Schedule 3 of the Act, is a managed fishery and may be referred to as the Shark Bay Snapper Managed Fishery”.

**Clause 4 amended**

- 6. Clause 4 of the principal Plan is amended by deleting “professional fisherman’s licence issued pursuant to the Regulations;” and substituting the following—  
“commercial fishing licence;”.

**Clause 7 deleted and substituted**

- 7. The principal Plan is amended by deleting clause 7 and substituting the following—  
**“Licences**
  - 7. (1) A licence expires on 31 December of any year in which it was granted or renewed.
  - (2) A licence may specify the following—
    - (a) the name and address of the holder of the licence;
    - (b) the name and licensed fishing boat number of the boat that may be used for fishing in the Fishery;
    - (c) the licence number;
    - (d) the date of issue or renewal;
    - (e) the date of expiry;
    - (f) the entitlement conferred by the licence; and
    - (g) any conditions imposed on the licence.”.

**Clause 11 amended**

- 8. Clause 11 of the principal Plan is amended by deleting “Limited Entry” in each place where it appears and substituting the following—  
“Managed”.

**Clause 15 amended**

- 9. Clause 15 of the principal Plan is amended by deleting “Limited Entry” in each place where it appears and substituting the following—  
“Managed”.

**Clause 16 amended**

- 10. Clause 16 of the principal Plan is amended by deleting subclause (7) and substituting the following—  
“(7) A person referred to in subclause (5) must not land, or allow or permit a person to land, any snapper in a container that is not a standard container unless—
  - (a) the container has a distinguishing mark and is labelled in accordance with regulation 61;
  - (b) the person referred to in subclause (5) has access at the point of landing to a means of measuring the weight of the snapper in the container;
  - (c) the means of measurement referred to in paragraph (b) are accurate; and
  - (d) the person referred to in subclause (5) knows the means of measurement referred to in paragraph (b) to be accurate.
- (8) A person referred to in subclause (5) who lands, or allows or permits a person to land, any snapper in a container that is not a standard container, must—
  - (a) immediately upon the landing of the snapper accurately determine the weight of the snapper using the means of measurement referred to in subclause (7)(b); and

- (b) immediately after determining the weight of the snapper in the manner provided for in paragraph (a) record the weight of the snapper in a consignment note and securely attach the consignment note to the container.”.

**Clauses 23 deleted and substituted**

11. The principal Plan is amended by deleting clause 23 and substituting the following—

**“Procedure before this plan is amended or revoked**

23. For the purposes of section 65(1) of the Act, all the licensees are the persons that are to be consulted before this plan is amended or revoked.”.

**Clause 25 inserted**

12. The principal Plan is amended by inserting after clause 24 the following—

**“Offences and major provisions**

25. A person who contravenes a provision of—

(a) subclause 16(7) or 16(8); or

(b) clause 4, 6, 9, 10, 11, 13, 14, 15, 16(1), 16(2), 16(3), 16(4), 16(5), 16(6), 17, 18 or 20(7),

commits an offence, and for the purposes of section 75 of the Act the provisions specified in paragraph (a) are major provisions.”.

[\*Published in the Gazette of 22 July 1994. For corrections and amendments to 10 June 1998 see Notice No. 656 published in the Gazette of 8 November 1994 and Notice No. 718 published in the Gazette of 27 June 1995. See regulation 183 of the Fish Resources Management Regulations 1995 concerning the citation of notices under the Fisheries Act 1905 immediately before the commencement of those regulations.]

Dated this 7th day of July 1998.

MONTY HOUSE, Minister for Fisheries.

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## HEALTH

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**HE301\***

POISONS ACT 1964

**POISONS (APPENDIX A AMENDMENT) ORDER (NO. 2) 1998**

Made by the Minister under section 21 of the Act.

**Citation**

1. This order may be cited as the *Poisons (Appendix A Amendment) Order (No. 2) 1998*.

**Commencement**

2. This order comes into operation on the 22 September 1998.

**Appendix A amended**

3. Appendix A to the *Poisons Act 1964\** is amended in clause 1 (1) by deleting “No. 12” and substituting the following—

“ No. 13 ”.

[\* Reprinted as at 9 April 1996.

For subsequent amendments see Act No. 14 of 1996 and Gazettes of 19 March 1996, 17 September 1996 and 10 February 1998.]

KEVIN PRINCE, Minister for Health.

**HE401\***

HOSPITALS & HEALTH SERVICES ACT 1927

TELFER NURSING POST

**HOSPITALS & HEALTH SERVICES (CLOSURE OF PUBLIC HOSPITAL)  
INSTRUMENT 1998**

Made by the Governor pursuant to section 8 of the *Hospitals and Health Services Act 1927*.

**1. Citation**

This Notice may be cited as the *Hospitals & Health Services (Closure of Public Hospital) Notice 1998*.

**2. Closure of Public Hospital**

Telfer Nursing Post is officially closed with immediate effect.

By the Governor’s Command,

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

**HE402\*****DENTAL PROSTHETISTS ACT 1985****DENTAL PROSTHETISTS ADVISORY COMMITTEE (APPOINTMENT OF MEMBERS)  
INSTRUMENT 1998**

Made by the Minister for Health under sections 5(2) and 6(2) of the Act.

**1. Citation**

This instrument may be cited as the *Dental Prosthetists Advisory Committee (Appointment of Members) Notice 1998*.

**Interpretation****2. In this instrument—**

“table” means a table in the schedule to this instrument;

“the Act” means the *Dental Prosthetists Act 1985*;

“the Committee” means the Dental Prosthetists Advisory Committee established under section 5(1) of the Act.

**3. Appointment of Members**

Each of the persons named in column 1 of the table are appointed as members of the Committee pursuant to the provisions of the Act specified in column 2, for the period specified in column 3 of the table adjacent to the name of that person.

**SCHEDULE****TABLE**

Column 1 <b>Member</b>	Column 2 <b>Provision of the Act</b>	Column 3 <b>Expiry</b>
Mr Andrew Frederick Hugo GRAEBNER	5(2)(c)	1 year from date of appointment
Mr Gregory Trevor SMITH	5(2)(d)(i)	3 years from date of appointment
Mr Ian William WARMAN	6(2)	3 years from date of appointment

KEVIN PRINCE, Minister For Health.

**HE403\*****HEALTH ACT 1911**

Health Department of WA,  
Perth, 31 July 1998.

The appointments of the following persons as Environmental Health Officers have been approved by the Executive Director, Public Health in accordance with the provisions of section 28 of the *Health Act 1911*.

<b>Environmental Health Officer</b>	<b>Date Effective</b>	<b>Local Government</b>
Stephen Paul Checker	8 June 1998	Shire of Kalamunda
William Edward Pearce	22 June 1998	Shire of Boyup Brook
Lino Lawrence Diletti	20 July 1998 to 25 September 1998	Shire of Broome
Peter Robert Williams	1 July 1998	Shire of Carnamah
Ross Keegan	22 June 1998	City of Rockingham
John William Burton	6 July 1998 to 31 July 1998	Shire of Esperance
Gary George	6 July 1998	Shire of Perenjori, Shire of Three Springs
John William Burton	1 July 1998 to 31 July 1999	Shire of Dundas

ROSE MANIACI, A/Administrative Assistant.

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

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the appointment of—

Mr Raymond William George Long of 3 Robinson Street, Nedlands

Mr Anthony Manes of 16 Solas Road, Morley

to the office of Justice of the Peace for the State of Western Australia.

RICHARD FOSTER, Executive Director, Court Services.

**JM402****DECLARATIONS AND ATTESTATIONS ACT 1913**

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

Mr Brian William Anstey of 11 Bedwell Crescent, Booragoon  
Mr Jeffrey Gordon Clark of 6 Eana Way, Duncraig  
Mr Anthony Robert Coates of 27 Ayton Way, Duncraig  
Mr Michael Peter Croucher of 607 Mavis Cleaver Court Wootliff Way, Bentley  
Mr Allan Lee Glasson of 28 Brabant Way, Hamersley  
Mrs Anna Gossmann of 9 Elverd Street, Kojonup  
Mr Maxwell James Heron of 7 Paterson Gardens, Winthrop  
Mr Robert Bruce Luck of 7 Sea Edge, Mindarie  
Mr Bruce Clive MacDonald of 41 Meloway Drive, Maida Vale  
Mrs Sharon Joyce Newton of Bramley Farm, Mingenew  
Mr Allan James Press of 12 Balloch Street, Kingsley  
Miss Margaret Mary Seal of 4A The Lodge, Mullaloo  
Mr Bambang Susilo of 111 Matheson Road, Applecross  
Mr James Milford Trotter of 9A Coglans Close, Murdoch  
Mr Roger Leonard Watson of 19 Blackman Road, Mount Pleasant  
Mr Richard John Cameron West of 10 Shipwright Avenue, Wellard

RICHARD FOSTER, Executive Director, Court Services.

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**LAND ADMINISTRATION**

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**LA401\*****LAND ADMINISTRATION ACT 1997**

Cancel Notice of Intention To Take Interests in Land to Confer Interests under Written Law  
I Doug Shave, MLA, Minister for Lands hereby give notice in accordance with Section 170(6) of the *Land Administration Act 1997 (LAA)* that it is intended to cancel the following Notices of Intention.

**PARCEL OF LAND NUMBER 1**

LAND DESCRIPTION: Karratha Lot 1078 being part of reserve 30694 "Rubbish Disposal" Volume 3101 Folio 681; Area 25.6255 hectares.

PLAN/DIAGRAM: LAWA 1169

PURPOSE: Inclusion into Reserve 40071 "Equestrian" with care, control and management placed in the Shire of Roebourne with the power to lease for periods up to 21 years.

DATE OF ORIGINAL ADVERTISEMENT: *Government Gazette* 23 August 1996

LAND SITUATED IN: Shire of Roebourne DOLA FILE: 3294/1969 DOLA REF: 955046

**PARCEL OF LAND NUMBER 2**

LAND DESCRIPTION: 1. Karratha Lot 4569 and being unallocated Crown land. Volume 3104 Folio 55; Area 3.4099 hectares. 2. Karratha Lot 4570 being unallocated Crown land. Volume 3104 Folio 56; Area 3.2676 hectares.

PLAN/DIAGRAM: Diagram 92055

PURPOSE: Grant of a lease for rural residential purposes.

DATE OF ORIGINAL ADVERTISEMENT: *Government Gazette* 4 April 1996.

LAND SITUATED IN: Shire of Roebourne DOLA FILE: 1644/1993 DOLA REF: 912925

**PARCEL OF LAND NUMBER 3**

LAND DESCRIPTION: De Witt Location 329 (portion of Point Samson Townsite) being unallocated Crown land. Volume 3005 Folio 23; Area 2.2400 hectares.

PLAN/DIAGRAM: Diagram 92378

PURPOSE: 1. Grant of a lease for a term of 5 years for the purpose of "wildlife park", and 2. Creation of an easement for a power transmission line.

DATE OF ORIGINAL ADVERTISEMENT: *Government Gazette* 4 April 1996.

LAND SITUATED IN: Shire of Roebourne. DOLA FILE: 1891/1993 DOLA REF: 916003

**PARCEL OF LAND NUMBER 4**

LAND DESCRIPTION: Karratha Lot 4626 (part Karratha Townsite) being unallocated Crown land. Volume 3111 Folio 390; Area 133.9000 hectares.

PLAN/DIAGRAM: LAWA 1123

PURPOSE: 1. Subdivisional development including the provision of services (such as power, water, roads, sewerage) and land for housing, recreation, public, community and commercial purposes, and 2. Sale of lots.

DATE OF ORIGINAL ADVERTISEMENT: *Government Gazette* 4 April 1996.

LAND SITUATED IN: Shire of Roebourne DOLA FILE: 1185/1994 DOLA REF: 915962

## PARCEL OF LAND NUMBER 5

LAND DESCRIPTION: Exmouth Lot 1433 Volume 3111 Folio 408 consisting of 1. Unallocated Crown land (Area about 45.9508 hectares); 2. Dedicated road (about 16 hectares); 3. Part Exmouth Lot 970 being Reserve 38701 "Public Utility Services" (about 1.0640 hectares); 4. Part Exmouth Lot 1025 being Reserve 29066 "Recreation" with care, control and management placed in the Shire of Exmouth (about 34.9173 hectares); 5. Exmouth Lot 918 being Reserve 35354 "Parklands" (about 2964 square metres); 6. Exmouth Lot 1115 being Reserve 34089 "Harbour Purposes" with care, control and management placed in the Minister for Transport (about 52.9324 hectares); 7. Exmouth Lot 1391 being Reserve 41721 "Residential Development" with care, control and management placed in the Minister for Transport (about 62.9125 hectares); 8. Exmouth Lot 616 being Reserve 30074 "Race-course and Recreation" with care, control and management placed in the Shire of Exmouth (about 39.5707 hectares); 9. Part Exmouth Lot 1020 being Reserve 40678 "Foreshore Protection" (about 1.8473 hectares); 10. Unallocated Crown land and seabed (about 65.1445 hectares)

PLAN/DIAGRAM: LAWA Plan 1232

PURPOSE: Residential, commercial, tourism, community, harbour and marine purposes.

DATE OF ORIGINAL ADVERTISEMENT: *Government Gazette* 21 March 1997

LAND SITUATED IN: Shire of Exmouth DOLA FILE: 1446/1995 DOLA REF: 970699

The notices of intention for the above 5 proposals were issued under *the Land Acquisitions and Public Work Act 1902* in accordance with the requirements of the *Native Title Act 1993*, and are being cancelled under the transitional provisions of the *Land Administration Act 1997*.

FOR FURTHER INFORMATION CONTACT: Ken McCracken, Project Officer, Land Administration Services Branch, DOLA, PO Box 2222, Midland or by telephoning (08) 9273 7239.

Dated this 29th Day of July 1998.

DOUGLAS JAMES SHAVE, Minister for Lands.

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## LOCAL GOVERNMENT

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### LG301

#### HEALTH ACT 1911

*Shire of Harvey*

#### HEALTH AMENDMENT (NO. 2) LOCAL LAW, 1998

Made by the Council of the Shire of Harvey under the Health Act 1911.

#### Citation

1. This Local Law may be cited as the *Shire of Harvey Health Amendment (No. 2) Local Law, 1998*.

#### Principal Local Laws

2. In this law, the *Shire of Harvey Local Laws, 1997*, as amended\*, are referred to as the Principal Local Laws.

[\*Published in the *Government Gazette* on 22nd September, 1997, in No. 60 Special on pages 5307-5354 and amended in *Government Gazette* No. 34 on page 935.]

#### Amendment

3. The Principal Local Laws are amended in Clause 165(1)(a) by deleting any reference to "Section 167" and substituting "Section 166" in the last line of the Clause.

Passed at a meeting of the Council of the Shire of Harvey held on 23rd June, 1998.

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Dated this 29th day of June, 1998.

J. W. OFFER, President.  
K. J. LEECE, Chief Executive Officer.

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Consented to—

Dr C. F. QUADROS, delegate of  
Executive Director, Public Health.

Dated this 23rd day of July, 1998.



LG302\*

**HEALTH ACT 1911****SHIRE OF CRANBROOK HEALTH LOCAL LAWS 1998**

Made by the Council of the Shire of Cranbrook

**Citation**

1. These local laws may be cited as the "*Shire of Cranbrook Health Local Laws 1998*."

**Incorporation by Reference**

2. (i) In these local laws, "*The Shire of Plantagenet Health Local Laws 1997*";
  - (a) means *The Shire of Plantagenet Health Local Laws 1997* published in the *Government Gazette*, special edition number 69, on the 30 March 1998; and
  - (b) does not include any amendments that might be made to those Local Laws
- (ii) Subject to the modifications set out in the Schedule, *The Shire of Plantagenet Health Local Laws 1997* are incorporated with and form part of these Local Laws.

**Repeal**

3. (1) The Health Local Laws adopted by the Shire of Cranbrook and published in the *Government Gazette* on the 14 January 1927 and amended from time to time, are repealed;
- (2) The Health Local Laws adopted by the Shire of Cranbrook on 12 October 1956 and published in the *Government Gazette* on the 12 December 1956, and amended from time to time, are repealed; and
- (3) The Health Local Laws adopted by the Shire of Cranbrook on 10 December 1965 and published in the *Government Gazette* on the 9 May 1966, and amended from time to time, are repealed".

**SCHEDULE****Modification to The Shire of Plantagenet Health Local Laws 1997**

Item	Sections Affected	Description
1.	1.1	Delete Section 1.1 and substitute the following— "1.1 These local laws may be cited as the " <i>Shire of Cranbrook Health Local Laws 1998</i> ". "
2.	1.2	Delete Section 1.2.
3.	1.3(1), and Schedules 1-12	Delete "Shire of Plantagenet" wherever it occurs and substitute "Shire of Cranbrook".
4.	4.2.10(2)(a)(i)	In subsection (2)(a)(i), delete the last word "or" and substitute "and".
5.	4.2.10(2)(a)(ii)	In subparagraph (ii), delete the word "suitable" and substitute "unsuitable".
6.	4.3.1	Delete the definition of "butchers' waste" and substitute— ' " butcher's waste" includes animal skeletons and rib cages from a boning room and the inedible products of an abattoir.'
7.	6.1.4	In paragraph (c), delete the words "of files" and insert them on the next line, aligned with the first word of the section.
8.	8.3.9(i)	In paragraph (i), delete the comma after the word "bedding" and insert a comma after the word "furniture".
9.	9.4.1	Delete the definition of "exempt laundry".
10.	9.4.1	In the definition of "laundry", delete the words "an exempt laundry or".
11.	10.1.1	In subsection (2), delete the words "of this section".

Passed at a meeting of the Council of the Shire of Cranbrook held on 17th April, 1998.

The Common Seal of the Shire of Cranbrook was hereunto affixed in the presence of—

E. J. MORGAN, President.  
R. D. BARRETT, Chief Executive Officer.

On this 19th day of June, 1998.

Consented to—

Dr C. F. QUADROS, Executive Director, Public Health.

Dated this 10th day of July, 1998.

**LG303\*****LOCAL GOVERNMENT ACT 1995***SHIRE OF WICKEPIN*

## LOCAL LAW FOR THE REPEAL OF EXISTING LOCAL LAWS

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Wickepin hereby records having resolved on the 17th day of March 1998, to make a Local Law repealing the following local laws—

- Appointments—Published in the *Government Gazette* on 4th October 1918
- Duties of Secretary—Published in the *Government Gazette* on 4th October 1918
- Duties of Collector—Published in the *Government Gazette* on 4th October 1918
- Meetings and Procedures—Published in the *Government Gazette* on 4th October 1918
- Order of Business—Published in the *Government Gazette* on 4th October 1918
- Hire of Halls—Published in the *Government Gazette* on 15th July 1927
- Poisonous Plants—Published in the *Government Gazette* on 31st August 1928
- Discount on Rates—Published in the *Government Gazette* on 2nd August 1935
- Appointment of Employees—Published in the *Government Gazette* on 17th October 1941
- Hoardings—Published in the *Government Gazette* on 21st September 1945
- Old Refrigerators and Cabinets—Published in the *Government Gazette* on 1st May 1962
- Petrol Pumps—Published in the *Government Gazette* on 9th March 1966
- Long Service Leave—Published in the *Government Gazette* on 12th April 1967
- Management of Halls and Other Buildings: amendment—Published in the *Government Gazette* on 7th March 1969
- Pest Plants—Published in the *Government Gazette* on 18th July 1980
- Refuse Adversely Affecting Neighbours—Published in the *Government Gazette* on 24th October 1980
- Bush Fires—Published in the *Government Gazette* on 19th March 1968
- Extractive Industries—Published in the *Government Gazette* on 8th November 1962
- Holiday Accommodation—Published in the *Government Gazette* on 15th February 1974

Dated this 29th day of July 1998.

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

Common Seal

H. M. LANG, President.  
R. J. MADSON, Chief Executive Officer.

**LG304****HEALTH ACT 1911**

## SHIRE OF COOROW HEALTH LOCAL LAWS 1998

Made by the Council of the Shire of Coorow

**Citation**

1. These local laws may be cited as the "*Shire of Coorow Health Local Laws 1998*"

**Incorporation by Reference**

2. (i) In these local laws, "*The Shire of Plantagenet Health Local Laws 1997*";
  - (a) means *The Shire of Plantagenet Health Local Laws 1997* published in the *Government Gazette*, special edition number 69, on the 30 March 1998; and
  - (b) does not include any amendments that might be made to those Local Laws
- (ii) Subject to the modifications set out in the Schedule, *The Shire of Plantagenet Health Local Laws 1997* are incorporated with and form part of these Local Laws.

**Repeal**

3. (1) The Health Local Laws adopted by the Shire of Coorow and published in the *Government Gazette* on the 29 November 1962 and amended from time to time, are repealed; and
- (2) The Health Local Laws adopted by the Shire of Coorow on 16 February 1965 and published in the *Government Gazette* on the 6 July 1965, and amended from time to time, are repealed;

## SCHEDULE

Item	Sections Affected	Description
1.	1.1	Delete Section 1.1 and substitute under the Heading " <b>Citation</b> " the following— " 1.1 These local laws may be cited as the " <i>Shire of Coorow Health Local Laws 1998</i> " "
2.	1.2	Delete Section 1.2
3.	1.3(1), and Schedules 1-12	Delete "Shire of Plantagenet" wherever it occurs and substitute "Shire of Coorow"
4.	2.1.5(1)(c)(ii)	Insert the word "flap" before the word "valve"
5.	2.1.9(2)	Delete the word "a" before "the premises" in the first line
6.	2.2.2(1)(c)	Delete subsection (c) and substitute the following— (c) "has a minimum floor area of 3 square metres and a room width of not less than 1.5 metres; and has a floor constructed of concrete or other approved, impervious material of an approved thickness"
7.	3.2.4(1)	Delete the word "of" before the word "occupy" in the first line and substitute the word "or"
8.	3.3.2	Delete the word "for" before "a rainwater tank" in the first line, and substitute the word "from"
9.	4.2.10(2)(a)(i)	In subsection (2)(a)(i), delete the last word "or" and substitute "and"
10.	4.2.10(2)(a)(ii)	In subparagraph (ii), delete the word "suitable" and substitute "unsuitable"
11.	4.2.13	After section 4.2.12, insert a new section as follows— "4.2.13 The areas specified in Schedule 13 are the areas within which the provisions of Section 112A of the Act, shall operate and have effect"
12.	4.3.1	Delete the definition of "butchers' waste" and substitute— " <b>butchers' waste</b> " includes animal skeletons and rib cages from a boning room and the inedible products of an abattoir'
13.	5.2.4(1)	Delete the words "of the Council" after the word "District" in line two
14.	5.3.3(1)(b)(ii)	Insert the word "a" before the word "minimum"
15.	5.3.3(2)(a)	Delete the word "to" after the word "Officer" and substitute a comma
16.	5.3.3(2)(b)	Delete the word "of" before the word "other" in line two, and substitute the word "or"
17.	6.1.4	In paragraph (c), delete the words "of flies" and insert them on the next line, aligned with the first word of the section
18.	7.31 and 7.32	In PART 7, delete Division 3—Skin Penetration
19.	8.2.5(5)(e)	Delete paragraph (e) and insert a new subsection (6) as follows— (6) paragraphs (b) and (c) of subsection (5) do not apply to a serviced apartment
20.	8.3.9(i)	In paragraph (i), delete the comma after the word "bedding" and insert a comma after the word "furniture"
21.	9.4.1	Delete the definition of " <b>exempt laundry</b> "
22.	9.4.1	In the definition of " <b>laundry</b> ", delete the words, "an exempt laundry or"
23.	9.4.2	Delete the word "withdrawn" and substitute "withdraw"
24.	10.1.1	In subsection (2), delete the words "of this section"
25.	Schedule 2	Insert the words "REGISTRATION OF" before the words "A LODGING HOUSE" in the title of Schedule 2
26.	Schedule 13	Insert a new Schedule 13 as follows— " Schedule 13 SHIRE OF COOROW HEALTH ACT 1911 PRESCRIBED AREAS—SECTION 112A The townsites of Coorow, Leeman, Green Head and Marchagee "

The Common Seal of the Shire of Coorow was hereunto affixed in the presence of—

A. C. KAU, President.  
S. N. HAZELDINE, Chief Executive Officer.

On this 1st day of July, 1998.

Consented to—

Dr C. F. QUADROS, delegate of  
Executive Director, Public Health.

Dated this 21st day of July, 1998.

### LG305

#### TOWN OF MOSMAN PARK AMENDMENTS TO LOCAL LAWS

The Council of the Town of Mosman Park records having made the following amendments to its local laws as described hereunder at a meeting of the Council held on July 28, 1998.

##### Local Laws Relating to Dogs

1 In these local laws the Local Laws Relating to Dogs which were published in the *Government Gazette* on 12 November 1993 as amended from time to time are referred to as the principal local laws.

2 Clause 4 and clause 5 of the principal local laws are amended by the deletion of "specified in the First Schedule hereto" and the substitution of "as determined by the Council from time to time".

3 The First Schedule to the principal local laws is deleted.

4 The Fourth Schedule to the principal local laws is amended by the addition of:

"Davis Oval being all that area of Reserve No A1840 north of the elongation east of the northern boundary of Reserve No 22633 except those times during which the area is being used for organised community or sporting events."

##### Signs, Hoardings and Bill Posting Local Laws

1 In these local laws the Town of Mosman Park Signs Hoardings and Bill Posting Local Laws which were published in the *Government Gazette* on 13 May 1994 are referred to as the principal local laws.

2 Clause 3.5.1 of the principal local laws is amended by the deletion of "as set out in the Second Schedule to these By-laws" and substituting "as determined by the Council from time to time".

3 The Second Schedule to the principal local laws is deleted.

##### Removal and Disposal of Obstructing Animals and Vehicles Local Laws

1 In these local laws the Model Local Laws (Removal and Disposal of Obstructing Animals or Vehicles) No 7 adopted by the Town of Mosman Park by notice appearing in the *Government Gazette* on 10 February 1966 are referred to as the principal local laws.

2 Clause 11 and clause 14 of the principal local laws are amended by the deletion of "of one dollar" and substituting "as determined by the Council from time to time".

##### Awnings Over Streets Local Laws

1 In these local laws the Town of Mosman Park Local Laws Relating to Awnings Over Streets which appeared in the *Government Gazette* on 29 December 1961 are referred to as the principal local laws.

2 Clause 5 (i) of the principal local laws is amended by the deletion of "prescribed in the Second Schedule hereto" and substituting "as determined by the Council from time to time".

3 Clause 5 (2) of the principal local laws is amended by deleting "prescribed".

4 The Second Schedule to the principal local laws is deleted.

##### Hawkers and Stalls Local Laws

1 In these local laws, the Town of Mosman Park Local Laws Relating to Hawkets and Stalls published in the *Government Gazette* on July 15, 1958 as amended from time to time are referred to as the principal local laws.

2 Clause 6 (1) of the principal local laws is amended by deletion of "set out in Schedule C hereto" and substituting "as determined by the Council from time to time".

3 Schedule C to the principal local laws is deleted.

Dated this 30th day of July 1998.

T. J. HARKEN, Chief Executive Officer.

**LG401**

**DOG ACT 1976**  
SHIRE OF NORTHAMPTON

It is hereby notified for public information that Miss Kristy Brady has been appointed as a registration officer under the provisions of the Dog Act 1976, for the Municipality of the Shire of Northampton. The appointment of Mrs Kylie Burrell is hereby cancelled.

G. L. KEEFFE, Chief Executive Officer.

**LG402**

**LOCAL GOVERNMENT ACT 1995**  
*Municipality of Wickepin*  
MEMORANDUM OF IMPOSING RATES

At a meeting of the Wickepin Shire Council, held on 21st July 1998 it was resolved that the Rates and Charges as specified hereunder should be imposed on all rateable properties within the district of the Municipality, in accordance with the provisions of the Local Government Act 1995 and Health Act 1911.

Schedule of Rates and Charges

## General Rate—

Rural UV:	2.2658 cents in the dollar
Townsites GRV:	8.7524 cents in the dollar

## Minimum Rate—

Rural UV:	\$180.00 per assessment
Townsites GRV:	\$180.00 per assessment

## Sewerage Rate—

General Rate:	5.36 cents in the dollar
Minimum Rate:	\$125.00 per assessment

## Rubbish Charge—

Domestic:	\$90.00 per annum
Commercial:	\$130.00 per annum

Discount—a 10% discount will apply to all rates paid in full by 4th September 1998.

Penalty—Penalty interest at the rate of 10% per annum calculated daily will apply to all rates that are unpaid by 4th September 1998.

Instalment Plan Interest Rate—A charge of 5% will apply when election to pay rates by instalments is selected.

Instalments Due Dates—4th September 1998, 4th November 1998, 4th January 1999 and 4th March 1999.

Council has adopted various fees and charges for services and venues throughout the municipality. Copies of all fees and charges, together with the 1998/99 budget can be obtained from the Shire of Wickepin Administration Centre.

ROB MADSON, Chief Executive Officer.

**LG403\***

**LOCAL GOVERNMENT ACT 1960**  
**HEALTH ACT 1911**  
*Shire of Lake Grace*  
Memorandum of Imposing Rates

To whom it may concern,

At a meeting of the Lake Grace Shire Council held on the 29th July, 1998, it was resolved that the rates and charges specified hereunder should be imposed on all rateable property within the district of the Shire of Lake Grace in accordance with the Local Government Act 1995 and the Health Act 1911 for the year ending 30th June, 1999.

Dated this 31st day of July, 1998

C. J. CONNOLLY, President.  
J. K. McENCROE, Chief Executive Officer.

SHIRE OF LAKE GRACE  
MEMORANDUM OF IMPOSING RATES 1998/99  
Schedule of Rates and Charges

General Rates—

13.4378 cents in the dollar on the Gross Rental Value of rateable property in the townsites.  
02.0515 cents in the dollar on the Unimproved Value of rateable property in rural areas, mining claims and leases.

Minimum Rates—

\$140.00 per annum per assessment on all U.V.'s  
\$220.00 per annum per assessment on all G.R.V.'s

Penalty—

Rates By Instalment—rates instalments not paid by the due date of the instalment to be subject to a simple interest penalty of 10% per annum calculated daily.

All Other Rates—all rates outstanding (with the exception of rates being paid by instalment) to incur a 10% penalty after the expiration of 70 days from the date of issue of the rate notice.

Discount—All current general rates (with the exception of those rates being paid by instalments) are subject to a 10% discount if all outstanding rates are paid in full before the expiration of 35 days from the date of service of the notice.

Television Charges—

Properties within the town boundaries of Newdegate will be charged \$50.00 for each single residence and \$100.00 for Hotels, Motels, and Caravan Parks.

Properties within the town boundaries of Lake Grace will be charged \$15.00 for each single residence and \$30.00 for Hotels, Motels and Caravan Parks.

Properties within the town boundaries of Lake King will be charged \$100.00 for each single residence and \$200.00 for Hotels, Motels and Caravan Parks.

Sewerage Scheme Rates—Lake Grace Townsite—

Rate shall be 3.95 cents in the dollar on Gross Rental Values.

Minimum rates to be \$110.00 per annum per vacant townsite lot and \$145.85 and \$374.90 respectively for occupied residential and commercial townsite lots.

Sewerage Charges (Unrated Properties)—Lake Grace Townsite—

The charge payable for sewerage services rendered in respect of non rateable land shall be—

Class 1: Sewerage services to institutional type properties (e.g. Schools, Hospitals, Churches etc.) First pedestal \$119.25 per annum, each additional pedestal \$52.45 per annum.

Class 3: Sewerage services to State and Local Government properties of a commercial nature (e.g. office or depots) \$663.05 per connection.

Sullage Rates and Charges—Varley Townsite—

Rate shall be 5.05 in the dollar on Gross Rental Values. Minimum Rates to be \$70.00 per annum per vacant townsite lot, \$175.00 and \$90.00 respectively for commercial and residential townsite lots.

Charges Non Rated Properties with Access to the Scheme

1st fixture \$85.00

Additional fixtures \$37.00

Rubbish Charges (Unrated Properties) and Sundry Removals—

In respect of properties within the Shire of Lake Grace, which are exempt from rating and from which refuse is removed.

\$90.00 per annum or \$5.00 for each daily emptying by the Shire of Lake Grace of a regulation size receptacle provided by any occupier or owner.

\$15.00 per cubic metre for the removal by the Shire of Lake Grace of other trade refuse.

Rubbish Tip Fees—\$2.00 per cubic metre or part thereof for all trade refuse and for refuse deposited by persons in the Shire of Lake Grace disposal sites.

**LG404**

**LOCAL GOVERNMENT ACT 1995**  
**HEALTH ACT 1911**  
**COUNTRY TOWNS SEWERAGE ACT 1948**  
*Shire of Kent*

Memorandum of Imposing Rates and Charges

At a Special Meeting of the Shire of Kent held on July 8, 1998 it was resolved that the rates and charges specified in the Schedule hereunder be imposed within the Council of the Shire of Kent for the 1998/99 year.

Dated 20 July 1998.

B. J. MORRELL, President.  
I. B. FITZGERALD, Chief Executive Officer.

## General Rate—

- Rural (U.V.)—1.9410 cents in the dollar on unimproved values.  
Townsites (G.R.V.)—7.20 in the dollar on gross rental values.

## Minimum Rate—

- (a) \$130.00 per Town lot on gross rental values.  
(b) \$130.00 per Rural lot on unimproved values.

Discount—A 10% discount on all current general rates received in full at the Shire Office by 4.30pm, August 21, 1998.

Instalments—Due dates for payment of rates and services by instalments are—

- (1) 21 August 1998  
(2) 23 October 1998  
(3) 8 January 1999  
(4) 12 March 1999

A \$5 administration charge applies for rates and service charges levied for instalments 2, 3, & 4.

## Rubbish Service—

## Domestic—

- Standard—\$100.00 per bin, per annum.  
Pensioners—\$75.00 per bin, per annum, for registered pensioners.

Commercial—\$100.00 per bin, per annum.

Late Payment Interest Rate—A charge of 10% per annum calculated daily by simple interest will apply from 16 October 1998.

## Sewerage Rate—

## Nyabing Town—

- (a) 2.78 cents in the dollar on gross rental values within the specified area.  
(b) Non-rateable properties—\$119.25 for the first and \$52.45 for each additional fixtures.  
(c) State and Local Government properties of a commercial nature—\$663.05 per connection.  
(d) Minimum Sewerage Rate—\$110.00 per assessment on vacant land, \$374.90 per assessment on commercial land and \$148.85 per assessment on all other rated properties within the specified area.

## Pingrup Town—

- (a) 3.30 cents in the dollar on gross rental values within the specified area.  
(b) Non-rateable properties—\$119.25 for the first and \$52.45 for each additional fixture.  
(c) State and Local Government properties of a commercial nature—\$663.05 per connection.  
(d) Minimum Sewerage Rate—\$110.00 per assessment on vacant land, \$374.90 per assessment on commercial land and \$148.85 per assessment on all other rated properties within the specified area.

## Television Retransmission Levy

Pingrup Township—\$75.00 per annum for each property situated within the designated area.

Nyabing Township—\$70.00 per annum for each property situated within the designated area.

Specified Area Rate—0.0005 cents in the dollar on both unimproved and gross rental for Pingrup, Cairlocup, North, South and Holland Rock Wards for the community bus.

The Council also adopted a schedule of Fees and Charges for the 1998/99 financial year, a copy of which is available from the Shire Offices.

I. B. FITZGERALD, Chief Executive Officer.

**LG405****LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960****TOWN OF VICTORIA PARK  
CLOSURE OF PRIVATE STREET**

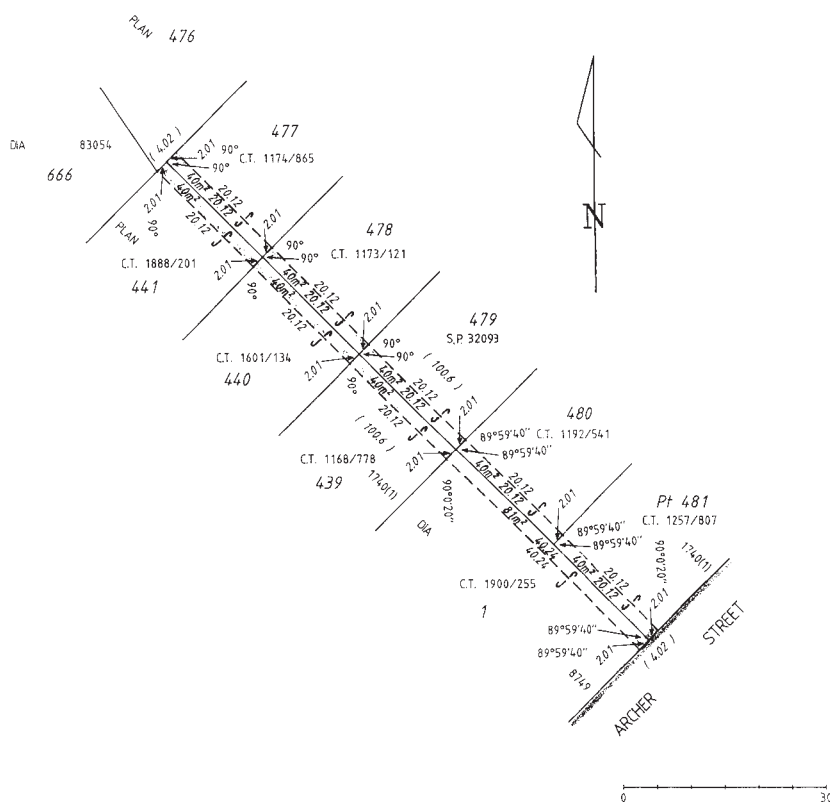
Department of Local Government,  
Perth, 7 August 1998.

LG: VI4-12.

It is hereby notified for public information that His Excellency the Governor has approved under section 297A of the *Local Government (Miscellaneous Provisions) Act 1960*, the resolution passed by the Town of Victoria Park that portion of the private street which is described as being Part of Canning Location 2, being portion of the land coloured brown on Plan 1740(1) and being part of the land contained in Certificates of Title Volume 331 Folio 33 be closed, and the land contained therein be amalgamated with adjoining Lots 439-441 Rutland Avenue, Lot 1 Archer Street and Lots 477-481 Raleigh Street, Carlisle, as shown in the Schedule hereunder.

JOHN LYNCH, Executive Director,  
Department of Local Government.

SCHEDULE  
DIAGRAM No. 95815



**LG701**

**BUSH FIRES ACT 1954**

*Shire of Northampton*

Notice to All Owners and Occupiers of Land

Pursuant to the powers contained in Section 33 of the above Act, you are hereby required on or before the 1st day of October of each year to plough, scarify, cultivate or otherwise clear and thereafter maintain free of all inflammable material until February 15th of the following year, firebreaks of not less than two metres in width in the following positions on the land owned or occupied by you.

Rural Land—

- (a) Within 20 metres inside all external boundaries of the property, and where such lands are divided by or abut a trafficable road within 20 metres inside the land abutting that road.
- (b) In such positions as is necessary to divide all land under pasture in excess of 200 hectares into areas not exceeding 200 hectares each completely surrounded by a firebreak.
- (c) Within 20 metres of buildings, haystacks and fuel ramps situated on the land.

Townsite Land—

- (a) Where the area of land is 2000 square metres or less, all inflammable materials on the land shall be removed from the whole of the land.
- (b) Where the land exceeds 2000 square metres in area, firebreaks at least two metres wide shall be cleared of all inflammable materials inside all external boundaries of the land and also immediately surrounding all buildings situated on the land.
- (c) Fuel Depots—In addition to any firebreaks required in paragraphs 1 and 2 herein, you shall clear of all inflammable material the whole of any land occupied by drums used for the storage of inflammable liquid, whether the drums contain inflammable liquid or not, including any land on which ramps for holding the drums are constructed and an area outside the land so occupied to a distance of not less than three metres.

If it is considered to be impracticable for any reason to clear firebreaks or to remove inflammable material from land as required by this notice, you may apply to the Council or its duly authorised Officer, not later than October 1st of each year for permission to provide firebreaks in alternative



position or to take alternative action to abate fire hazards on the land. If permission is not granted by the Council or its duly authorised Officer, you shall comply with the requirements of this notice.

By order of the Council,

G. L. KEEFFE, Chief Executive Officer.

LG702\*

### BUSH FIRES ACT 1954

#### NOTICE TO OWNERS AND OCCUPIERS OF LAND WITHIN THE SHIRE OF BEVERLEY

Pursuant to the powers contained in section 33 of the Bush Fires Act 1954, you are hereby required on or before the 15 November 1998 to provide and thereafter maintain free of all inflammable material until 15 April 1999, firebreaks as stipulated in the manner described in the following Schedule of land owned or occupied by you.

#### SCHEDULE

#### WIDTH AND MANNER PRESCRIBED

##### 1. Rural Land

- (a) *Buildings and Haystacks.* A firebreak at least 4 metres wide and not more than 60 metres from the perimeter of all buildings and/or haystacks or groups of buildings and/or haystacks so as to completely surround the buildings, haystacks and/or fuel dumps.
- (b) *Bulldozed Bush.* A firebreak 20 metres wide shall be maintained immediately inside the external boundaries of all land which has been bulldozed, chained or prepared in any similar manner for clearing by burning (whether it is intended to burn the bush or not).
- (c) *Stationary Pumps/Motors.* A firebreak 4 metres wide shall be cleared and maintained around all stationary pumps and motors.
- (d) *Harvesting Operations.* During any period when harvesting operations are being conducted, there shall be provided in the same paddock or within 400 metres of that paddock an operational independent mobile fire fighting unit having a water capacity of not less than 650 litres. The tank of the unit shall be kept full of water at all times during the harvest operations. The responsibility to supply the unit being that of the landholder.
- (e) *Operation of Plant and Machinery.* During the restricted and prohibited burning time, all harvesters and trucks carting grain shall not be operated on rural land unless fitted with a fire extinguisher. A fire extinguisher means a device which comprises—
  - (i) a container filled with at least 9 litres of water, and be capable of discharging that water under pressure and which is in a sound working condition;
  - (ii) an approved operative chemical extinguisher.
- (f) *Paddock Burns—At any time, where a landholder intends to burn paddocks, the following must be provided to prevent the escape of fire—*
  - (i) a firebreak 2.2 metres wide clear of all inflammable material completely surrounding the area to be burnt;
  - (ii) an operational fire fighting unit having a capacity of not less than 650 litres;
  - (iii) permits to burn may be required. Contact your Fire Control Officer for details.
- (g) *All Absentee Rural Landowners/Occupiers* not residing within the Shire of Beverley shall construct and maintain free of inflammable material, a firebreak not less than 4.0 metres wide along all external boundaries of their property. Failure to comply could result in the owner being held responsible for damage to neighbours property if a fire were to escape due to negligence.

Note: All absentee rural landowners/occupiers are asked to notify their Fire Control Officer of their contact telephone number and address. If you are unaware of your Fire Control Officer, please contact the Shire of Beverley on (08) 9646 1200 to obtain this information.

##### 2. Townsite Land

- (a) All lots with an area of 2024m<sup>2</sup> (½ acre) or less, shall be either clear of all inflammable material or have grass mown to a height no greater than 5 cms.
- (b) All lots or combination of lots that comprise of one holding and having an area 2024m<sup>2</sup> (½ acre) or greater shall be either clear of all inflammable material or have a firebreak 2.2 metres wide free of all inflammable material provided inside and along all external boundaries.

##### 3. General Information

- (a) *Fuel Dumps.* In respect of land owned or occupied by you, on which is situated any fuel dump, in addition to the requirements of paragraphs 1 and 2, you shall remove all flammable materials or material likely to become flammable during summer from land occupied by bulk storage tanks and/or drums used for storage of liquid fuel whether the bulk storage tanks and/or drums contain liquid fuel or not. This includes the land on which ramps for holding the drums are constructed. The flammable material free ground must be maintained to a distance of at least 4 metres outside the perimeter of any drum, stack of drums or drum ramp or bulk storage tank.

Flammable material is defined for the purpose of this notice to include vegetation, timber, boxes, cartons, paper and like materials, rubbish and any other combustible matter, but does not include green standing trees, garden plants, growing bushes or maintained lawns, stacked wood heaps or buildings.

- (b) *Variations to Requirements.* If it is considered to be impracticable for any reason to clear firebreaks on the land in the situations required by this notice or by the date required by this notice, you may apply to the Council or its duly authorised officer for variations by the Order. An application must be made no later than 14 days prior to the date by which firebreaks are required to be constructed for permission to provide firebreaks in alternative positions or by an alternative date or to take alternative action to abate fire hazards on the land. If permission is not granted by the Council or its duly authorised officer, you shall comply with the requirements of this notice.
- (c) *Penalty for Failure to Comply.* The penalty for failing to comply with this notice is a fine and the person in default is liable, whether prosecuted or not, to pay the cost of constructing the firebreaks.
- (d) *Burning.* If the requirements of this notice are carried out by burning, such burning must be in accordance with the relevant provisions of the Bush Fires Act 1954.

By Order of the Council.

K. L. BYERS, Chief Executive Officer.

#### FIRE CONTROL OFFICERS (FCO)

Chief FCO	Mr Bill Hill	(08) 9646 1248
Central Brigade	Mr Fred Sing	(08) 9646 1369
Bally Bally 1 Brigade	Mr David Bell	(08) 9646 4031
Kokeby 1 Brigade	Mr Garry Miller	(08) 9646 1192
North East 1 Brigade	Mr Rick Smith	(08) 9641 6052
Morbining 1 Brigade	Mr Mal Edwards	(08) 9646 4063
Avondale 1 Brigade	Mr George Smith	(08) 9647 2052
Kokeby West 1 Brigade	Mr Bill Hill	(08) 9646 1248
Dale 1 Brigade	Mr Rob Williamson	(08) 9647 1075
Dale West 1 Brigade	Mr Jim Aird	(08) 9647 1030
Talbot 1 Brigade	Mr Greg Moulton	(08) 9648 1017
Emergency Telephone Nos.	Rural	(08) 9646 1552
	Townsite	(08) 9646 1001

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## MINERALS AND ENERGY

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### MN401

#### COAL MINERS' WELFARE ACT 1947

##### NOTICE OF APPOINTMENT

His Excellency the Governor in Executive Council has been pleased to approve the re-appointment of Michael Phillip Murray as a member and Chairman of the Coal Miners' Welfare Board of Western Australia and the re-appointment of John Joseph Borlini and Vincent Rose as members of the Coal Miners' Welfare Board of Western Australia for a term ending 17 July 1999 pursuant to section 9(2) of the Coal Miners' Welfare Act 1947.

L. C. RANFORD, Director General.

### MN402

#### MINING ACT 1978

##### NOTICE OF INTENTION TO FORFEIT

Department of Minerals and Energy,  
Perth WA 6000.

In accordance with Regulation 50(b) of the Mining Act 1978, notice is hereby given that unless the rent due on the undermentioned licences and leases is paid on or before 27 August 1998 it is the intention of the Hon. Minister for Mines under the provisions of sections 96A(1) and 97(1) of the Mining Act 1978-1983 to forfeit such for breach covenant, viz, non-payment of rent.

Director General.

Number	Holder	Mineral Field
<b>EXPLORATION LICENCES</b>		
08/896	Risinger, John Ernest	Ashburton
08/918	Gemrio Pty Ltd	Ashburton
09/775	Agnew, David Garrick	Gascoyne
28/682	Custodian Holdings Pty Ltd	North East Coolgardie
28/683	Custodian Holdings Pty Ltd	North East Coolgardie
31/181	Consolidated Resources NL	North Coolgardie
36/340	Portbeam Holdings Pty Ltd	East Murchison
36/361	Fangio Investments Pty Ltd	East Murchison
39/506	Target Mining Corporation Ltd	Mt Margaret
45/1667	Reynard Australia Pty Ltd	Pilbara
45/1668	Reynard Australia Pty Ltd	Pilbara
47/804	Renwick Nominees Pty Ltd	West Pilbara
47/862	Winterfall Pty Ltd	West Pilbara
47/864	Dukovic, Tom Peter; Hall, Peter; Sorensen, Dane Peder Evan	West Pilbara
52/552	Horseshoe Gold Mine Pty Ltd	Peak Hill
52/849	North Mining Ltd	Peak Hill
52/850	North Mining Ltd	Peak Hill
<b>EXPLORATION LICENCES</b>		
53/687	Custodian Holdings Pty Ltd	East Murchison
53/688	Custodian Holdings Pty Ltd	East Murchison
53/689	Custodian Holdings Pty Ltd	East Murchison
53/690	Eureka Stockade Pty Ltd	East Murchison
53/691	Eureka Stockade Pty Ltd	East Murchison
57/361	O'Malley, Mark Kevin	East Murchison
59/466	Carlinga Mining Pty Ltd; Roebuck Resources NL	Yalgoo
59/673	Magnetic Resources NL	Yalgoo
59/674	Magnetic Resources NL	Yalgoo
59/727	Aarex Resources NL	Yalgoo
63/553	Fangio Investments Pty Ltd	Dundas
69/1135	Jessup, Adrian Martin Lamber	Warburton
69/1233	Murilla Exploration Pty Ltd	Warburton
70/1339	North Mining Ltd	South West
70/1562	Sipa Exploration NL	South West
74/132	Outokumpu Mining Australia Pty Ltd	Phillips River
77/374	Cyprus Gold Australia Corporation	Yilgarn
<b>MINING LEASES</b>		
20/120	Emerald Square Pty Ltd; Jewellery International BVBA; Nelson, Gary; Steinkalik, Sylvain	Murchison
20/189	Australian Eagle Oil Co. NL	Murchison
30/104	Hume, Kaye Lorraine	North Coolgardie
31/11	Yarri Mining Pty Ltd	North Coolgardie
45/368	Fletcher, Paul Rodney; Marshall, William John; Pilbara Mines NL	Pilbara
47/306	Rocca, Guisepppe; Rocca, Pamela Margaret	West Pilbara
59/322	Barlow, Bruce William; Marianna, Robert Dela	Yalgoo
59/323	Barlow, Bruce William; Marianna, Robert Dela	Yalgoo
59/324	Higbee, Michael William; Hustvedt, Karl Amandus	Yalgoo
63/148	Gypsum Sales of Australia Pty Ltd	Dundas
77/515	Yilgarn Independent Mineral Processors Pty Ltd	Yilgarn
<b>GENERAL PURPOSE LEASES</b>		
47/41	Dumpna Pty Ltd	West Pilbara
74/4	McCall, Bruce Douglas; McCall, Donald John; McCall, Robin Anne	Phillips River

**MN403****MINING ACT 1978****NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Minerals and Energy,  
Mt Magnet, 21st July 1998.

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

J. PACKINGTON, Warden.

To be heard in the Warden's Court, Mt Magnet on the 15th September 1998.

MURCHISON MINERAL FIELD

*Cue District*

P20/1673—Poona Mining Pty Ltd

*Mt Magnet District*

P58/778—Thompson, Mark James

**MN404**

**MINING ACT 1904**

Department of Minerals and Energy,  
Perth, 31 July 1998.

In accordance with the provisions of the Mining Act 1904, the Governor in Executive Council has been pleased to deal with the following Temporary Reserve.

L. RANFORD, Director General.

The rights of occupancy on the undermentioned Temporary Reserve have been renewed.

Number	Occupant	For Further Period Expiring On	Locality	Mineral Field
5610H	Mitchell Plateau Bauxite Co Pty Ltd Alcoa of Australia Ltd Acacia Metals Pty Ltd Sumitomo Aluminium Smelting Company Ltd Sumitomo Corporation Marubeni Corporation	30 June 1999	Mitchell Plateau	West Kimberley and Kimberley

**MN405**

**MINING ACT 1978**

NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Minerals and Energy,  
Perth.

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

G. CALDER, Warden.

To be heard in the Warden's Court, Carnarvon on the 11 September 1998.

SOUTH WEST MINERAL FIELD

Prospecting Licences

70/229—Silicon Quarries Pty Ltd

70/444—Eucla Mining NL; Locsei, Janos

70/732—RGC Mineral Sands Ltd

70/1162—Bailey, David John; Bailey, Kenneth Roy

70/1163—Bailey, David John; Bailey, Kenneth Roy

70/1197—Creagh, Ronald Robert; Jeffries, Raymond Barrie; Jeffries, Terrance William; Jones, Robert Joseph

70/1209—Dayman, Geoffrey Gordon

70/1240—Jones, Robert Joseph; Morrison, Brett Wayne

**MN406\***

**PETROLEUM PIPELINES ACT 1969**

SURRENDER OF PIPELINE LICENCE PL9

The Surrender of Pipeline Licence No. PL9 has been registered and will Take effect on the date this notice appears in the *Government Gazette*.

W. L. TINAPPLE, Director Petroleum Operations Division.

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**PLANNING**

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

## TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

*CITY OF ALBANY*

## TOWN PLANNING SCHEME NO 2—AMENDMENT NO 1

Ref: 853/5/4/4 Pt 1

Notice is hereby given that the local government of the City of Albany has prepared the abovementioned scheme amendment for the purpose of adding a new section 4.6 relating to the Delegation of Powers.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 221 York Street, Albany and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including September 18, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before September 18, 1998.

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

E. H. KELLY, Chief Executive Officer.

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

## TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

*CITY OF ALBANY*

## TOWN PLANNING SCHEME NO 3—AMENDMENT NO 193

Ref: 853/5/4/5 Pt 193

Notice is hereby given that the local government of the City of Albany has prepared the abovementioned scheme amendment for the purpose of adding a new Section 6.10 relating to the Delegation of Powers.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 221 York Street, Albany and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including September 18, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before September 18, 1998.

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

E. H. KELLY, Chief Executive Officer.

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**PD403\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

*CITY OF ALBANY*

## TOWN PLANNING SCHEME NO 3.2B—AMENDMENT NO 5

Ref: 853/5/4/12 Pt 5

Notice is hereby given that the local government of the City of Albany has prepared the abovementioned scheme amendment for the purpose of adding a new section 6.7 relating to Delegation of Powers.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 22 York Street, Albany and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including September 18, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before September 18, 1998.

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

E. H. KELLY, Chief Executive Officer.

**PD404\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION  
*CITY OF ALBANY*  
TOWN PLANNING SCHEME NO 7—AMENDMENT NO 12

Ref: 853/5/4/7 Pt 12

Notice is hereby given that the local government of the City of Albany has prepared the abovementioned scheme amendment for the purpose of adding a new section 5.3 relating to Delegation of Powers.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 221 York Street, Albany and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including September 18, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before September 18, 1998.

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

E. H. KELLY, Chief Executive Officer.

**PD405\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION  
*CITY OF ARMADALE*  
TOWN PLANNING SCHEME NO 2—AMENDMENT NO 137

Ref: 853/2/22/4 Pt 137

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

1. rezoning a portion of Lot 600 corner of Armadale and Eighth Roads, Armadale from "Residential—Development Area" to "Special Use—Recreation & Associated Commercial Uses" and "Public Purpose Reservation";
2. amending the Scheme maps accordingly; and
3. amending the Scheme text in appropriate numerical order by inserting a new entry in the Special Use Development Table.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 7 Orchard Avenue, Armadale and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including September 18, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before September 18, 1998.

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

J. W. FLATOW, Chief Executive Officer.

**PD406\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION  
*CITY OF ROCKINGHAM*  
TOWN PLANNING SCHEME NO 1—AMENDMENT NO 307

Ref: 853/2/28/1 Pt 307

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

1. Rezoning Lots 326 and 330 Eighty Road, Baldivis from "Rural" to "Special Residential".
2. Incorporating Lots 326 and 330 Eighty Road, within Column (a) Locality of Table VIII—Special Residential Zones—Amendment No 284 to Town Planning Scheme No 1.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Civic Boulevard, Rockingham and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including September 18, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before September 18, 1998.

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

J. S. GREEN, A/Chief Executive Officer.

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**PD407\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

*SHIRE OF ROEBOURNE*

TOWN PLANNING SCHEME NO 7—AMENDMENT NO 2

Ref: 853/8/5/7 Pt 2

Notice is hereby given that the local government of the Shire of Roebourne has prepared the abovementioned scheme amendment for the purpose of rezoning closed road adjoining Lot 52 Point Samson from "Local Road" to "Commercial".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Welcome Road, Karratha and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including August 28, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before August 28, 1998.

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

T. RULAND, Chief Executive Officer.

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**PD701\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME

*SHIRE OF YILGARN*

TOWN PLANNING SCHEME NO 2

Ref: 853/11/12/2

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Yilgarn Town Planning Scheme No 2 on July 30, 1998—the Scheme Text of which is published as a Schedule annexed hereto.

P. R. PATRONI, President.  
P. CLARKE, Chief Executive Officer.

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SCHEDULE

SHIRE OF YILGARN—TOWN PLANNING SCHEME NO. 2

DISTRICT ZONING SCHEME

The Yilgarn 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.

CONTENTS

PART I—PRELIMINARY

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

PART II—RESERVES

- 2.1 Scheme Reserves

## PART III—ZONES

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

## PART IV—GENERAL DEVELOPMENT REQUIREMENTS

- 4.1 Residential Planning Codes
- 4.2 Site and Development Requirements (Table)
- 4.3 Restrictive Covenants
- 4.4 Discretion to Modify Development Standards
- 4.5 Environmental Conditions

## PART V—SPECIAL CONTROLS

- 5.1 Heritage—Precincts and Places of Cultural Significance
- 5.2 Control of Advertisements
- 5.3 Transportable Dwellings

## PART VI—USE AND DEVELOPMENT OF LAND

- 6.1 Requirement for Planning Approval
- 6.2 Application for Planning Approval
- 6.3 Advertising of Applications
- 6.4 Consultations with Other Authorities
- 6.5 Matters to be Considered by Council
- 6.6 Determination of Applications
- 6.7 Deemed Refusal
- 6.8 Approval Subject to Later Approval of Details
- 6.9 Approval of Existing Developments

## PART VII—NON-CONFORMING USES

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

## PART VIII—ADMINISTRATION

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

## APPENDICES

1. Interpretations
2. Additional Uses Schedule
3. Special Use Zone Schedule
4. Application for Planning Approval
5. Additional information sheet for advertisement approval
6. Notice of Public Advertisement of Planning Proposal
7. Notice of Decision on Application for Planning Approval
8. Exempted Advertisements Schedule
9. Heritage List
10. Environmental Conditions

## PART I—PRELIMINARY

## 1.1 CITATION

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

## 1.2 RESPONSIBLE AUTHORITY

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

## 1.3 SCHEME AREA

The Scheme applies to the municipal district of the Shire of Yilgarn as generally shown by the Scheme area boundary on the Scheme Map by the broken black border.



#### 1.4 CONTENTS OF SCHEME

The Scheme comprises:

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

#### 1.5 ARRANGEMENT OF SCHEME TEXT

The Scheme Text is divided into the following parts:

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

#### 1.6 SCHEME OBJECTIVES

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

#### 1.7 REVOCATION OF EXISTING SCHEME

The Shire of Yilgarn Scheme No 1 published in the Government Gazette on 13 December 1968, and all amendments thereto are hereby revoked.

#### 1.8 INTERPRETATION

1.8.1 Words and expressions used in the Scheme shall have the respective meanings given to them in Appendix 1 or elsewhere in the Scheme and the Residential Planning Codes.

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

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

### PART II—RESERVES

#### 2.1 SCHEME RESERVES

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

- (i) Nature Reserves
- (ii) State Forest
- (iii) Recreation
- (iv) Public Purposes
- (v) Railway
- (vi) Waterways

### PART III—ZONES

#### 3.1 CLASSIFICATION

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

(i) Residential Zone

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

(ii) Commercial Zone

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

(iii) Industrial Zone

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

(iv) Special Uses

The Special Use Zone is to be used in accordance with special development standards or conditions permitted by Council and noted in Appendix No 3 of this Town Planning Scheme.

## (v) Townsite Zone

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

## (vi) Rural/Mining Zone

The Rural/Mining Zone is to be used for agricultural, residential and public recreation uses. Extractive industry (mining) occurs widespread in the rural areas of the Shire but, owing to its high impact, needs to be approved by Council after satisfactory advertisement.

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

## 3.2 ZONING TABLE

3.2.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table (Table 1).

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

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

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

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

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

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

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

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

## 3.3 ADDITIONAL USES

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

## 3.4 SPECIAL USE ZONES

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

TABLE 1—ZONING TABLE  
ZONES

USE CLASSES	Residential	Commercial	Industrial	Special Use	Townsite	Rural Mining
1. Ancillary Accommodation .....	AA				AA	AA
2. Aged and Dependent Persons Dwelling .....	AA				AA	
3. Caravan Park .....						
4. Caretaker's Dwelling .....	P	AA	AA		AA	AA
5. Car Park .....	AA	AA	AA		AA	AA
6. Car Sales .....		P	AA		AA	
7. Cemeteries/Crematoria .....					AA	AA
8. Civic Building .....		AA			AA	
9. Consulting Room .....	SA	AA			AA	
10. Drive In Theatre .....						
11. Dry Cleaning Premises .....		AA	AA		AA	
12. Educational Establishment .....					AA	
13. Fast Food Outlet .....		P	SA		AA	
14. Fish Shop .....		AA	AA		AA	
15. Fuel Depot .....			P		AA	
16. Funeral Parlour .....		AA	AA		AA	
17. Health Centre .....		P			AA	
18. Home Occupation .....	AA	AA			AA	AA
19. Hospital .....						
20. Hotel/Tavern .....		P			AA	
21. Industry Cottage .....	AA	P	P		AA	
22. Industry Extractive .....			SA		SA	P

TABLE 1—ZONING TABLE  
ZONES—*continued*

USE CLASSES	Residential	Commercial	Industrial	Special Use	Townsite	Rural Mining
23. Industry General .....			AA	R	AA	
24. Industry Hazardous .....				e		
25. Industry Light .....			P	f	AA	
26. Industry Noxious .....				e		SA
27. Industry Rural .....			P	r	AA	AA
28. Industry Service .....		SA	P		AA	
29. Milk Depot .....		P		t	AA	
30. Motel .....		AA		o	AA	
31. Motor Repair Station .....		AA	P		AA	
32. Office .....		P	AA	A	AA	
33. Petrol Filling Station .....		AA	P	p	AA	
34. Professional Office .....		P		p	AA	
35. Public Amusement .....		P		e	AA	
36. Public Assembly .....		P		n	AA	
37. Public Recreation .....	P	P	P	d	P	P
38. Public Utility .....	AA	AA	P	i	AA	AA
39. Public Worship .....	SA			x	AA	AA
40. Radio/TV. Installation .....	SA	AA	AA		AA	AA
41. Reception Centre .....		P		3	AA	
42. Residential Building .....	AA	AA			AA	
43. Residential						
Single House .....	P	AA			P	P
Attached House .....	AA				AA	
Grouped Dwelling .....	AA	AA			AA	
44. Restaurant .....		P				P
45. Rural Pursuit .....					AA	P
46. Service Station .....		AA	P		AA	
47. Shop .....		P			AA	
48. Showroom .....		P	P		AA	
49. Sportsground .....						AA
50. Stables .....					AA	P
51. Trade Display .....		AA	P		AA	
52. Transport Depot .....		P			AA	
53. Veterinary Consulting Rooms .....		AA	AA		AA	AA
54. Zoological Gardens .....						AA

## PART IV—GENERAL DEVELOPMENT REQUIREMENTS

## 4.1 RESIDENTIAL PLANNING CODES

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

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

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

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

## 4.2 SITE AND DEVELOPMENT REQUIREMENTS

Any development that is permitted under the provisions of Part II and Part III of this Scheme shall conform to the requirements for that use as specified in Table 2—Development Table, or in the Residential Planning Codes for residential development.

## 4.3 RESTRICTIVE COVENANTS

4.3.1 Subject to the provisions of sub-clause 4.3.2, a restrictive covenant affecting any land in the Scheme Area whereby or the effect of which is that the number of residential units that may be constructed on the land is limited or restricted to a number less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Planning Codes which apply under this Scheme.

4.3.2 Where sub-clause 4.3.1 operates to extinguish or vary a restrictive covenant the Council shall not grant planning approval to the development of the land which would but for the operation of sub-clause 4.3.1 have been prohibited unless the application has been dealt with as an ‘SA’ use and has complied with all of the advertising requirements of sub-clause 6.3.3.

## 4.4 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

4.4.1 Except for development in respect of which the Residential Planning Codes apply under this Scheme, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the Council may, notwithstanding that

non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

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

#### 4.5 ENVIRONMENTAL CONDITIONS

4.5.1 In accordance with Section 7A4 of the Town Planning and Development Act, environmental conditions imposed by the Minister for the Environment on the present scheme or amendment to the present scheme are incorporated into the Scheme by Appendix 10 of the Scheme.

4.5.2 The environmental conditions are indicated on the scheme maps by the symbol EC to indicate that environmental conditions apply to the land together with the amendment number.

TABLE 2—DEVELOPMENT TABLE

Controls Use	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Club	*	*	*	0.5	*	1 for every 45msq of gross floor area.
Consulting Room	*	*	*	0.4 in Res Zone 0.5 elsewhere	30 in Res Zone	1 for every 30msq of gross floor area, plus 1 for each person employed.
Day Care Centre	7.5	7.5	*	*	*	1 for every employee.
Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the Council.
Fast Food Outlet	*	*	*	*	*	*
Funeral Parlour	*	*	*	*	10	As determined by the Council (mini- mum 6).
Hall	*	*	*	*	10	1 to every 4 persons whom the building is designed to accommodate.
Hospital	9.0	7.5	5.0	0.5	20	1 per 4 beds and 1 per employee.
Hostel	7.5	7.5	*	*	30	1 per dwelling
Hotel/Tavern	*	*	*	*	10	1 for every bedroom plus 1 per 4 msq bar and lounge area.
Industrial Service	7.5	7.5	*	*	10	1 per 2 employees.
Industrial Light	7.5	7.5	*	*	10	1 per 2 employees.
Industrial General	7.5	7.5	*	*	15	1 per 2 employees.
Motel	9.0	7.5	3 per storey	1.0	30	1 per unit, plus 1 space per 25msq of service area.
Office	*	*	*	*	*	1 for every 30msq plot ratio area.
Professional Office	*	*	*	0.5	*	1 for every 30msq plot ratio area.
Reception Centre	*	*	*	0.5	30	1 for every 4 persons whom the build- ing is designed to accommodate.
Restaurant	*	*	*	*	*	1 for every 10msq of gross floor area or 1 for every 4 seats provided, whichever is the greater.
Service Station	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site.
Shop	*	*	*	*	*	1 for every 15msq of gross floor area.
Showroom	*	*	*	*	10	1 for every 100msq of gross floor area.
Vehicle Sales	*	*	*	*	5	1 for every 250msq of sales area, plus 1 for every person employed on site.
Veterinary Consulting Rooms	*	*	*	*	30	1 for every 10msq gross floor area, plus 1 for each person employed.

#### NOTES

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

#### PART V—SPECIAL CONTROLS

##### 5.1 HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE.

###### 5.1.1 Purpose and Intent

5.1.1.1 The purpose and intent of the heritage provisions are:

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

###### 5.1.2 Heritage List

5.1.2.1 The Council has established and will maintain a Heritage List of places considered by the Council to be of heritage significance and worthy of conservation (Appendix 9).

5.1.2.2 For the purposes of this Clause, the Heritage List is drawn from the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the Heritage of Western Australia Act 1990 (as amended).

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

#### 5.1.3 Designation of Heritage Precincts

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

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

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

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

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

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

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

#### 5.1.4 Applications for Planning Approval

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

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

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

5.1.4.4 For the purposes of sub-clause 6.1.1 of the Scheme the term 'development' shall have the meaning as set out in the Town Planning and Development Act (as amended) but shall also include, in relation to any place entered in the Heritage List or contained within a heritage precinct, any act or thing that is likely to significantly change the external character of the building, object, structure or place.

#### 5.1.5 Formalities of Application

5.1.5.1 In addition to the application formalities prescribed in sub-clause 5.1.4 and any formalities or requirements associated with applications for planning approval contained in any other provision of the Scheme, the Council may require an applicant for planning approval, where the proposed development may affect a place of cultural heritage significance or a heritage precinct, to provide one or more of the following to assist the Council in its determination of the application:

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

(d) any other information which the Council indicates that it considers relevant.

#### 5.1.6 Variations to Scheme Provisions

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

- (a) consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to clause 6.3; and
- (b) have regard to any expressed views prior to making its decision to grant the variation.

5.1.6.2 In granting variations under sub-clause 5.1.6.1 the Council may enter into a heritage agreement under Part 4 of the Heritage of Western Australia Act 1990 with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

### 5.2 CONTROL OF ADVERTISEMENTS

#### 5.2.1 Power to Control Advertisements

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

5.2.1.2 Applications for Council's planning approval pursuant to this Part shall be submitted in accordance with the provisions of Clause 6.2 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 5 giving details of the advertisement(s) to be erected, placed or displayed on the land.

#### 5.2.2 Existing Advertisements

##### 5.2.2.1 Advertisements which:

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

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

#### 5.2.3 Consideration of Applications

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

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

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

#### 5.2.5 Discontinuance

5.2.5.1 Notwithstanding the scheme objectives and sub-clause 5.2.4, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Clause, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

#### 5.2.6 Derelict or Poorly Maintained Signs

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

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

#### 5.2.7 Notices

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

5.2.7.2 Any notice served in exceptional circumstances pursuant to sub-clause 5.2.5 or 5.2.6 shall be served upon the advertiser and shall specify:

- (a) the advertisement(s) the subject of the notice;

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

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

#### 5.2.8 Scheme to Prevail

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

#### 5.2.9 Enforcement and Penalties

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

### 5.3 TRANSPORTABLE DWELLINGS

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

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

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

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

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

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

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

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

## PART VI—USE AND DEVELOPMENT OF LAND

### 6.1 REQUIREMENT FOR PLANNING APPROVAL

6.1.1 In order to give full effect to the provisions and objectives of this Scheme, all development, including a change in the use of land, except as otherwise provided, requires the prior approval of the Council in each case. Accordingly, no person shall commence or carry out any development, including a change

in the use of any land, without first having applied for and obtained the planning approval of the Council pursuant to the provisions of this Part.

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

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

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

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

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

## 6.2 APPLICATION FOR PLANNING APPROVAL

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

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

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

## 6.3 ADVERTISING OF APPLICATIONS

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

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

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

- (a) Notice of the proposed development to be served on the owners and occupiers as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice.



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

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

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

#### 6.4 CONSULTATIONS WITH OTHER AUTHORITIES

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

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

#### 6.5 MATTERS TO BE CONSIDERED BY COUNCIL

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

- (a) the provisions of this Scheme and any other relevant town planning scheme operating within the district;
- (b) any relevant proposed new town planning scheme of the Council or amendment; insofar as it can be regarded as seriously entertained planning proposals;
- (c) any approved Statement of Planning Policy of the Commission;
- (d) any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;
- (e) any planning policy, strategy or plan adopted by the Council under the provisions of clause 8.6 of this Scheme;
- (f) the preservation of any object or place of heritage significance;
- (g) the requirements of orderly and proper planning;
- (h) the preservation of the amenities of locality;
- (i) any other planning considerations which the Council considers relevant;
- (j) any relevant submissions or objections received on the application.

#### 6.6 DETERMINATION OF APPLICATIONS

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

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

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

6.6.3 Where the Council grants planning approval, that approval:

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

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

#### 6.7 DEEMED REFUSAL

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

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

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

#### 6.8 APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS

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

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

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

#### 6.9 APPROVAL OF EXISTING DEVELOPMENTS

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

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

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

### PART VII—NON-CONFORMING USES

#### 7.1 NON-CONFORMING USE RIGHTS

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

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

#### 7.2 EXTENSION OF NON-CONFORMING USE

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

#### 7.3 CHANGE OF NON-CONFORMING USE

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

#### 7.4 DISCONTINUANCE OF NON-CONFORMING USE

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

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

#### 7.5 DESTRUCTION OF BUILDINGS

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

### PART VIII—ADMINISTRATION

#### 8.1 POWERS OF THE SCHEME

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

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

#### 8.2 OFFENCES

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

- (a) otherwise than in accordance with the provisions of the Scheme;
- (b) unless all approvals required by the Scheme have been granted and issued;

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

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

### 8.3 COMPENSATION

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

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

### 8.4 ELECTION TO PURCHASE AND VALUATION

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

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

8.4.3 Where the Council elects to acquire land as provided in sub-clause 8.4.1, if the Council and the owner of the land are unable to agree as to the price to be paid for the land by the Council, the price at which the land may be acquired by the Council shall be the value of the land as determined in accordance with sub-clause 8.4.4.

8.4.4 The value of the land referred to in sub-clause 8.4.3 shall be the value thereof on the date that the Council elects to acquire the land and that value shall be determined—

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

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

8.4.5 The Council may deal with or dispose of land acquired for a Local Reserve or pursuant to the preceding sub-clause 8.4.4 upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.

### 8.5 RIGHTS OF APPEAL

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

### 8.6 PLANNING POLICIES

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

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

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

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

(a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.

(b) Policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.

(c) The Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.

(d) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.

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

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

8.6.5 A Policy may be rescinded by:

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

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

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

#### 8.7 DELEGATION

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

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

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

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

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

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

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

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

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

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

#### 8.8 AMENDMENTS TO THE SCHEME

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

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

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

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

#### 8.9 NOTICE FOR REMOVAL OF CERTAIN BUILDINGS

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

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

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#### APPENDIX NO. 1

#### INTERPRETATIONS

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

- absolute majority: has the same meaning as given to it in the Local Government Act 1960.
- Act: means the Town Planning and Development Act 1928 (as amended).
- advertisement: means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements.
- amenity building: means a building or part of a building used by employees or persons otherwise engaged in the conduct of an industry or business on the same site, for their personal comfort, convenience or enjoyment of leisure, but not used or intended for use for the work of the industry or business.
- amusement facility: means any land or buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.
- amusement machine: means any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.
- amusement parlour: means any land or building, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.
- ancillary use: means a use which is incidental to the predominant use of land and buildings.
- appendix: means an appendix to the Scheme.
- aquaculture: means any fish farming operation for which a fish farm licence issued pursuant to the provisions of Part V of the Fisheries Act 1905 (as amended) and the Fisheries Regulations 1938 (as amended) is required.
- auction mart: means any land or building on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, fruit, vegetables or livestock.
- authorised officer: means an officer of the Council, authorised by the Council to exercise all or some of the powers of the Council under this Scheme.
- battle-axe lot: means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.
- betting agency: means a building operated in accordance with the Totalisator Agency Betting Board Act 1960 (as amended).
- builder's storage yard: means any land or buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.
- Building Code of Australia: means the Building Code of Australia 1988 (as amended).
- building envelope: means an area of land within a lot marked on a plan within which all buildings on the lot must be contained.
- building line: means the line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act.
- camping area: means any land used for the lodging of persons in tents or other temporary shelter.
- canteen: means a shop which provides food and refreshments for the workforce of the surrounding area and which has a maximum gross floor area of 75 m<sup>2</sup> including any storage and food preparation areas.
- caravan: means a vehicle as defined under the Road Traffic Act 1974 (as amended) maintained in condition suitable for licence under that Act at all times and being designed or fitted or capable of use as a habitation or for dwelling or sleeping purposes.
- caravan park: means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.
- caretaker's dwelling: means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.
- car park: means any land or buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.
- cattery: means the use of an approved outbuilding constructed in accordance with the Health Act Model By-Laws Series 'A' Part One—General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months for reward or profit.
- child day care centre: means any land or buildings used for the daily or occasional care of children in accordance with the Child Care Regulations 1968 (as amended) but does not include a Child Family Care Centre.
- child family care centre: means a Child Minding Centre conducted in a private dwelling where children are received for care but does not include a Child Day Care Centre.
- cinema/theatre: means any land or building where the public may view a motion picture or theatrical production.
- civic building: means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council as offices or for administrative or other like purpose.

- civic use: means land or buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.
- club premises: means any land or buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Licensing Act 1988 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.
- commercial vehicle: means a vehicle whether licensed or not and which is used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self propelled or not but shall not include a passenger car derivative as defined by the Vehicle Sales Regulations 1976 (as amended), a van, utility or light truck which is rated by the manufacture as being suitable to carry loads of up to 1.5 tonnes.
- Commission: means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act 1985 (as amended).
- community purpose: means the use of land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.
- conservation: means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will:
- (a) enable the cultural heritage significance of that place or precinct to be retained; and
  - (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting.
- consulting rooms: means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, podiatrists, and persons ordinarily associated with a practitioner, in the prevention or treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combination of professions or practices.
- consulting rooms group: means a building (other than a hospital or medical centre) used by more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, podiatrists and persons ordinarily associated with a practitioner, in the prevention, investigation or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.
- contractor's yard: means any land or buildings used for the storage of contractor's plant and equipment, including prefabricated or transportable buildings and materials.
- convenience store: means any land and/or buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300 m<sup>2</sup> gross leasable area.
- corner shop: means a shop used for the sale of daily grocery needs to persons in the immediate locality, with a gross floor area not exceeding 100 m<sup>2</sup>, attached to a dwelling in residential zones and which is operated as an additional use thereto by the permanent tenants of the dwelling.
- Council: means the executive body of the Shire of Yilgarn.
- cultural heritage significance: means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.
- cultural use: means any use aimed at the improvement or refinement of people by entertainment and/or education.
- curtilage: in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of the Council.
- development: shall have the same meaning given to it in and for the purposes of the Act but shall also include:
- “in relation to any building, object structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that:
- (a) is likely to change the character of the place or the external appearance of any building; or
  - (b) would constitute an irreversible alteration to the fabric of any building”.
  - (c) any demolition of an object or place entered in the heritage list or contained in a heritage area under this scheme or is in the Register of Heritage Places under the Heritage of Western Australia Act or as otherwise defined in the scheme.
- display home centre: means a group of two or more dwellings which are intended to be open for public inspection.
- District: means the Municipal District of the Shire of Yilgarn.
- dog kennels: means any land or buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.

- drive-in theatre: means any land or buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.
- dry cleaning premises: means any land or buildings used for the cleaning of garments and other fabrics by chemical processes.
- educational establishment: means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory.
- facade: means the exposed faces of a building towards roads or open space or the frontal outward appearance of the building.
- factory unit building: means a building or structure, or group of buildings or structures designed, used or adapted for use as two or more separately occupied production or storage areas.
- farm supply centre: means the use of land and buildings for the supply of vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment.
- fish shop: means a building where wet fish and similar foods are displayed and offered for sale.
- floor area: shall have the same meaning given to it in and for the purposes of the Building Code of Australia 1988 (as amended).
- fuel depot: means any land or building used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises.
- funeral parlour: means any land or buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.
- garden centre: means any land or buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings.
- gazettal date: means the date on which notice of the Minister's approval on this Scheme is published in the *Government Gazette*.
- gross floor area: shall have the same meaning as Floor Area in the Building Code of Australia.
- gross leasable area: means, in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.
- health centre: means any buildings used as a maternity or x-ray centre, a district clinic, a masseur's establishment, or a medical clinic and can include ancillary services such as pathologists, radiologists and paramedicals.
- health studio: means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.
- height: when used in relation to a building that is used for:
- (a) residential purposes, has the same meaning given to it in and for the purpose of the Residential Planning Codes; or
  - (b) purposes other than residential purposes, means the measurement taken from the natural ground level immediately in front of the centre of the face of the building to a level of the top of the eaves, parapet or flat roof, whichever is the highest.
- heritage precinct: means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.
- heritage list: means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the Heritage of Western Australia Act 1990 (as amended), or such parts thereof as described in the Heritage List.
- hobby farm: means the use of land for the agistment of horses, the growing of vegetables, fruit and flowers and the keeping of domestic poultry for private use only and not for commercial purposes or sale and shall include any buildings normally associated therewith.
- home occupation: means a business or activity carried out within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that:
- (a) entails the conduct of a business, office, a workshop only, and does not entail the frequent retail sale or display of goods of any nature;
  - (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
  - (c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;
  - (d) does not entail employment of any person not a member of the occupier's household;
  - (e) does not occupy an area greater than 20 m<sup>2</sup>;
  - (f) does not display a sign exceeding 0.2 m<sup>2</sup> in area.
  - (g) in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put;
  - (h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;

- (i) does not entail the presence, parking and garaging of a vehicle of more than two (2) tonnes tare weight;

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

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

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

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

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

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

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

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

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

**industry—extractive:** means an industry which involves:

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

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

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

**industry—light:** means an industry;

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

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

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

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



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

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

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

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

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

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

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

lot: shall have the same meaning given to the term in and for the purposes of the Act, and "allotment" has the same meaning.

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

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

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

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

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

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

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

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

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

motor vehicle wash: means any land or buildings where vehicles are washed and cleaned by or primarily by mechanical means.

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

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

net lettable area (nla): means the area of all floors confined within the finished surfaces of permanent walls but excludes the following areas;

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

- night club: means any land or buildings used for the entertainment and/or eating facilities and to which a licence under the provisions of the Liquor Licensing Act 1988 has been granted.
- non-conforming use: means any use of land or building which, was lawful immediately prior to the coming into operation of this Scheme, but is not in conformity with the provisions of this Scheme.
- nursing home: means any building used for the medical treatment or care of sick persons, whether resident or not, but does not include consulting rooms;
- office: means a building or part of a building used for the conduct of administration, the practise of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.
- open air display: means the use of land as a site for the display and/or sale of goods and equipment.
- owner: in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity:
- (a) is entitled to the land for an estate in fee simple in possession; or
  - (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or
  - (c) is a lessor or licensee from the Crown; or
  - (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.
- park home: means a movable dwelling, not being a vehicle as defined under the Road Traffic Act 1974 (as amended), but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilised by jacks and provided with skirtings and being so designed and constructed as to permit independent occupancy for dwelling purposes.
- park home park: means an area of land set aside exclusively for the parking of park homes occupied for residential purposes, whether short or long stay purposes, but includes the provision of buildings and uses incidental to the predominant use of the land including ablution blocks, recreation areas, office and storage space and, as approved by Council, a shop or kiosk and refuelling facilities but the term shall be interpreted to exclude the parking of caravans, camper trailers and the erection of tents or camps.
- petrol filling station: means any land or buildings used for the supply of petroleum products and motor vehicle accessories.
- place: means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes:
- (a) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;
  - (b) any works or buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
  - (c) as much of the land beneath the place as is required for the purposes of its conservation.
- piggery: shall have the same meaning given to it in and for the purposes of the Health Act 1911 (as amended).
- plant nursery: means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden decor.
- plot ratio: shall have the same meaning given to the term in the Building Code of Australia except for residential dwellings where the term shall have the same meaning given to it in the Residential Planning Codes.
- potable water: means water in which level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in 'International Standards for Drinking Water' published by the World Health Organisation.
- poultry farm: means any land or buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act 1911-1990 (as amended).
- prison: shall have the same meaning given to it in and for the purposes of the Prisons Act 1981 (as amended).
- private hotel: means any land or buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).
- produce store: means any land or buildings wherein fodders, fertilisers and grain are displayed and offered for sale.
- public amusement: means any land or buildings used for the amusement or entertainment of the public, with or without charge.
- public authority: shall have the same meaning given to it in and for the purposes of the Act.
- public exhibition: means any building or land used for the display of materials, for promotion of artistic, cultural or educational purposes.
- public mall: means any public street or right-of-way designed especially for pedestrians who shall have right-of-way, and vehicle access shall be restricted to service vehicles at times specified by the Council.

- public parking station:** means any land or building or part of a building open to the public generally for the parking of vehicles for which payment of a fee or charge may be required, and includes the use of the land or building for that purpose.
- public utility:** means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.
- public worship—place of:** means any land or buildings used primarily for religious activities but does not include an institution for primary, secondary, or higher education, or a residential training institution.
- radio and TV installation:** means any land or buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.
- reception centre:** means any land or buildings used by parties for functions on formal or ceremonial occasions, but not for unhosted use for general entertainment purposes.
- recreation private:** means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not usually open to the public without charge.
- recreation public:** means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are usually open to the public without charge.
- reformatory:** means land or buildings used for the confinement or detention in custody of juvenile offenders against the law with a view to their rehabilitation.
- reserve:** means any land reserved for a public purpose.
- Residential Planning Codes:** means the Residential Planning Codes, in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No.1.
- restaurant:** means a building wherein food is prepared for sale and consumption on the premises and the expression shall include a licensed restaurant.
- restricted premises:** means any land or building, part or parts thereof, used or designed to be used primarily for the sale of retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or deliver of:
- (a) publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902 (as amended); or
  - (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.
- retail:** means the sale or hire of products, goods or services to the public generally in small quantities and from a shop, showroom or fast food outlet.
- retirement village:** means a development containing accommodation for aged persons together with ancillary facilities.
- roadhouse:** means land and buildings used for the predominant purpose of a service station but incidentally including a cafe, restaurant and/or shop.
- rural pursuit:** means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:
- (a) the rearing or agistment of goats, sheep, cattle or beasts of burden;
  - (b) the stabling, agistment or training of horses;
  - (c) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;
  - (d) the sale of produce grown solely on the lot;
- but does not include intensive agriculture.
- salvage yard:** means any land or buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.
- sawmill:** means any land or buildings where logs or large pieces of timber are sawn but does not include a joinery works.
- service station:** means any land or buildings used for the retail sale of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs, minor mechanical repairs to motor vehicles but does not include a transport depot, panel beating, spray painting, major repairs or wrecking.
- shop:** means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in this part.
- showroom:** means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, china, glassware or domestic hardware, or items of personal adornment.
- sign:** means a notice, message or display by means of a freestanding or fixed sign or hoarding.
- special facility:** means a facility established for purposes in section 46(5) of the Liquor Licensing Act 1988 or for another purpose in respect of which the relevant Liquor Licensing Authority in Western Australia grants a Special Purpose Licence within the meaning of the Liquor Licensing Act.

- stable: means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.
- stockyards: means any land, building or other structure used for holding and/or sale of animal stock.
- storage yard: means any land used for the storage of goods.
- structure plan: means a plan which indicates broad land use options for the development and subdivision of an area and provides a policy framework for such future subdivision and development.
- take-away food outlet: means any land or buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation primarily off the premises.
- tavern: means any land or buildings the subject of a Tavern Licence granted under the provisions of the Liquor Licensing Act 1988.
- trade display: means any land and/or buildings used for the display of trade goods and equipment for the purposes of advertisement.
- transportable dwelling: means a residential dwelling which has been constructed (whether within the District or elsewhere, and whether occupied or not), and which is capable of being transported and reconstructed for use as a residential dwelling.
- transport depot: means any land or buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.
- veterinary clinic: means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight, and may include a dispensary of medications incidental thereto.
- veterinary hospital: means a building used in connection with the treatment of animal injuries and ailments, and includes the care and accommodation of animals during or after such treatment.
- warehouse: means a building wherein goods are stored and may be offered for sale by wholesale.
- waterway: shall have the same meaning given to it in and for the purposes of the Act.
- wholesale: means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant' for Sales Tax purposes under the provisions of the Sales Tax Assessment Act No 1 1930 (as amended).
- wine house: means any land or buildings the subject of a Wine House Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).
- zone: means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include reserved land.
- zoological gardens: means any land or buildings used for the keeping, breeding or display of fauna and the term includes Zoo but does not include kennels or keeping, breeding or showing of domestic pets.

APPENDIX NO. 2  
ADDITIONAL USES

NO	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/ CONDITIONS
1.	Lots 63 and 64 Altair Street, Southern Cross	Roadhouse	
2.	Lot 59 Antares Street, Southern Cross	Delicatessen/ Automotive Workshop	
3.	Lots 69-72 Antares Street, Southern Cross	Agricultural Dealership	

APPENDIX NO. 3  
SPECIAL USE ZONE

NO	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/ CONDITIONS
1.	Palace Hotel	Hotel	
2.	Southern Cross Motel	Motel	
3.	Club Hotel	Hotel	
4.	Railway Tavern	Hotel	
5.	Catholic Church	Public Worship Public Assembly	
6.	Anglican Church	Public Worship Public Assembly	
7.	Caravan Park	Caravan Park	

APPENDIX NO.4
TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)
Shire of Yilgarn

APPLICATION FOR PLANNING APPROVAL

- 1. Surname of Applicant ..... Given Names .....
Full Address ..... Postcode .....
2. Surname of Land Owner
(if different from above) .....
Given Names .....
3. Submitted by .....
4. Address for Correspondence .....
Telephone Number ..... Fax Number .....
5. Locality of Development .....
6. Title Details of Land .....
7. Name of Road Serving Property .....
8. Description of Development .....
Nature and size of all buildings proposed .....
Materials to be used on external surfaces of building .....
General treatment of open portions of the site .....
Details of car parking and landscaping proposals .....
Approximate cost of proposed development .....
Estimated time for completion .....
Signature of Owner ..... Signature of Applicant or Agent
(Both signatures are required if applicant is not the owner)
Date ..... Date

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

- 1. Name of Advertiser (if different from owner):
2. Address in full:
3. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:
4. Details of Proposed Sign:
Height: ..... Width: ..... Depth: .....
Colours to be used: .....
Height above ground level—
(to top of advertisement): .....
(to underside): .....
Materials to be used: .....
Illuminated: Yes/No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:
5. State period of time for which advertisement is required:

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

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

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

Signature of Advertiser(s): .....  
(if different from land owners)

Date: .....

APPENDIX NO. 6  
*Shire of Yilgarn*  
TOWN PLANNING SCHEME NO.2  
**NOTICE OF PUBLIC ADVERTISEMENT  
OF PLANNING PROPOSAL**

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

**LAND DESCRIPTION**

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

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

.....  
CHIEF EXECUTIVE OFFICER DATE .....

APPENDIX NO. 7  
TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)  
*Shire of Yilgarn*  
**DECISION ON APPLICATION FOR PLANNING APPROVAL  
TOWN PLANNING SCHEME No. 2**

The Council having considered the application

Dated .....

Submitted by .....

On behalf of .....

hereby advise that it has decided to:

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

subject to the following conditions/for the following reasons.

CHIEF EXECUTIVE OFFICER .....

DATE .....

APPENDIX NO. 8  
**EXEMPTED ADVERTISEMENTS SCHEDULE**

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated.)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name-plate as appropriate.	0.2m <sup>2</sup>
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m <sup>2</sup>
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m <sup>2</sup>

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated.)	MAXIMUM AREA OF EXEMPTED SIGN
Cinemas, Theatres and Drive-in Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m <sup>2</sup> .
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	Not applicable.
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements shall not exceed 15m.  Maximum permissible total area shall not exceed 10m <sup>2</sup> and individual advertisement signs shall not exceed 6m <sup>2</sup> .
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	N/A
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a government department, public authority or the council of a municipality, and (c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A  N/A  N/A
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m <sup>2</sup> 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.	0.2m <sup>2</sup>

## APPENDIX 9

*Shire of Yilgarn*

## TOWN PLANNING SCHEME NO 2—HERITAGE LIST

**Category A**

These places have a great deal of significance and the highest level of protection is appropriate: recommended for entry into the State Register of Heritage Places; (*No 46 Pumping Station and No 53 Southern Cross Post Office are already on the Interim Register*): provide maximum encouragement to the owner under the Shire of Yilgarn Town Planning Scheme to conserve the significance of the place. Incentives to promote conservation should be considered.

No. in MHI	Name of Place	Address/Location
12	Forrester Resource Centre	Antares St, Southern Cross
40	Museum	Antares St, Southern Cross
45	Palace Hotel	Cnr Orion/Antares Sts, Southern Cross
46	Former Pumping Station at Ghooli	Great Eastern Highway, Ghooli
52	Southern Cross Post Office	Cnr Antares and Achernar Sts, Southern Cross

**Category B**

High level of protection appropriate: provide maximum encouragement to the owner under the Shire of Yilgarn Town Planning Scheme to conserve the significance of the place. A more detailed heritage

assessment to be undertaken before approval given for any major redevelopment. Incentives to promote conservation should be considered.

No. in MHI	Name of Place	Address/Location
01	Anglican Church	Lot 607 Antares St, Southern Cross
06	Catholic Church	44 Altair St, Southern Cross
07	Club Hotel	Cnr Antares and Achernar Sts, Southern Cross
09	Double Storey Offices	Lot 38 Antares St, Southern Cross
11	Former Police Lockup	Antares St, Southern Cross
13	Golden Valley Five Stamp Battery	Approx 8 km from Bullfinch, Southern Cross
14	Golden Valley Mine Site	Approx 8 km from Bullfinch, near Golden Valley
27	Minburra	Cameron Rd, Southern Cross
54	Super Deli	Antares St, Southern Cross
55	Uniting Church	Centaur St, Southern Cross

### Category C

Retain and conserve if possible; endeavour to conserve the significance of the place through the provisions of the Shire of Yilgarn Town Planning Scheme; photographically record the place prior to any major redevelopment or demolition.

No. in MHI	Name of Place	Address/Location
03	Bullfinch Hotel	Cnr Shallcross and Doolette Sts, Bullfinch
19	House—68 Spica Street	68 Spica St, Southern Cross
25	Marvel Loch School	1 King St, Marvel Loch
26	Masonic Temple	Lot 46 Spica St, Southern Cross
29	Moorine Rock Hotel	Gt Eastern Hwy, Moorine Rock
30	Moorine Rock Post Office/Exchange	Gt Eastern Hwy, Moorine Rock
31	Moorine Rock School	Gt Eastern Hwy, Moorine Rock
34	Mount Palmer Archway	Palmer St, Mt Palmer
36	Mrs Sorenson's House—Bullfinch	Doolette St, Bullfinch
42	Old Bodallin School	Gt Eastern Hwy, Bodallin
49	Railway House—Southern Cross	Lot 350 Sirius St, Southern Cross
50	Railway Tavern	Cnr Sirius and Hydra Sts, Southern Cross
53	St Joseph's Primary School	Lot 57 Altair St, Southern Cross
56	Universal Drapers Building	Lot 9 Antares St, Southern Cross

### APPENDIX NO. 10

#### ENVIRONMENTAL CONDITIONS

AMENDMENT NO.	GAZETTAL DATE	AMENDMENT PARTICULARS	ENVIRONMENTAL CONDITIONS
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Local Government Authority of Yilgarn Shire Council

#### APPLICATION FOR APPROVAL

Demolition Licence  Sign Licence

Planning Approval  Building Licence

Please tick which approval is being sought and fill in the appropriate section(s) only:

**PROPERTY DETAILS:**

Lot No. .... House/Street No..... Street Name: .....  
 Suburb ..... Number of pre-existing dwellings on lot: ..... Lot area (m<sup>2</sup>): .....



**OWNER DETAILS:**  
 Name .....  
 Address .....  
 ..... Postcode .....  
 Phone (Work) ..... (Home) ..... Fax .....  
 Contact Person .....  
 Signature(s) .....  
 Signature(s) ..... Date .....  
 The signature of the landowner(s) is required for Planning Approval. This application  
 will not proceed without that signature.  
 Please Note: If the owner's name & address is not to be made available to agencies  
 other than Statutory Authorities indicate with an "x"

**APPLICANT DETAILS:** (To be completed **only** if different from the owner)  
 Name .....  
 Address .....  
 ..... Postcode .....  
 Contact Person .....  
 Signature(s) ..... Date .....

**DEMOLITION LICENCE:**  
 Type of Building/Structure: ..... Number of Storeys: .....  
 Rat Bait Certified Issued Yes  No  Type/Date Laid: .....  
 Whole or Part Demolition—Details: ..... No. of units demolished: .....  
 Address .....  
 ..... Postcode .....  
**To be completed by demolition contractor:** Name: .....  
 Address .....  
 Phone: ..... Fax: ..... Signature: .....  
*Some Councils may require additional information*

**SIGN LICENCE:**  
 Type of Sign .....  
 Position .....  
 Dimensions ..... Materials .....  
 Illumination—Internal/External .....  
 Wording/Illustration (Plan/Design attached) .....  
*Some Councils may require additional information*

**PLANNING APPROVAL:**  
 Existing Building/Land Use .....  
 Approx. Cost of Development ..... Est. Date of Completion .....  
 Description of Development/or Proposed Use .....

**BUILDING LICENCE**

Type of Work:	1	<input type="checkbox"/>	New Buildings; number of storeys .....
	2	<input type="checkbox"/>	Alterations and Additions; please describe .....
	3	<input type="checkbox"/>	Refurbishment; please describe .....
	5	<input type="checkbox"/>	Relocation; please describe .....
		<input type="checkbox"/>	Outbuildings; please describe .....

Type of Building: House      Other Residential Building: Number of Dwelling Units .....

11	<input type="checkbox"/>	Single House	<input type="checkbox"/>	Group Dwelling, Terrace House or Townhouse
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	12	<input type="checkbox"/>	Kit House	<input type="checkbox"/>	Flat, Unit or Apartment in Building
	19	<input type="checkbox"/>	Transportable	<input type="checkbox"/>	Other, please describe.....
Type of Materials:	Non-Residential Building		Please describe.....		
	Walls	11	<input type="checkbox"/>	Double Brick	
			<input type="checkbox"/>	Other, specify .....	
	Roof	10	<input type="checkbox"/>	Tiles	
			<input type="checkbox"/>	Other, specify .....	
	Floor	20	<input type="checkbox"/>	Concrete	
			<input type="checkbox"/>	Other, specify .....	
	Frame		<input type="checkbox"/>	Please specify.....	

**To be completed by builder:** Name: .....

Address .....

Registration No. .... Phone: ..... Fax: .....

Building Details: Area (m<sup>2</sup>): ..... Outbuilding Areas (m<sup>2</sup>) .....

Contract Value \$ ..... Building Height: ..... Signature: .....

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*OFFICE USE ONLY*

			Date: .....
PLANNING FEES	Receipt No.	BUILDING FEES (Cont'd)	Receipt No.
Application Fee	\$	Crossover Fee	\$
Amended Plan Fee	\$	Amended Plan Fee	\$
BUILDING FEES		Miscellaneous	\$
Building Fee	\$	Demolition Fee	\$
BCITF Fee	\$	Security Deposit	\$
Security Deposit	\$ _____	Sign Fee	\$ _____
	TOTAL _____		TOTAL _____
Accepting Officer's Initials: .....	Date Received: .....	Council Ref No: .....	
Collector District: .....	Checking Inspector: .....		
Permit/Licence No: .....	Approval Date: .....		

*This form replaces the Metropolitan Region Scheme Form 1 and Building Regulations Forms.*

ADOPTION

Adopted by resolution of the Council of the Shire of Yilgarn at the meeting of the Council held on the 15th day of September 1995.

P. R. PATRONI, Shire President.

Dated 11 July 1997.

P. CLARKE, Chief Executive Officer.

Dated 11 July 1997.

FINAL APPROVAL

1. Adopted by resolution of the Council of the Shire of Yilgarn at the meeting of the Council held on the 16th day of May 1997 and the seal of the Municipality was pursuant to that resolution affixed in the presence of—

P. R. PATRONI, Shire President.  
P. CLARKE, Chief Executive Officer.

2. Submitted and recommended for final approval by the Western Australian Planning Commission.

EUGENE FERRARO, for Chairman, Western Australian Planning Commission.

Dated 28 July 1998.

3. Final approval granted

Hon G. D. KIERATH, Minister for Planning

Dated 30 July 1998.

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**POLICE**

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**PE401****POLICE ACT 1892****POLICE AUCTION**

Under the provisions of the Police Act 1892, unclaimed found and stolen property and bicycles will be sold by public auction at Ross's Auctioneers, 241 Railway Parade, Maylands on Saturday 15th August 1998 at 9.00 am.

The auction is to be conducted by Mr Frank Lee.

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

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

I, Peter John Otway, A/Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport 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 Mandurah Triathlon Club on August 9th, 23rd and September 6th and 13th 1998 between the hours of 0900-1000 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Woodlands Pde, Riverland Dve circuit.

All participants to wear approved head protection at all times.

Dated at Perth this 5th day of August 1998.

P. J. OTWAY, A/Commander (Traffic and Operation Support).

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

I, Peter John Otway, A/Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport 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 Road Criterium Circuit by members/entrants of the Collie Cycle Club on August 16th 1998 between the hours of 0900-1300 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Robert Street, Princep Street, Medic Street, Steere Street and return to Robert Street.

All participants to wear approved head protection at all times.

Dated at Perth this 5th day of August 1998.

P. J. OTWAY, A/Commander (Traffic and Operation Support).

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**RACING, GAMING AND LIQUOR**

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

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

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
1412/98	Veterans Tennis Association of Western Australia Inc	Application for the grant of a Club Restricted licence in respect of premises situated in North Perth and known as Veterans Tennis Association of Western Australia Inc.	31/8/98
1413/98	Pamela Faye Meers	Application for the grant of a Liquor Store licence in respect of premises situated in Kensington and known as George Street Cellars.	27/8/98
1415/98	Ashcross Pty Ltd	Application for the grant of a Liquor Store licence in respect of premises situated in Hocking and known as Macquarie Heights Liquor Store.	1/9/98

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

G. B. AVES, Director of Liquor Licensing.

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## TRANSPORT

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### TR301\*

#### ROAD TRAFFIC ACT 1974

#### ROAD TRAFFIC (LICENSING) (REVOCAION) DIRECTION 1998

Given by the Minister under regulation 9 of the *Road Traffic (Licensing) Regulations 1975*.

#### Citation

1. This direction may be cited as the *Road Traffic (Licensing) (Revocation) Direction 1998*.

#### Revocation

2. The direction published in the *Gazette* 21 September 1979, pp. 2926-7, relating to licences and temporary permits for Class "B" and Class "C" vehicles is revoked.

Dated the 7th day of July 1998.

ERIC CHARLTON, Minister for Transport.

### TR401\*

#### WESTERN AUSTRALIAN MARINE ACT 1982

#### SHIRE OF SHARK BAY-DENHAM TOWN

#### RESTRICTED SPEED AREAS—ALL VESSELS

Department of Transport,  
Fremantle WA, 7 August 1998.

Acting pursuant to the powers conferred by Section 67 of the Western Australian Marine Act 1982 the Department of Transport by this notice limits the speed of motor vessels to that of five (5) knots within the following area—

#### DENHAM TOWN

All those waters contained within an area commencing 60 metres from either side of the slipway ramp and extending in a radius until meeting the inner port and starboard navigation markers thence extending seaward through and including all those waters contained within the marked navigation channel to the entrance of that channel.

CHRISTOPHER ROBERT WHITAKER, Director General of Transport.

**TR402\*****WESTERN AUSTRALIAN MARINE ACT 1982***SHIRE OF SHARK BAY-DENHAM TOWN***RESTRICTED SPEED AREAS—ALL VESSELS**Department of Transport,  
Fremantle WA, 7 August 1998.

Acting pursuant to the powers conferred by Section 67 of the Western Australian Marine Act 1982 the Department of Transport by this notice revokes paragraph (d)(23) of the notice published in the *Government Gazette* of 25 October 1991 relating to the restricted speed limit of eight (8) knots in the waters at Denham.

CHRISTOPHER ROBERT WHITAKER, Director General of Transport.

**TR403\*****NAVIGABLE WATERS REGULATIONS 1989**

WATER SKI AND PARASAILING AREA

SWAN RIVER—APPLECROSS

Department of Transport,  
Fremantle WA, 7 August 1998.

ACTING pursuant to the powers conferred by Regulation 48A of the Navigable Waters Regulations, the Department of Transport by this notice revokes notice TR403 as published in the *Government Gazette* on 2 June 1998 relating to the water ski/parasailing area at Waylen Bay, Applecross.

CHRISTOPHER ROBERT WHITAKER, Director General of Transport.

**TR404\*****NAVIGABLE WATERS REGULATIONS 1989**

WATER SKI AREA

SWAN RIVER—APPLECROSS

Department of Transport,  
Fremantle WA, 7 August 1998.

ACTING pursuant to the powers conferred by Regulation 48A of the Navigable Waters Regulations, the Department of Transport by this notice defines and sets aside the following area of navigable water for the purpose of water skiing and orders that bathing shall be prohibited therein—

*Applecross (Waylen Bay):* Within a line extending 475 metres from Heathcote Point, Applecross, in a north-easterly direction thence in a north-westerly direction for 230 metres thence south-westerly for 1,070 metres and thence due south to the shore but so that no boat or skier shall approach within 90 metres of the shore except within an area on the foreshore extending for 150 metres in a south-westerly direction from Point Heathcote as a take-off area between the hours of 0800 and 1400 on Saturdays and Sundays. All water skiing in this area is to be carried out in a clockwise direction.

CHRISTOPHER ROBERT WHITAKER, Director General of Transport.

**TR405\*****NAVIGABLE WATERS REGULATIONS 1989**

PARASAILING AREA

SWAN RIVER—APPLECROSS

Department of Transport,  
Fremantle WA, 7 August 1998.

ACTING pursuant to the powers conferred by Regulation 48A of the Navigable Waters Regulations, the Department of Transport by this notice defines and sets aside the following area of navigable water for the purpose of parasailing and orders that bathing shall be prohibited therein—

*Applecross (Waylen Bay):* Within a line extending 475 metres from Heathcote Point, Applecross, in a north-easterly direction thence in a north-westerly direction for 230 metres thence south-westerly for 1,070 metres and thence due south to the shore, Providing however that no vessel towing

a parasailor shall approach within 100 metres of any foreshore, except for the take off area on the foreshore extending for 150 metres in a south-westerly direction from Point Heathcote and Providing that no vessel towing a parasailor shall approach within 100 metres of any wharf or jetty or any person, vessel or object in the water. All parasailing in this area is to be carried out in a clockwise direction and is not permitted after 1400 hours on Saturdays and Sundays.

CHRISTOPHER ROBERT WHITAKER,  
Director General of Transport.

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## TREASURY

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TY301\*

Financial Administration and Audit Act 1985

# Financial Administration and Audit (Designation of Statutory Authorities) Regulations (No. 2) 1998

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Financial Administration and Audit (Designation of Statutory Authorities) Regulations (No. 2) 1998*.

**2. Schedule 1 to the Act amended**

Schedule 1 of the *Financial Administration and Audit Act 1985*\* is amended as follows:

- (a) by deleting the item "North Metropolitan College of TAFE";
- (b) by inserting the following item in the appropriate alphabetical position —  
“ West Coast College of TAFE ”.

[\* Reprinted as at 10 January 1997.

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, pp. 83-4 and Gazette 12 May 1998.]

By Command of the Governor,

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

## TENDERS

### ZT201

MAIN ROADS  
WESTERN AUSTRALIA

*Tenders*

Tenders are invited for the following projects.

Information on these Tenders are available from the Contracts Officer, Supply Branch, Don Aitken Centre, Waterloo Crescent, East Perth.

Tender No.	Description	Closing Date
		1998
335C97	Road Construction, Eyre Highway, Fraser Range Section (Stage 2) 90.26 to 99.08 SLK and 118.00 to 139.46 SLK, Goldfields-Esperance Region .....	3 September
62C98	Provision of Laboratory and Field Testing Services, Pilbara Region .....	14 August
82C98	Provision of Services for Interpreting and Processing Vehicle Crash Data .....	14 August
141C98	Archeological and Ethnographic Survey on Great Northern Highway, Pilbara Region .....	18 August
157C98	Load and Cart Gravel Material on the Jurien Cervantes Road, Shire of Dandaragan .....	20 August
169C98	Supply and Delivery of Sub Base Material (Limestone), Perth-Bunbury Highway (Preston Section Duplication), South West Region .....	18 August
98D4	Purchase and Removal of a 1998 Dual Bar Bitumen Sprayer with a 1986 Scania Prime Mover at Welshpool .....	9 September
98D5	Purchase and Removal of Single Axle Trailers, Fuel Tanker, Skid Mounted Water Tank, Rotary Compressor, Codan HF Radios and a Fire Fighting Pump Unit at Geraldton .....	19 August
98D6	Purchase and Removal of Gen Set, Lathe and Caravan Sleepers with Air Conditioner at Kalgoorlie .....	17 August
98D7	Purchase and Removal of Sleeper Kitchens with Refrigerator, Ablution Caravan with Washing Machine, Tyre Remover, Air Operated Pump and Pneumatic Impact Gun at Albany .....	21 August
98D8	Purchase and Removal of Skid Mounted Sleeper Kitchen and Skid Mounted Ablution at Borden .....	21 August

Executive Director Corporate Services.

### ZT202

*Acceptance of Tenders*

Contract No.	Description	Successful Tenderer	Amount \$
64C98	Supply and Delivery of 38 000m <sup>3</sup> of Fill to Perth-Bunbury Highway, Preston Section Duplication Lake Preston.	Carbone Bros Pty Ltd	89 300.00

Executive Director, Corporate Services.

## PUBLIC NOTICES

### ZZ101

**TRUSTEES ACT 1962**

Notice to Creditors and Claimants

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 7th September 1998, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Davies, Mary, late of Unit 2/162 Epsom Avenue, Belmont, died 1/7/98 (DEC 312216 DL4).

- Depane, Santa, late of Carinya Nursing Home, 220 Preston Point Road, Bicton, died 4/7/98 (DEC 312612 DG4).
- Dickenson, Mavis Jean, late of Brightwater, Thomas Street, Subiaco, died 6/7/98 (DEC 312116 DL4).
- Gladwell, Winifred May, late of 29 Darlington Road, Darlington, died 15/7/98 (DEC 312507 DL3).
- McGrechen, Marlene Patricia, late of 7 Chestnut Place, South Lake, died 28/4/98 (DEC 312077 DS3).
- Greenaway, Ross, late of 22 Salisbury Street, Leederville, died 22/6/98 (DEC 312483 DS2).
- Houston, Graham Rodney, late of Lot 6434, Cnr Chauvel & Newman Street, Kendenup, died 31/7/98 (DEC 312652 DC2).
- Johnston, Eunice Ethel, late of 4 Siska Close, Willetton, died 3/7/98 (DEC 312610 DC4).
- Jones, Victoria, late of 2/15 Ferguson Street, Maylands, died 19/7/98 (DEC 312671 DG2).
- Killick, Isabel, late of Rowethorpe Nursing Home, PO Box 801, Cannington, died 2/5/98 (DEC 312657 DG4).
- Knudsen, Reidar August, late of Hamersley Nursing Home, 441 Rokeby Road, Subiaco, died 21/4/98 (DEC 310007 DC3).
- Kukura, Leslie Ubol, late of Unit C6 "Walridge Village" 45B Erkshire Road, Forrestfield, died 17/7/98 (DEC 312376 DG4).
- Lidington, George Douglas, late of 10 Dorre Court, Shelley, died 23/6/98 (DEC 312656 DL4).
- Luck, Adriana, late of Unit 6/25-27 Parkhill Way, Wilson, died 7/7/98 (DEC 312206 DA3).
- Mangion-Campbell, Sylvia, late of 87A Ocean Road, Spearwood, died 26/6/98 (DEC 312240 DS4).
- Maslin, Thelma Jessie, late of St George's Home, Essex Street, Bayswater, died 13/6/98 (DEC 312268 DP3).
- Millar, Kathleen Maude Agnes, late of Braille Nursing Home, Victoria Park, died 11/4/98 (DEC 312509 DG3).
- O'Donovan, Kathleen Ruth, late of Unit 41 Chrystal Halliday Homes, 61 Jeannes Road, Karrinyup, died 12/7/98 (DEC 312484 DA3).
- Roberts, David Sydney, late of 283 Robinson Avenue, Cloverdale, died 26/6/98 (DEC 312237 DS2).
- Roseingrave, Lorraine May, late of 8B Pheonix Road, Spearwood, died 9/5/98 (DEC 312103 DA3).
- Rowston, Eileen Adella, late of Warwick Village Nursing Home, 98 Ellersdale Avenue, Warwick, died 16/7/98 (DEC 312624 DP4).
- Smith, Douglas Malcolm Albert, late of RSL War Veterans' Home, 82 Oakmont Street, Meadow Springs, died 16/5/98 (DEC 310799 DS2).
- Ward, Violet, late of Ngurra Karnpi Aboriginal Nursing Home, 18 Park Street, Kalgoorlie, died 7/10/96 (DEC 309751 DS4).
- Watson, Daniel Joseph, late of Tanderra Hostel, 68 Guildford Road, Mount Lawley, died 23/6/98 (DEC 312076 DL4).
- Wilkie, Reta Dorothy, late of Braemar Nursing Home, 24 Canning Highway, East Fremantle, died 16/7/98 (DEC 312724 DA3).
- Woodhams, Desmond Edward, late of Unit 35/4 Dover Court, Mosman Park, died 17/3/98 (DEC 309654 DL4).

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

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

Creditors and other persons having claims in respect of the Estate of the late Myrtle Emily McGrath who died on 14 May 1998 at Nedlands, Western Australia are requested to send particulars of their claims to the Executor Dawn Lois Chalklen and Edward Banks Laxon c/- Michael, Whyte & Co, Barristers & Solicitors, Level 1, 41-43 Ord Street, West Perth, Western Australia, 6005 within one (1) month from the date of this notice after which date the Executor may distribute the assets having regard only to the claims of which they have then had notice and the said Executor shall not be liable to any person of whose claim they have had no notice at any time of administration or distribution. (Our Reference: MHT 980934)

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**CONTENTS****SUBSIDIARY LEGISLATION**

	Page
Financial Administration and Audit Act 1985—Financial Administration and Audit (Designation of Statutory Authorities) Regulations (No. 2) 1998 .....	4140
Health Act 1911—	
Shire of Coorow Health Local Laws 1998 .....	4096-8
Shire of Cranbrook Health Local Laws 1998 .....	4095
Shire of Harvey—Health Amendment (No. 2) Local Law 1998 .....	4094
Shire of Wickepin—Local Law for the Repeal of Existing Local Laws.....	4096
Local Government Act 1995—Shire of Wickepin—Local Law for the Repeal of Existing Local Laws .....	4096
Poisons Act 1964—Poisons (Appendix A Amendment) Order (No. 2) 1998 .....	4091
Road Traffic Act 1974—Road Traffic (Licensing) (Revocation) Direction 1998 .....	4138
Town of Mosman Park—Amendments to Local Laws .....	4098

**GENERAL CONTENTS**

	Page
Agriculture .....	4089
Fisheries .....	4089-91
Health .....	4091-2
Justice .....	4092-3
Land Administration .....	4093-4
Local Government .....	4094-104
Minerals and Energy .....	4104-6
Planning .....	4107-36
Police .....	4137
Racing, Gaming and Liquor .....	4137-8
Public Notices .....	4141-2
Transport .....	4138-40
Tenders—Main Roads .....	4141
Treasury .....	4140

