



WESTERN  
AUSTRALIAN  
GOVERNMENT

# Gazette

6755



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## PUBLISHING DETAILS FOR CHRISTMAS 1998 AND NEW YEAR HOLIDAY PERIOD 1999

For *Government Gazette* published 3.30 p.m. Wednesday 30 December 1998,  
closing time for copy will be 12 noon Thursday 24 December 1998.

For *Government Gazette* published 3.30 pm Tuesday 5 January 1999,  
closing time for copy will be 12 noon Thursday 31 December 1998.

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**AGRICULTURE**

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**AG401****EXOTIC DISEASES OF ANIMALS ACT 1993**  
**IMPORT RESTRICTION ORDER**

Made by the Minister for Primary Industry under Section 24 of the *Exotic Diseases of Animals Act 1993*.

Virulent Newcastle Disease has been diagnosed in the State of New South Wales.

For the purpose of this Act, the following conditions/prohibitions apply to importations into Western Australia of—

Species of animals—	Avian
Animal Products—	All Avian
Conditions/prohibitions—	Except as approved by the Chief Veterinary Officer, a person must not move any avian animal or any avian animal product into Western Australia, from an area of the State of New South Wales declared under a law of that State to be a Restricted Area or a Control Area for the purpose of controlling Virulent Newcastle Disease.

Unless sooner revoked, this order applies for a period of thirty (30) days commencing on 22 December 1998.

MONTY HOUSE, MLA, Minister for Primary Industry.

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**BUSH FIRES BOARD**

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**BU401\*****BUSH FIRES ACT 1954**  
**SECTION 12**

Cancellation of Appointment of Bush Fire Liaison Officer

Bush Fires Board,  
Perth.

Correspondence No. A12.

It is hereby notified that the Minister administering the Bush Fires Act 1954 has approved the cancellation of Brian William Harris' appointment as a Bush Fire Liaison Officer as published in page 3616 of the *Government Gazette* of 19 September 1975.

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**FISHERIES**

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**FI301\***

Pearling Act 1990

**Pearling (General) Amendment Regulations**  
**(No. 3) 1998**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Pearling (General) Amendment Regulations (No. 3) 1998*.

**2. Regulation 9A inserted**

After regulation 9 of the *Pearling (General) Regulations 1991*\*  
the following regulation is inserted —

“

**9A. Payment by instalments**

- (1) If a notice made under section 27(1)(a) of the Act provides for the payment by instalments of an annual fee set out in that notice, the fee may be paid in 2 or 3 instalments in accordance with that notice.
- (2) If a fee referred to in subregulation (1) is to be paid by instalments, a surcharge of —
  - (a) 10% of that fee; or
  - (b) any lesser percentage of that fee, if such a percentage is specified in the notice,is payable with the first instalment.
- (3) If an instalment of a fee, including the surcharge if payable with the instalment, is not paid on or before the day specified in the notice (“**the due date**”) —
  - (a) the full amount outstanding of the fee becomes immediately payable; and
  - (b) the authority conferred by the lease, license or permit to which the fee applies is of no effect during the period from the due date until the day on which the full amount outstanding of the fee is paid.
- (4) In subregulation (3) —  
“**the full amount outstanding of the fee**” includes the surcharge payable under subregulation (2).

”.

[\* *Published in Gazette 27 December 1990, pp. 6335-66.*  
*For amendments to 8 December 1998 see 1997 Index to*  
*Legislation of Western Australia, Table 4, p. 202 and Gazette*  
*8 December 1998, pp. 6570-71.*]

By Command of the Governor,

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

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**JUSTICE**

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**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 Nazareno Aquilina of 2 Sacramento Avenue, Beechboro

Mrs Marsha Raelene Dale of 3 Meenaar Crescent, Coolbinia

Mr Stephen William Elliott of 16 Pioneer Road, Merredin.

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

RICHARD FOSTER, Executive Director, Court Services.

**JM402****CHILDREN'S COURT OF WESTERN AUSTRALIA ACT 1988**

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

Mr Colin John Edwards of 17 Marmion Street, Katanning

Mr Stephen William Elliott of 16 Pioneer Road, Merredin.

RICHARD FOSTER, Executive Director, Court Services.

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**LOCAL GOVERNMENT**

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**LG301\*****CITY OF SOUTH PERTH****LOCAL LAW RELATING TO PUBLIC RESERVE 10250**

(Royal Perth Golf Course)

In pursuance of the powers conferred by the Local Government Act 1995 and all other powers enabling it the Council of the abovementioned local government hereby records having resolved on 25 November 1998, to make the following Local Law.

**Short Title.**

1. This Local Law may be cited as the Royal Perth Golf Course Local Law 1998.

**Commencement.**

2. This Local Law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**Content and Intent.**

3. This Local Law provides for the safety, convenience and comfort of persons in their use of Public Reserve 10250 and for good order, management and conduct thereon as a public reserve and as a private golf course.

**Repeal of Previous Local Laws.**

4. The By-laws published in the *Government Gazette* on 3 December 1922, are hereby repealed.

**Interpretation.**

5. In this Local Law, unless the context requires otherwise—

“Act” means the Local Government Act of 1995;

“authorised person” means a person authorised by the City under section 9.10 of the Act for the purposes of these local laws;

“CEO” means the Chief Executive of the City and in the absence of the Chief Executive, the Acting Chief Executive of the City;

“City” means the City of South Perth;

“Council” means the Council of the City;

“District” means the local government district of the City;

“Gender and number” in these Local Laws shall when denoting a gender or genders include each other and words in the singular include the plural and vice versa;

“Golf Course” means the Royal Perth Golf Course established on Public Reserve 10250 pursuant to the Lease, as may be varied from time to time;

“Lease” means the lease entered into between RPGC as lessee and the City as lessor for that portion of Public Reserve 10250 as described in the Lease and dated 28 February 1957 and includes all other deeds made between RPGC and the City in respect of the golf course; as may be varied from time to time

“Reserve” means the land known as Public Reserve No. 10250 vested in the City;

“RPGC” means the Royal Perth Golf Club Inc of Labouchere Road, South Perth;

“Person” and words applying to any person or individual include a body corporate and the plural a group of persons and a club association or other body of persons.

**Access to the Reserve.**

6. The Reserve shall be open to the public at all hours free of charge, but subject to—
- the restrictions contained in these Local Laws; and
  - the terms and conditions of the Lease.

**Prohibited Activities.**

7.1 Subject to, but without being limited to, Clauses 8, 9 and 10, a person must not in or on the Reserve behave in a manner which is—

- (a) likely to interfere with the enjoyment of any person who might use the Reserve; or
- (b) interferes with the enjoyment of any person using the Reserve.

7.2 A person must not behave in or on the Reserve in a way which would be detrimental to the Reserve or any part of it.

7.3 A person is not to enter or remain on the Reserve while under the influence of alcohol or a prohibited drug.

7.4 A person is not to sell or attempt to sell alcohol unless permitted under a licence issued under the Liquor Licensing Act 1998 and by permission of the City.

7.5 A person is not to take any prohibited drug onto or consume or use any prohibited drug on the Reserve.

7.6 A person must not in or on the Reserve; unless authorised by the City where appropriate—

- (a) use language or behave in a manner which is indecent, offensive or abusive or which disturbs or interrupts any person's enjoyment or use of the Reserve;
- (b) act in a way which endangers any person;
- (c) use any volatile, explosive or flammable matter;
- (d) damage, destroy, apply graffiti to, interfere with, remove anything from or affix anything to the Reserve or any fixture or fitting thereon, walk on flower beds, borders or putting greens;
- (e) unless otherwise authorised in writing by the City or RPGC, damage, cut prune, lop or remove any tree or portion of any tree, shrub, turf or any other type of vegetation;
- (f) carry firearms unless specifically authorised to do so under the Firearms Act 1973;
- (g) shoot, snare, molest, injure or in any way harm or interfere with any animal without lawful authority or just cause;
- (h) drop or deposit any litter of any kind unless into receptacles set aside for such purposes;
- (i) use or operate any siren, starting gun or other device which causes a loud noise in such a manner so as to cause a nuisance or annoyance to any person on or in the vicinity of the Reserve;
- (j) ride a motor cycle or bicycle;
- (k) use or operate any musical instrument, radio or loud speaker in such a manner as to create excessive noise or so as to cause a nuisance or annoyance to any person on or in the vicinity of the Reserve;
- (l) not bring, ride or drive an animal upon the Reserve or any part of it that is not set aside by the City as an animal exercise area;
- (m) act contrary to any conditions of use for the Reserve set forth in the Lease.

**Lease of the Reserve to Royal Perth Golf Club Inc.**

8. The Council has granted the Lease of the Reserve to RPGC for the purpose of establishing, maintaining and operating the golf course and golf club thereon and so long as the Lease remains in force no activity or game other than golf shall be undertaken or played on the Reserve.

9. No person shall prevent hamper or interfere with RPGC in the use of the Reserve as a golf course or prevent RPGC from using the Reserve for any other purpose set forth in the Lease.

10. No person shall interfere with or compete with any person playing golf on the Reserve in any manner in commencing playing or carrying on any game other than golf.

11. While the lease is in force, the only persons permitted to play golf on the reserve are authorised members of the RPGC and other persons authorised by RPGC.

12. The RPGC shall erect and maintain signs at each nominated entry point to the reserve and such signs are to be in the form of Schedule 1.

**Enforcement.**

13. Nothing in these Local Laws shall be construed so as to inhibit or preclude an employee contractor or agent of the City from carrying out his lawful duties.

14. (a) Any person who fails to do anything required or directed to be done under these Local Laws, or who does anything which under these Local Laws that person is prohibited from doing commits an offence;

(b) Any person who commits an offence under these Local Laws is liable, upon conviction, to the penalty specified in these Local Laws or, if no penalty is specified, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.



15. (a) An offence against any provision of these Local Laws is a prescribed offence for the purposes of Section 9.16 (1) of the Act.
- (b) The modified penalty for an offence against any provision of these Local Laws is \$100.
16. For the purposes of these Local Laws—
- (a) the form of the infringement notice referred to in Section 9.17 of the Act is that of Form 1 in the Third Schedule; and
- (b) the form of the notice referred to in Section 9.20 of the Act is that of Form 2 of the Third Schedule.
17. The Council may in writing under the hand of the CEO appoint an officer or officers to carry out the powers and duties conferred by these Local Laws including authorisation to serve notices under Part 9 Division 2 Subdivision 2 of the Act and Part 5 of the Local Government (Functions and General) Regulations.
18. A person shall not hinder or interfere with an officer of the City appointed under clause 17 of these Local Law in the course of that officer's duties.
19. It shall be a breach of these Local Law for any person to hinder or interfere with an officer appointed under Clause 17 of these Local Law acting in the course of a power or function or duty under these Local Law.
20. An officer appointed under Clause 17 of these Local Laws may remove or cause to be removed from the Reserve any person who contravenes any provisions of these Local Law.

#### Schedule 1

##### RULES OF ACCESS TO RESERVE

- IN ACCORDANCE WITH ROYAL PERTH GOLF COURSE LOCAL LAW 1998, ALL PERSONS ENTERING ONTO THIS RESERVE DO SO AT THEIR OWN RISK AND ASSUME FULL RESPONSIBILITY FOR THEIR OWN SAFETY AND PROPERTY.
- BE AWARE OF THE DANGER OF ENTERING ONTO THIS RESERVE WHILST GOLF IS BEING PLAYED.
- A PERSON ENTERING ONTO THIS RESERVE MUST NOT BEHAVE IN A MANNER WHICH WOULD BE DETRIMENTAL TO THE RESERVE, OTHER USERS AND ALL IMPROVEMENTS HEREON, OR CAUSE NUISANCE WHICH IN ACCORDANCE WITH THE LOCAL LAW CONSTITUTES AN OFFENCE FOR WHICH OFFENDERS MAY BE PROSECUTED.
- THE PLAYING OF GOLF WITHOUT PERMISSION OF THE ROYAL PERTH GOLF CLUB IS PROHIBITED.
- COPIES OF THE ROYAL PERTH GOLF COURSE LOCAL LAW 1998 ARE AVAILABLE ON REQUEST FROM THE CITY OF SOUTH PERTH BY TELEPHONING 9474 0777.

Dated 2nd December, 1998

The Common Seal of the City of South Perth Was hereunto affixed in the presence of—

J. E. HARDWICK, JP., Mayor.  
L. L. METCALF, Chief Executive.

LG302\*

#### HEALTH ACT 1911

##### SHIRE OF DENMARK HEALTH LOCAL LAWS 1998

Made by the Council of the Shire of Denmark.

#### Citation

1. These local laws may be cited as the "Shire of Denmark 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* on 30th 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 Denmark and published in the *Government Gazette* on 22nd August 1930, and amended from time to time, are repealed;
- (2) The Health Local Laws adopted by the Shire of Denmark on 20 October 1956 and published in the *Government Gazette* on 27th January 1957, and amended from time to time, are repealed; and

(3) The Health Local Laws adopted by the Shire of Denmark on 20 February 1964 and published in the *Government Gazette* on 29th April 1964, and amended from time to time, are repealed.

#### SCHEDULE

##### Modifications 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 Denmark 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 Denmark”.
4	2.1.5(1)(c)(ii)	Insert the word “flap” before the word “valve”.
5	2.1.9(2)	In the first line, delete the word “a” before the words “the premises”.
6	3.2.4(1)	In the first line, delete the word “of” before the word “occupy” and substitute the word “or”.
7	3.3.2	In the first line, delete the word “for” before the words “a rainwater tank” and substitute the word “from”.
8	4.2.10(2)(a)(i)	In subsection (2)(a)(i), delete the last word “or” and substitute “and”.
9	4.2.10(2)(a)(ii)	In subparagraph (ii), delete the word “suitable” and substitute the word “unsuitable”.
10	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.”
11	4.3.1	Delete the definition of “butchers’ waste” and substitute— ‘ “ <b>butchers’ waste</b> ” includes animal skeletons and rib cages from boning room and the inedible products of an abattoir. ’.
12	5.2.4(1)	Delete the words “of the Council” after the word “District” in the second line.
13	5.3.3(1)(b)(ii)	Insert the word “a” before the word “minimum”.
14	5.3.3(2)(a)	Delete the word “to” after the word “Officer” and substitute a comma.
15	5.3.3(2)(b)	In the second line, delete the word “of” before the word “other” and substitute the word “or”.
16	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.
17	7.3.1 and 7.3.2	In PART 7, delete Division 3—Skin Penetration.
18	8.2.5	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.”
19	8.3.9	In paragraph (i), delete the comma after the word “bedding” and insert a comma after the word “furniture”.
20	9.4.1	Delete the definition of “ <b>exempt laundry</b> ”.
21	9.4.1	In the definition of “ <b>laundry</b> ”, delete the words “an exempt laundry or”.
22	9.4.2	Delete the word “withdrawn” and substitute the word “withdraw”.
23	9.4.3	Delete the word “except” from the first line of subsection (1)(a).
24	10.1.1	In subsection (2), delete the words “of this section”.
25	Schedule 2	In the title, insert the words— “ <b>REGISTRATION OF</b> ” before the words “ <b>A LODGING HOUSE</b> ”.



Item	Sections Affected	Description
26	Schedule 13	Insert a new schedule 13 as follows— “ <b>Schedule 13</b> <b>SHIRE OF DENMARK</b> <b>HEALTH ACT 1911</b> <b>PRESCRIBED AREAS—SECTION 112A</b>  The townsites of Denmark and Nornalup. ”

Passed at the meeting of the Shire of Denmark held on 22nd September 1998.

The Common Seal of the Shire of Denmark was hereto affixed in the presence of—

HENDRIK JOHAN VERSLUIS, Shire President.  
PASCOE DURTANOVICH, Chief Executive Officer.

On this 2nd day of October 1998.

Consented to—

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

Dated this 11th day of November 1998.

#### LG401

#### CITY OF ARMADALE Schedule of Tipping Fees

Pursuant to Section 344C of the Health Act and Section 6.16 of the Local Government Act, Council resolved at its meeting on 7 December 1998 to revoke the Schedule of Tipping Fees that were published in the *Government Gazette*, No. LG403 on 16 October 1998.

Pursuant to Section 344C of the Health Act 1911 and Section 6.16 of the Local Government Act 1995, Council resolved on the 7 December 1998, that effective from 4 January 1999, the following schedule of tipping fees apply—

<b>CARS AND TRAILERS</b>		\$
1	Cars, utilities or trailers not exceeding 1.8m x 1.2m and the person produces a current tip entry voucher as issued by the City of Armadale .....	Nil
2	Cars, utilities or trailers not exceeding 1.8m x 1.2m and the person does not produce a current tip entry voucher as issued by the City of Armadale .....	8.00 each
3	Trailers not exceeding 2.5m x 1.5m .....	15.00 each
<b>GENERAL WASTE</b>		
4	Domestic, putrescible or trade waste .....	35.00/tonne
	Minimum charge .....	35.00
5	Clean bricks, concrete, top soil and sand .....	23.00/tonne
	Minimum charge .....	23.00
6	Tree loppings, vegetation & garden waste .....	23.00/tonne
	Minimum charge .....	23.00
7	Large consignments and special burial .....	Price on application

In the event of any of the above being mixed, the higher rate will apply.

Where the material being deposited is, in the opinion of the Executive Director Technical Services, suitable for use in the operation of the landfill site and is required at the time for such purpose, the schedule fee may be waived.

#### VEHICLE BODIES

8	Car bodies from residential premises .....	5.00 each
9	Car bodies from commercial or industrial premises .....	30.00 each

#### BURIAL OF ASBESTOS WASTE

10	Asbestos burial .....	42.00/tonne
	Minimum charge .....	20.00
11	Large consignments (over 3 tonnes) .....	Price on application

**SPECIAL CHARGES**

\$

- 12 Tyres (unprocessed) will be accepted only from residents of the City of Armadale in small quantities—
- Car tyres ..... 2.00 each
  - Small truck tyres ..... 4.00 each
  - Truck tyres ..... 10.00 each
- 13 Animal Carcasses
- Small animals e.g. dogs ..... 15.00 each
  - Large animals e.g. cattle ..... 40.00 each
  - Small consignment eg: offal & bird carcasses ..... 10.00 each
  - Large consignments (over 3 tonnes) & special disposals ..... Price on application

**WEIGHBRIDGE BREAKDOWN**

- 14 In the event weighbridge at the Landfill and Recycling Facility breaking down due to power failure, maintenance or repairs, the following fees shall apply for items 4, 5 & 6 inclusive—
- All vehicles carrying non-compacted waste; per wheel of truck &/or trailer(s) ..... 15.00/wheel
  - All vehicles carrying compacted waste, per wheel of truck &/or trailer(s) ..... 20.00/wheel
- Burial surcharge—add 50% to the rate per wheel.

R. S. TAME, Acting Chief Executive Officer.

**LG402****SHIRE OF ESPERANCE**

It is hereby notified for public information that Richard Hearne has been appointed as an authorised person, effective from 10 December 1998 and is authorised to enforce the following Acts, Regulations and By-laws—

- Local Government Act, 1995
- Dog Act 1976 and Regulations
- Bush Fires Act 1954
- Esperance Shire Council Local Laws
- Litter Act 1979.

B. D. SPENCER, Acting Chief Executive Officer.

**LG403****DOG ACT 1976****SHIRE OF BEVERLEY**

It is hereby notified for public information that the following persons have been appointed under the provisions of the Dog Act 1976 as authorised/registration officers for the Municipality of the Shire of Beverley.

**Registration Officers**

Mr S P Gollan  
 Mrs R Karafil  
 Ms P Herbener  
 Ms C Bradbury  
 Ms C Moulton  
 Mr G Atwell  
 Mr J Ayton  
 Ms G Fitzgerald

**Authorised Officers**

Mr J Ayton  
 Mr F Sing  
 Mr S Hymus  
 Mr S Gollan  
 Ms P Facey

All previous appointments are hereby cancelled.

K. L. BYERS, Chief Executive Officer.

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**MINERALS AND ENERGY**

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**MN401****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 licence is paid on or before 19 January 1999, it is the intention of the Hon Minister for Mines under the provisions of Sections 96A(1) of the Mining Act, 1978-1983 to forfeit such for breach covenant, viz, non-payment of rent.

L. C. RANFORD, Director General.

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Number	Holder	Exploration Licences	Mineral Field
53/575	Skyline Asia Ltd		East Murchison

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**MN402****MINING ACT 1978****INSTRUMENT OF EXEMPTION OF LAND**

The Minister for Mines pursuant to the powers conferred on him by Section 19 of the Mining Act 1978, hereby exempts the area of land described hereunder from Divisions 1 to 5 of Part IV of the Mining Act 1978.

**Description**

That portion of land, not being private land, or land the subject of a mining tenement or application for a mining tenement within the following blocks—

Primary	Graticular Sections
Wiluna 3327	w, x
3399	b, c, g, h, m, n

Total 8 Blocks

Dated at Perth this 11th day of December 1998.

NORMAN MOORE, Minister for Mines.

**MN403\***

State of Western Australia

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

Exploration Permit No. EP385 held by Amity Oil NL, Dan A Hughes Company, Hughes-Rawls Offshore Corporation and Bonaparte Gulf Oil & Gas Pty Ltd has been renewed to have effect for a period of five (5) years from the 11th day of December 1998.

W. L. TINAPPLE, Director Petroleum Operations Division.

**MN404\***

State of Western Australia

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

Exploration Permit No. EP381 held by Amity Oil NL, Geopetro Resources Company, Pennzoil Exploration Australia Inc. and Seven Seas Petroleum Australia Inc. has been renewed to have effect for a period of five (5) years from the 11th day of December 1998.

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 3—AMENDMENT NO 162**

Ref: 853/5/4/5 Pt 162

Notice is hereby given that the local government of the City of Albany has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 2 of Location 418 Albany Highway and Locations 267 and 4419 Kooyong Avenue, Warrenup from the Rural Zone to the Special Residential Zone, the Landscape Protection Zone, the Public Purposes Reserve and the Parks and Recreation (Non Restricted) Reserve.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Mercer Road, Albany and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 29 January, 1999.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before 29 January, 1999.

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

E. H. KELLY, Chief Executive Officer.

**PD402\*****TOWN PLANNING AND DEVELOPMENT ACT 1928****TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION***CITY OF ALBANY***TOWN PLANNING SCHEME NO 3—AMENDMENT NO 165**

Ref: 853/5/4/5 Pt 165

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

1. rezoning part of Portion Plantagenet Location 392 Chester Pass and Mercer Roads, Albany from the "Rural" to "Service Industry" and "Landscape Protection" zone;
2. rezoning a portion of Lot 5 of Plantagenet Location 392 to "Parks and Recreation" (non restricted) Reserve;
3. rezoning a portion of Lot 5 of Plantagenet Location 392 from "Rural" to "Civic and Cultural" Reserve; and
4. incorporating a Landscape Protection Zone into the Scheme together with various other Scheme Text additions (including a new Schedule) associated with the above rezonings.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Mercer Road, Albany and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 29 January, 1999.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before 29 January, 1999.

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

E. H. KELLY, Chief Executive Officer.

**PD403\*****TOWN PLANNING AND DEVELOPMENT ACT 1928****TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION***CITY OF ALBANY***TOWN PLANNING SCHEME NO 3—AMENDMENT NO 171**

Ref: 853/5/4/5 Pt 171

Notice is hereby given that the local government of the City of Albany has prepared the abovementioned scheme amendment for the purpose of including Lot 11 of Plantagenet Location 1462, Nanarup Road, Lower Kalgan within Special Rural Zone Area No 9 and modifying the identification, special provisions and Subdivision Guide Plan accordingly.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Mercer Road, Albany and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 29 January, 1999.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before 29 January, 1999.

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

E. H. KELLY, Chief Executive Officer.

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**PD404\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

**TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

*CITY OF JOONDALUP*

**TOWN PLANNING SCHEME NO 1—AMENDMENT NO 761**

Ref: 853/2/34/1 Pt 761

Notice is hereby given that the local government of the City of Joondalup has prepared the abovementioned scheme amendment for the purpose of adding Clause 5.48 Commercial Vehicle Parking to introduce provisions to control commercial vehicle parking and transport depots.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Boas Avenue, Joondalup 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 29 January, 1999.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before 29 January, 1999.

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

L. DELAHAUNTY, Chief Executive Officer.

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**PD405\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**

*SHIRE OF DENMARK*

**TOWN PLANNING SCHEME NO 3—AMENDMENT NO 56**

Ref: 853/5/7/3 Pt 56

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 Denmark Town Planning Scheme Amendment on 9 December, 1998 for the purpose of:

1. Recoding Lot 38, Clarke Close, Denmark from "Residential (R10)" to "Residential (R20)".
2. Recoding Lot 804, Parry Street, Denmark from "Residential (R10)" to "Residential (R20)".

H. J. VERSLUIS, President.  
P. DURTANOVICH, Chief Executive Officer.

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**PD406\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

**TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

*SHIRE OF DENMARK*

**TOWN PLANNING SCHEME NO 3—AMENDMENT NO 58**

Ref: 853/5/7/3 Pt 58

Notice is hereby given that the local government of the Shire of Denmark has prepared the abovementioned scheme amendment and Weedon Hill Outline Development Plan for the purpose of:

1. Rezoning portion of Lot 4 Ocean Beach Road from 'Tourist' to 'Residential' R5 and R40.
2. Rezoning portion of Lot 4 Ocean Beach Road from 'Rural' to 'Residential' R5.
3. Rezoning portion of Lot 2099 Ocean Beach Road from 'Residential' R2 to 'Commercial'.

4. Rezoning portions of Locations 2099 and 2077 Ocean Beach Road from 'Rural' to 'Residential' R15.
5. Recoding portions of Locations 2099 and 2077 Ocean Beach Road from 'Residential' R2 to R15 and R40.
6. Rezoning portion of Lot 6 Ocean Beach Road from 'Tourist' to 'Residential' R15.
7. Rezoning portion of Lot 6 Ocean Beach Road from 'Tourist' to 'Residential' R40.

Plans and documents setting out and explaining the scheme amendment and Weedon Hill Outline Development Plan have been deposited at Council Offices, Strickland Street, Denmark and at the Ministry for Planning, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 29 January, 1999.

Submissions on the scheme amendment and Outline Development Plan should be made in writing on Form No 4 and lodged with the undersigned on or before 29 January, 1999.

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

P. DURTANOVICH, Chief Executive Officer.

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**PD407\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

**TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

*SHIRE OF ESPERANCE*

**TOWN PLANNING SCHEME NO 22—AMENDMENT NO 28**

Ref: 853/11/6/21 Pt 28

Notice is hereby given that the local government of the Shire of Esperance has prepared the abovementioned scheme amendment for the purpose of deleting the Parks and Recreation reservation over Reserve No 30841 Olympian Way and zoning the land Residential with the exception of a four (4) metre wide P.A.W. along its northern boundary.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Windich Street, Esperance 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 29 January, 1999.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before 29 January, 1999.

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

B. SPENCER, A/Chief Executive Officer.

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**PD408\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

**TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

*SHIRE OF WANNEROO*

**TOWN PLANNING SCHEME NO 1—AMENDMENT NO 713**

Ref: 853/2/30/1 Pt 713

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

1. rezoning and recoding Portion of Lot 1001 Tapping Way, Quinns Rocks from Commercial, Service Station, Residential Development R20 and R35 to Centre Zone and Uncoded;
2. recoding remainder Portion of Lot 1001 Tapping Way, Quinns Rocks from R20, R25 and R30 to R20, R25 and R40;
3. recoding Portion Lot 1000 from R20 and R25 to R20 and R40; and
4. rezoning and recoding Portion Lot 1002 from Commercial, Service Station, Civic, R30 and R35 to Residential Development R20, and R40.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Boas Avenue, Joondalup 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 29 January, 1999.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before 29 January, 1999.

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

K. WHITE, Chief Executive Officer.



PD411\*

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

Ref: 853/4/13/5

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

G. J. DIVER, President.  
S. TAYLOR, Chief Executive Officer.

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

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

SCHEME TEXT  
**ARRANGEMENT**

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- 1.2 Responsible Authority
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- 3.2 Zoning Table
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- 8.3 Notice for Removal of Certain Buildings
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**SCHEDULES**

- 1 Interpretations
- 2 Special Use Zones
- 3 Control of Advertisements
- 4 Special Rural Zones

**PART 1—PRELIMINARY****1.1 Citation**

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

**1.2 Responsible Authority**

The Authority responsible for implementing the Scheme is the Council of the Shire of Kellerberrin hereinafter called “the Council”.

**1.3 Scheme Area**

The Scheme applies to the whole of the land within the Municipal District of the Shire of Kellerberrin hereinafter called “the Scheme Area”.

**1.4 Revocation**

The Shire of Kellerberrin Town Planning Scheme No. 1 published in the *Government Gazette* of 2 February 1981 and all amendments thereto is hereby revoked.

The Shire of Kellerberrin Town Planning Scheme No. 3—Leake Street Scheme and all amendments thereto is hereby revoked.

**1.5 Contents of Scheme**

The Scheme comprises:

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

**1.6 Arrangement of Scheme Text**

The Scheme Text is divided into the following parts:

- PART 1—PRELIMINARY
- PART 2—RESERVES
- PART 3—ZONES
- PART 4—GENERAL DEVELOPMENT REQUIREMENTS
- PART 5—SPECIAL CONTROLS
- PART 6—USE AND DEVELOPMENT OF LAND
- PART 7—NON-CONFORMING USES
- PART 8—ADMINISTRATION

**1.7 Scheme Objectives**

The objectives of the Scheme are:

- (a) to zone the Scheme Area for the purposes described in the Scheme;

- (b) to secure the amenity health and convenience of the Scheme Area and the residents thereof;
- (c) to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;
- (d) the preservation of places of natural beauty, of historic buildings, and objects of historical and scientific interest; and
- (e) to make provision for other matters necessary or incidental to Town Planning and housing.

### **1.8 Interpretations**

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

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

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

## **PART 2—RESERVES**

### **2.1 Scheme Reserves**

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

PUBLIC PURPOSE  
RECREATION AND OPEN SPACE  
RAILWAY  
ROAD

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

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

## **PART 3—ZONES**

### **3.1 Zones**

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

RESIDENTIAL  
TOWN CENTRE  
RURAL TOWNSITE  
INDUSTRIAL  
SPECIAL USE  
SPECIAL RURAL  
FARMING

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

### **3.2 Zoning Table**

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

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

- “P” means that the use is permitted by the Scheme.
- “AA” means that the use is not permitted unless the Council has granted planning approval.
- “SA” means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 6.2.

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

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

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

- (a) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted; or
- (b) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the “SA” advertising procedures of clause 6.2 in considering an application for planning approval.

**TABLE 1**  
**ZONING TABLE**

USES		RESIDENTIAL	TOWN CENTRE	RURAL TOWNSITE	INDUSTRIAL	SPECIAL RURAL	FARMING
1	aged or dependent persons dwelling .....	AA					
2	ancillary accommodation .....	AA		AA		AA	AA
3	caretaker's dwelling .....		AA	AA	AA		AA
4	civic building .....	AA	AA	AA	AA		
5	club premises .....		AA	AA			AA
6	consulting rooms .....	SA	P	SA			
7	Dwelling—single .....	P	AA	P		P	P
	—grouped .....	AA	AA	AA			
8	education establishment .....	SA	AA	AA			AA
9	fuel depot .....				AA		
10	home occupation .....	AA		AA		AA	AA
11	Hotel .....		AA	SA			
12	industry—cottage .....	SA		AA		AA	AA
13	industry—extractive .....						AA
14	industry—general .....				AA		
15	industry—light .....			SA	P		
16	industry—noxious .....				SA		SA
17	industry—rural .....					SA	P
18	industry—service .....			SA	P		
19	intensive agriculture .....						P
20	Motel .....	SA	AA				
21	motor vehicle repair .....			SA	P		
22	Office .....		P		AA		
23	Piggery .....						AA
24	plant nursery .....	SA		AA	P	SA	AA
25	poultry farm .....						AA
26	public utility .....	AA	AA	AA	AA	AA	AA
27	residential building .....	AA					SA
28	Restaurant .....		P	AA			
29	rural pursuit .....					SA	P
30	salvage yard .....				AA		
31	service station .....		SA	SA	P		AA
32	Shop .....		P	AA	SA		
33	Tavern .....		AA	SA			
34	transport depot .....				P		SA
35	veterinary hospital .....		SA	SA	P	AA	AA

### 3.3 Special Use Zone

No person shall use any land, or any building or structure thereon in a Special Use zone, except for the purpose set against that land in Schedule 2 and subject to compliance with any conditions specified in the schedule with respect to the land.

## PART 4—GENERAL DEVELOPMENT REQUIREMENTS

### 4.1 Residential Development: Residential Planning Codes

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

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

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

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

#### **4.2 Car Parking Requirements**

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

#### **4.3 Discretion to Modify Development Standards**

Except for development in respect of which the Residential Planning Codes apply under the 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.

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

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

#### **4.5 Supply of Potable Water**

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

#### **4.6 Transported Dwellings**

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

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

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

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

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

#### **4.8 Home Occupation**

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

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

#### **4.9 Control of Advertisements**

##### **4.9.1 Power to Control Advertisements**

- (a) for the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Such an approval to planning approval is required in addition to any licence pursuant to the Council's Signs, Hoarding and Bill Posting Bylaws.
- (b) applications for the Council's consent pursuant to this clause shall be submitted in accordance with the provisions of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out in Schedule 3 giving details of the advertisement(s) to be erected placed or displayed on the land.

##### **4.9.2 Existing Advertisements**

Advertisements which:

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

#### 4.9.3 Consideration of Applications

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, the 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.

#### 4.9.4 Exemptions from the Requirement to Obtain Consent

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of clause 4.9.1 (a) the Council's prior consent is not required in respect of those advertisements listed in Schedule 3 which for the purpose of this clause are referred to as "exempted advertisements". The exemptions listed in Schedule 3 do not apply to places, buildings, conservation areas or landscape protection zones which are either:

- (a) listed by the National Trust; or
- (b) listed on the register of the National Estate; or
- (c) included in the Heritage List; or
- (d) in a Heritage Precinct.

#### 4.9.5 Discontinuance

Notwithstanding the Scheme objectives and clause 4.9.4 where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of the Scheme, 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.

#### 4.9.6 Derelict or Poorly Maintained Signs

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

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

#### 4.9.7 Notices

- (a) "the advertiser" shall be interpreted as any one or any group comprised of the landowner, occupier, or licensee.
- (b) any notice served in exceptional circumstances pursuant to clause 4.9.5 or pursuant to clause 4.9.6 shall be served upon the advertiser and shall specify:
  - (i) the advertisement(s) the subject of the notice;
  - (ii) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;
  - (iii) the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.
- (c) any person upon whom a notice is served pursuant to this clause may within a period of 60 days from the date of the notice appeal 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.

#### 4.9.8 Scheme to Prevail

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

#### 4.9.9 Enforcement and Penalties

The offences and penalties provisions specified in the Scheme apply to the advertiser in this clause.

### 4.10 Residential Zone

#### 4.10.1 Objectives

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

#### 4.10.2 Site Requirements

In accordance with the R Codes.

#### 4.10.3 Development Requirements

On those lots with a dual R15/25 density code the Council may permit a variation to the R15 density up to R25 for development of more than one dwelling on a lot but only where:

- (a) adequate connection to reticulated sewerage is provided; and
- (b) in the opinion of the Council the lot is suitably located close to services and facilities; and
- (c) the Council after following the advertising procedures in clause 6.2 is satisfied there will not be adverse impacts on local amenities; and
- (d) any increase in density above R15 is for grouped dwellings only, and not single houses.



**4.11 Town Centre Zone****4.11.1 Objectives**

- (a) to ensure the town centre remains the principal place for business and administration within the District.
- (b) to encourage a high standard of development including buildings, landscaping, and car parking.

**4.11.2 Site Requirements**

At the Council's discretion.

**4.11.3 Development Requirements**

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

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

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

4.11.3.3 Landscaping should complement the appearance of the proposed development and the town centre.

4.11.3.4 The layout of carparking shall have regard for traffic circulation in existing carparking areas and shall be integrated with any existing and adjoining carpark.

**4.12 Rural Townsite Zone****4.12.1 Objectives**

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

**4.12.2 Site Requirements**

In accordance with the R Codes.

**4.13 Industrial Zone****4.13.1 Objectives**

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

**4.13.2 Site Requirements**

The following minimum building setbacks shall apply:

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

**4.13.3 Development Requirements**

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

**4.14 Special Rural Zones****4.14.1 Objectives**

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

**4.14.2 General Provisions**

- (a) Before making provision for a Special Rural Zone, the Council will require the owner(s) of the land to prepare a submission supporting the creation of the Special Rural Zone and such submission shall include:
  - (i) a statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area the subject of the proposed zone.
  - (ii) a plan or plans showing contours at such intervals as to adequately depict the land form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, creeks, wells and significant improvements.

- (iii) information regarding the method whereby it is proposed to provide a potable water supply to each lot.
- (iv) in the absence of a Rural Strategy, it will be the responsibility of each applicant for rezoning to Special Rural to prepare a land suitability assessment to the satisfaction of both the Council and the Commission.
- (b) the Scheme provisions for a specific Special Rural Zone shall include a plan of subdivision showing, amongst other things:
  - (i) the proposed ultimate subdivision including lot sizes and dimensions.
  - (ii) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities, etc. as may be considered appropriate.
  - (iii) those physical features it is intended to conserve.
  - (iv) the proposed staging of the subdivision where relevant.
- (c) in addition to the plan of subdivision, the Scheme provisions for a specific Special Rural Zone shall specify:
  - (i) any facilities which the purchasers of the lots will be required to provide (eg their own potable water supply, liquid or solid waste disposal, etc).
  - (ii) proposals for the control of land uses and development which will ensure that the purpose or intent of the zone and the rural environment and amenities are not impaired.
  - (iii) any special provisions appropriate to secure the objectives of the zone.
- (d) the provisions for controlling subdivision and development in specific Special Rural Zones shall be as laid down in Schedule 4 and future subdivision will generally accord with the plan of subdivision for the specified area certified by the Chief Executive Officer and approved by the Commission and such plan of subdivision shall show the minimum lot size for subdivision.

#### 4.14.3 Site Requirements

The following minimum building setbacks shall apply:

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

#### 4.14.4 Development Requirements

##### 4.14.4.1 Development in a Special Rural Zone shall comply with the following:

- (a) in addition to a building licence, the Council's planning approval is required for all development including a single house and such application shall be made in writing to the Council and be subject to the provisions of clause 6.1 of the Scheme.
- (b) not more than one dwelling per lot shall be erected but the Council may, at its discretion, approve ancillary accommodation.
- (c) in order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorized by the Council.
- (d) in order to enhance the rural amenity of the land in areas the Council considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the Council.
- (e) any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the Council. With the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a special rural zone, the Council may take any action which in the opinion of the Council is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the Council in taking such action shall be recoverable by the Council from the landowner.

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

- (a) the colour and texture of external building materials;
- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;
- (d) architectural style and design details of the building;
- (e) relationship to surrounding development;
- (f) other characteristics considered by the Council to be relevant; and
- (g) provision to be made for bush fire control in accordance with a Town Planning Scheme Policy adopted by the Council.

#### 4.15 Farming Zone

##### 4.15.1 Objectives

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

#### 4.15.2 Site Requirements

The following minimum building setbacks shall apply:

- Front : 20.0m
- Rear : 15.0m
- Side : 5.0m

#### 4.15.3 Development Requirements

Except for:

- (a) establishment of a firebreak required to comply with a regulation or by-law, or
- (b) provision of access to a building site, or
- (c) the area of building, or
- (d) cash crops, or
- (e) establishment of a low fuel zone around dwellings;

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

#### 4.15.4 Subdivision

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

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

### PART 5—SPECIAL CONTROLS

#### 5.1 Purpose and Intent

The purpose and intent of the heritage provisions are:

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

#### 5.2 Heritage List

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

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

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

#### 5.3 Designation of Heritage Precincts

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

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

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

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

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

- (a) the Council shall notify in writing each owner of land affected by the proposal;
- (b) the Council shall advertise the proposal by way of a notice in a newspaper circulating in the district, by the erection of a sign in a prominent location in the area affected by the proposal, and by such other methods as the Council consider necessary to ensure widespread notice of the proposal, describing the area subject of the proposal, and where the policy statement which applies to the precinct may be inspected;
- (c) the Council shall invite submissions on the proposal within 28 days of the date specified in the notice referred to in (a) above;
- (d) the Council shall carry out such other consultations as it thinks fit;

- (e) the Council shall consider any submissions made and resolve to designate the heritage precinct with or without modification or reject the proposal after consideration of submissions;
- (f) the Council shall forward notice of its decision to the Heritage Council of WA and the Western Australian Planning Commission.

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

#### **5.4 Applications for Development Approval**

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

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

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

#### **5.5 Formalities of Application**

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

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

#### **5.6 Variations to Scheme Provisions**

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

- (a) consult the affected parties by following one or more of the provisions dealing with advertising pursuant to clause 6.2.3; and
- (b) have regard to any expressed views prior to making its decision to grant the variation.

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

### **PART 6—USE AND DEVELOPMENT OF LAND**

#### **6.1 Requirements for Planning Approval**

6.1.1 In order to give full effect to the provisions and objectives of 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 on a lot of a single house including ancillary outbuildings in a zone where the use is a permitted ("P") use in the zone in which that land is situated except where the lot does not have frontage to a constructed road or as otherwise provided by the Scheme.

- (d) the erection of a boundary fence except as otherwise required by the Scheme.
- (e) the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act.
- (f) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building.
- (g) the carrying out of works urgently necessary for public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

6.1.3 Notwithstanding that a single house does not require the prior approval of the Council pursuant to the Scheme, any person who wishes 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 Advertising of Applications**

6.2.1 Where an application is made for planning approval to commence or carry out development which involves an "SA" use the Council shall not grant planning approval to that application unless notice of the application is first given in accordance with the provisions of clause 6.2.3.

6.2.2 Where an application is made for planning approval to commence or carry out development which involves an "AA" use, or for any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of clause 6.2.3.

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

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

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

## **6.3 Consultations with Other Authorities**

6.3.1 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.

6.3.2 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.

## **6.4 Matters to be Considered by Council**

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

- (a) the provisions of this Scheme and any other relevant town planning scheme operating within the district including the Metropolitan Region Scheme;
- (b) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme amendment insofar as they can be regarded as seriously entertained planning proposals;
- (c) any approved Statement of Planning Policy of the Commission;
- (d) any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;
- (e) any planning policy, strategy or plan adopted by the Council under the provisions of clause 8.7 of this Scheme;
- (f) the preservation of any object or place of heritage significance;
- (g) the requirements of orderly and proper planning;
- (h) the preservation of the amenities of locality;
- (i) any other planning considerations which the Council considers relevant;
- (j) any relevant submissions or objectives received on the application.



**6.5 Determination of Applications**

6.5.1 In determining an application for planning approval the Council may;

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

6.5.2 The Council shall convey its decision to the applicant.

6.5.3 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.

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

**6.6 Deemed Refusal**

6.6.1 Subject to subclause 6.6.2, 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.

6.6.2 An application for planning approval which is subject of a notice under subclause 6.2.3 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.

6.6.3 Notwithstanding that an application for planning approval may be deemed to have been refused under subclauses 6.6.1 and 6.6.2, 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 clauses, and that decision shall be regarded as being valid.

**6.7 Approval Subject to Later Approval of Details**

6.7.1 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.

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

6.7.3 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.

**6.8 Approval of Existing Development**

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

6.8.2 The application to the Council for approval under clause 6.8.1 shall be made in accordance with the provisions of clause 6.1.

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

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

**PART 7—NON-CONFORMING USES****7.1 Non-Conforming Use Rights**

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

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

**7.2 Extension of Non-conforming Use**

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



### **7.3 Change of Non-conforming Use**

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

### **7.4 Discontinuance of Non-conforming Use**

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

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

### **7.5 Destruction of Buildings**

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

## **PART 8—ADMINISTRATION**

### **8.1 Powers of the Scheme**

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

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

### **8.2 Offences**

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

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

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

### **8.3 Notice for Removal of Certain Buildings**

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

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

### **8.4 Compensation**

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

8.4.2 Where, in respect of any application for planning approval to commence and carry out development on land reserved under 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.

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

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

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

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

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

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

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

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

## **8.6 Rights of Appeal**

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

## **8.7 Planning Policies**

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

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

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

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

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

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

8.7.5 A policy may be rescinded by:

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

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

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

## **8.8 Delegation**

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

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

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

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

8.8.4 A resolution to revoke or amend a delegation under clause 8.8 may be passed by a simple majority.

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

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

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

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

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

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

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

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

8.9.4 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.

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### **SCHEDULE 1**

#### **INTERPRETATIONS**

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

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

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

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

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

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

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

battle-axe lot: means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.

building envelope: means an area of land within a lot marked on a plan within which all buildings on the lot must be contained.

camping area: means land used for the lodging of persons in tents or other temporary shelter.

caravan park: means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.

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

civic building: means a building designed, used or intended to be used by a public authority or the Council as offices or for administrative or other like purpose.

civic use: means land and buildings used by a public authority or the Council, for administrative, recreational or other purpose.

club premises: means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the *Liquor Licensing Act, 1988* (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

Commission: means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act 1985* (as amended).

conservation: means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will:

- (a) enable the cultural heritage significance of that place or precinct to be retained; and
- (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilization, 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 practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors or persons ordinarily associated with a practitioner in the prevention or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.

constructed road: means a track which has been graded and stabilised within a dedicated road reserve.

cultural heritage significance: means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.

development: shall have the same meaning given to it in and for the purposes of the Act but shall also include in relation to any building, object, structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that:

- (a) is likely to change the character of the place or the external appearance of any building; or
- (b) would constitute an irreversible alteration to the fabric of any building.

District: means the Municipal District of the Shire of Kellerberrin.

dog kennels: means land and buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.

educational establishment: means a school or other educational centre, but does not include a reformatory.

fuel depot: means any land or building used for the storage and sale in bulk of solid, liquid, or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises.

gazetted date: means the date of which notice of the Minister's approval of this Scheme is published in the *Government Gazette*.

heritage precinct: means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.

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 or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling to which it is appurtenant that:

- (a) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (c) does not detract from the residential appearance of the dwelling or domestic outbuilding;
- (d) does not entail employment of any person not a member of the occupier's household;
- (e) does not occupy an area greater than 20m<sup>2</sup>;
- (f) does not display a sign exceeding 0.2m<sup>2</sup> in area;
- (g) in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put;
- (h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- (i) does not entail the presence, parking, and garaging of a vehicle of more than two (2) tonnes tare weight.



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

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

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

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

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

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

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

industry—extractive: means an industry which involves:

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

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

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

industry—light: means an industry:

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

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

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

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

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

- (a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;
- (b) the establishment and operation of fruit nurseries;
- (c) the development of land for irrigated fodder production and irrigated pasture (including turf farms);

- (d) the development of land for the keeping, rearing, or fattening of rabbits (for either meat, or fur production), and other livestock in feedlots;
- (e) dairy milking sheds;
- (f) the development of land for the keeping, rearing, or fattening of other livestock above those stocking rates recommended by Agriculture Western Australia in consultation with surrounding farmers for the applicable pasture type;
- (g) aquaculture.

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

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

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

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

market: means land and buildings used for a fair, a farmer's or producers' market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or 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 interpretation of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.

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

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

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

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

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

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

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

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

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

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

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

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



plant nursery: means any land or buildings used for the propagation, rearing, and sale of plants and the storage and sale of products associated with horticultural and garden decor.

potable water: means water in which the level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in "International Standards for Drinking Water" published by the World Health Organization.

poultry farm: means any land or buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the *Health Act 1911* (as amended).

private recreation: means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.

produce store: means any land or buildings wherein fodders, fertilisers and grain are displayed and offered for sale.

public amusement: means land and buildings used for the amusement or entertainment of the public, with or without charge.

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

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

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

public worship: means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential training institution.

restaurant: means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant.

restoration: means any work or process on at or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.

rural pursuit: means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- (a) the rearing or agistment of goats, sheep, cattle, or beasts of burden;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial, or industrial gardens;
- (d) the sale of produce grown solely on the lot;

but does not include intensive agriculture.

salvage yard: means any land or buildings used for the storage or 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.

schedule: means a schedule to the Scheme.

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

shop: means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in the Scheme.

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

tavern: means land and buildings the subject of a Tavern Licence granted under the provisions of the *Liquor Licensing Act, 1988* (as amended).

transport depot: means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

veterinary hospital: means a building used in connection with the treatment of sick animals and includes the care and accommodation of animals during or after such treatment.

zone: means a portion of the Scheme area shown on the Scheme Map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land, but does not include reserved land.

**SCHEDULE 2**  
**SPECIAL USE ZONES**

PARTICULARS OF LAND	SPECIAL USE
Lots 404 and 405 George/Moore/ Bedford Streets, Kellerberrin	Iris Litis School
Lots 1, 2, 75, 18-22 Massingham Street; Lots 7, 8, 31, 32, 367 Watt Street Kellerberrin	Showrooms and other related uses subject to the Council granting planning approval but excluding retail sales on those lots fronting Watt Street.
Lots 2 corner Massingham and Chambers Streets, Kellerberrin	Service Station, Motel, caretaker's dwelling
Lot 316 Scadden Street, Kellerberrin	Agricultural Machinery Business

**SCHEDULE 3**  
**CONTROL OF ADVERTISEMENTS**

**ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL**  
(to be completed in addition to Application for Planning Consent)

- 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 of Advertisement: .....  
Materials to be used: .....  
Illuminated: Yes/No  
If yes, state whether steady, moving, flashing, alternating, digital, animated, or scintillating,  
etc: .....  
If yes, state intensity of light source: .....
  - 5 State period of time for which advertisement is required: .....
  - 6 Details of signs, if any, to be removed if this application is approved: .....
- NB Application should be supported by a photograph or photographs of the premises showing super-  
imposed thereon the proposed position for the advertisement and those advertisements to be removed  
detailed in 6 above.  
Signature of Advertiser(s): .....  
(if different from landowners)  
Date: .....

**EXEMPTED ADVERTISEMENTS**

LANDUSE 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>

**EXEMPTED ADVERTISEMENTS—continued**

LANDUSE 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
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m <sup>2</sup>
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m <sup>2</sup>
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	Not Applicable
Industrial and Warehouse Premises	A maximum of four 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 and excluding signs which are connected to a pole, wall, or other building.	Total area of such advertisements shall not exceed 15m
	A maximum of two free-standing advertisement signs not exceeding 5 metres in height above ground level.	Maximum permissible total area shall not exceed 10m <sup>2</sup> and individual advertisement signs shall not exceed 6m <sup>2</sup>
Showroom, racecourses, 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.	Not applicable.
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	Not applicable
	(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	Not applicable
	(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.	Not applicable
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon 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.	Not Applicable.
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>

**EXEMPTED ADVERTISEMENTS—continued**

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated))	MAXIMUM AREA OF EXEMPTED SIGN
<b>Building Construction Sites</b> (advertisement signs displayed only for the duration of the construction) as follows:		
(a) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m <sup>2</sup>
(b) Multiple dwellings, shops, commercial and industrial properties.	One sign as for (a) above.	5m <sup>2</sup>
(c) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (a) above.	10m <sup>2</sup>
	One additional sign showing the name of the project builder.	5m <sup>2</sup>
Sales of goods or livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m <sup>2</sup>
<b>Property Transactions</b> Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:		
(a) Dwellings	One sign per street frontage for each property relating to the sale leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m <sup>2</sup>
(b) Multiple dwellings, shops, commercial and industrial properties	One sign as for (a) above.	Each sign shall not exceed an area of 2m <sup>2</sup>
(c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5 ha.	One sign as for (a) above.	Each sign shall not exceed an area of 10m <sup>2</sup>
<b>Display Homes</b> Advertisement signs displayed for the period over which homes are on display for public inspection		
	(a) One sign for each dwelling on display	2m <sup>2</sup>
	(b) In addition to (a) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	5m <sup>2</sup>

**SCHEDULE 4**  
**SPECIAL RURAL ZONES**

PARTICULARS OF LAND	REQUIREMENTS OF THE ZONE
Lots 1, 313 Price Street; 310 Bath Street; 315 Wilding Street; 311, 316-310 Scaddan Street; 238 King Street; 239-243 Leake Street; 2-4 Great Eastern Highway, Kellerberrin.	The Plan of Subdivision shall be the existing lot break up and no further subdivision will be permitted which would have an effect of creating a lot or lots of less than 2 hectares.

## ADOPTION

Adopted by Resolution of the Council of the Shire of Kellerberrin at the meeting of the Council held on the 16th day of May 1995.

G. J. DIVER, President.  
S. TAYLOR, Shire Clerk.

## FINAL APPROVAL

1. Adopted by Resolution of the Council of the Shire of Kellerberrin at the meeting of the Council held on the 21st day of October 1997 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

G. J. DIVER, President.  
S. TAYLOR, Shire Clerk.

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

## 2. RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

WAYNE ZIMMERMANN, for Chairperson of the  
Western Australian Planning Commission.

Date 3/12/98.

## 3. FINAL APPROVAL GRANTED

G. KIERATH, Minister for Planning.

Date 7/12/98.

## PD409\*

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

## TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

*SHIRE OF WANNEROO*

## TOWN PLANNING SCHEME NO 1—AMENDMENT NO 761

Ref: 853/2/30/1 Pt 761

Notice is hereby given that the local government of the Shire of Wanneroo has prepared the abovementioned scheme amendment for the purpose of adding Clause 5.49 Commercial Vehicle Parking to introduce provisions to control commercial vehicle parking and transport depots.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Boas Avenue, Joondalup 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 29 January, 1999.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before 29 January, 1999.

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

L. DELAHAUNTY, Chief Executive Officer.

## PD410\*

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

## TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

*SHIRE OF WANNEROO*

## TOWN PLANNING SCHEME NO 1—AMENDMENT NO 832

Ref: 853/2/30/1 Pt 832

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

1. Modifying Clause 5.39 (d) and inserting a new Clause 5.39 (e) to allow the Residential Density Code to be set by an Agreed Structure Plan.
2. Recoding the land included in Clarkson District Centre Structure Plan; Mindarie Keys Local Structure Plan; Mindarie Keys Harbourside Village Local Structure Plan; Landsdale Local Centre; Yanchep Local Structure Plan; and Neerabup Local Structure Plan; to Uncoded.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Boas Avenue, Joondalup 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 15 January, 1999.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before 15 January, 1999.

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

J. B. TURKINGTON, A/Chief Executive Officer.

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## PREMIER AND CABINET

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### PR401

#### APPOINTMENT OF DEPUTY OF THE GOVERNOR

It is hereby notified for public information that His Excellency the Governor, under clause XVI of the Letters Patent relating to the Office of Governor of the State of Western Australia dated 14 February 1986, has appointed the Lieutenant-Governor, the Honourable David Kingsley Malcolm AC, to be the deputy of the Governor and in that capacity to perform and exercise all the powers and functions of the Governor for the following period (both dates inclusive)—

3 to 23 January 1999

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

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## RACING, GAMING AND LIQUOR

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### RA401

#### LIQUOR LICENSING ACT 1988

##### SUMMARY OF LIQUOR LICENSING APPLICATIONS

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

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
1481/98	Yangebup Knights Baseball Club Inc	Application for the grant of a Club Restricted Licence in respect of premises situated in Bibra Lake and known as Yangebup Knights Baseball Club Inc.	5/1/99
1513/98	Matthew Callim Julian Durell	Application for the grant of a Restaurant Licence in respect of premises situated in North Beach and known as Flora Terrace Café.	10/1/99
1514/98	Tracey Corrine Foster	Application for the grant of a Restaurant Licence in respect of premises situated in South Fremantle and known as Douro Road Bistro.	11/1/99
1515/98	Brian Horwitz	Application for the grant of a Wholesale Licence in respect of premises situated in Yokine and known as Headline News.	12/1/99
<b>APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS</b>			
1033/98	A Gaby, C Gaby & A Mirmikidis	Application for the grant of an Extended Trading Permit—Ongoing Extended Hours, in respect of premises situated in Northbridge and known as Fuel Bar & Café.	30/12/98



App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS — <i>continued</i>			
1034/98	E B G Nominees Pty Ltd	Application for the grant of an Extended Trading Permit—Ongoing Extended Hours, in respect of premises situated in Rottnest Island and known as Rottnest Hotel.	1/1/99
1035/98	East Fremantle Yacht Club Inc	Application for the grant of an Extended Trading Permit—Ongoing Extended Hours, in respect of premises situated in Palmyra and known as East Fremantle Yacht Club Inc.	1/1/99
1036/98	Palace Securities Pty Ltd & Peter Donnelly	Application for the grant of an Extended Trading Permit—Ongoing Extended Hours, in respect of premises situated in Kalgoorlie and known as Palace Hotel.	1/1/99
1037/98	Palace Securities Pty Ltd & Peter Donnelly	Application for the grant of an Extended Trading Permit—Ongoing Extended Hours, in respect of premises situated in Kalgoorlie and known as Palace Hotel.	1/1/99
1038/98	Penzance Pty Ltd	Application for the grant of an Extended Trading Permit—Ongoing Extended Hours, in respect of premises situated in Northbridge and known as Brooklyn Tavern.	1/1/99
1039/98	Harmony Bay Pty Ltd	Application for the grant of an Extended Trading Permit—Ongoing Extended Hours, in respect of premises situated in Broome and known as Palms Resort Broome.	1/1/99
1040/98	Cederland Enterprises Pty Ltd	Application for the grant of an Extended Trading Permit—Ongoing Extended Hours, in respect of premises situated in Dumbleyung and known as Dumbleyung Tavern.	6/1/99
APPLICATION FOR APPROVAL TO ALTER/REDEFINE THE LICENSED PREMISE			
1570/98	Bunbury Regional Theatre (Inc)	Application for approval to Alter/Redefine the Special Facility Licence in respect of premises situated in Bunbury and known as Bunbury Entertainment Centre.	29/12/98

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

G. B. AVES, Director of Liquor Licensing.

## TRANSPORT

TR401\*

### WESTERN AUSTRALIAN MARINE ACT 1982 RESTRICTED SPEED AREAS—ALL VESSELS ROCKINGHAM FORESHORE

Department of Transport,  
Fremantle WA, 18 December 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 the notice published in the *Government Gazette* of 6 October 1998 relating to the 8 knot speed limit within Mangles Bay, Rockingham.

Providing however that such revocation is only applicable to an area commencing adjacent to the prolongation of Val Street, Rockingham then extending in a North East direction for 1000 metres and between 100 metres and 200 metres offshore between the hours of 0900 and 1600 on Saturday 26 December 1998 to vessels authorised by the Cruising Yacht Club of Western Australia (Inc) participating in approved aquatic events.

MICHAEL LINLAY HARRIS, Acting, Director General of Transport.

**TR402\*****WESTERN AUSTRALIAN MARINE ACT 1982  
RESTRICTED SPEED AREAS—ALL VESSELS  
ROCKINGHAM FORESHORE**

Department of Transport,  
Fremantle WA, 18 December 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 the notice published in the *Western Australian Government Gazette* of 6 October 1998 relating to the 8 knot speed limit within Mangles Bay, Rockingham.

Providing however that such revocation is only applicable to those waters more than 50 metres from the shore in an area commencing adjacent to the prolongation of Val Street, Rockingham then extending in a North East direction for 1000 metres, between the hours of 0900 and 1600 on Monday 28 December 1998 and is only applicable to bone fide vessels authorised by the Jet Sport West Boating Association participating in approved aquatic events.

MICHAEL LINLAY HARRIS, Acting, Director General of Transport.

**TR403\*****NAVIGABLE WATERS REGULATIONS  
PERSONAL WATERCRAFT—FREESTYLE DRIVING AREA  
MINDARIE KEYS**

Department of Transport,  
Fremantle WA, 29 September 1998.

Acting pursuant to the powers conferred by Navigable Waters Regulation 50A the Department of Transport by this notice revokes notice TR403 as published in the *Western Australian Government Gazette* on Tuesday 29 September 1998.

MICHAEL LINLAY HARRIS, Acting, Director General of Transport.

**TR404\*****NAVIGABLE WATERS REGULATIONS  
PROHIBITION OF FREESTYLE DRIVING—PERSONAL WATERCRAFT  
METROPOLITAN BEACHES**

Department of Transport,  
Fremantle WA, 27 October 1998.

Acting pursuant to the powers conferred by Navigable Waters Regulation 50A the Department of Transport by this notice revokes notice TR402 as published in the *Western Australian Government Gazette* on Tuesday 27 October 1998 and hereby substitutes the following—

The Department of Transport by this notice prohibits the practices of personal watercraft freestyle driving, wave jumping and surfing in all the ocean waters within 200 metres of the foreshore, within an area commencing at the southern extremity of Port Beach, Fremantle and extending northwards along the coast to where the prolongation of Pipidinnny Road, Eglinton intersects with the shoreline, with the exception of an area of water commencing 600 metres south of Mindarie Keys and extending in a southerly direction for 1110 metres and offshore for 200 metres.

MICHAEL LINLAY HARRIS, Acting Director General of Transport.

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**TREASURY**

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**TY401\*****FINANCIAL ADMINISTRATION AND AUDIT ACT**

The Treasury,  
Perth, 18 December 1998.

It is hereby notified for general information that, pursuant to section 58 of the Financial Administration and Audit Act 1985, the Treasurer has issued the following amended Treasurer's Instructions to be effective from the operative date specified in the Treasurer's Instruction or, in the absence of a specified date, from the date this notice is published in the *Government Gazette*.

Treasurer's Instruction	Paragraph	Topic
206	1-6	Banking of Moneys
321	1-5	Credit Cards
520	1-3	Transfer of Employees

It is hereby notified for general information that, pursuant to section 58 of the Financial Administration and Audit Act 1985, the Treasurer has deleted the following Treasurer's Instruction to be effective from the date this notice is published in the *Government Gazette*.

Treasurer's Instruction	Paragraph	Topic
208	1-3	Credits to Expenditure and Refunds of Overpayments

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## WATER

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### WA401\*

#### WATER SERVICES CO-ORDINATION ACT 1995

##### NOTICE UNDER SECTION 26 OF GRANT OF LICENCE

Notice is given that the following operating licence has been granted—

Licensee:	Rottnest Island Authority
Classification:	Operating Licence, Water Supply Services, Sewerage Services and Drainage Services
Term of Licence:	To 01 January 2004
Area Covered:	Rottnest Island Authority Operating Area Plan No. OWR-OA-189
Inspection of Licence:	Office of Water Regulation 6th Floor 197 St George's Terrace Perth WA 6000

B. R. MARTIN, Co-ordinator of Water Services.

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## WORKCOVER

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### WC401\*

Workers' Compensation and Rehabilitation Act 1981

## Notice under section 10 (No. 6) 1998

Declared by the Minister under section 10 of the Act.

### 1. Citation

This notice may be cited as the *Notice under section 10 (No. 6) 1998*.

### 2. Extension of “worker” and “employer”

In the Act, “**worker**” includes a person who is an accredited member of the clergy of a church listed in Schedule 1 to this notice and, for the purposes of the Act, the church to which that member of the clergy belongs is deemed to be the employer of that person.

**Schedule 1 — Churches**

[cl. 2]

Churchlands Christian Fellowship  
154 Balcatta Road  
Balcatta WA 6021

Forrestfield Community Church Inc.  
45 Berkshire Road  
Forrestfield WA 6058

C. L. EDWARDES, Minister for Labour Relations.

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**WESTERN AUSTRALIAN FINANCIAL INSTITUTIONS AUTHORITY**

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**WX401****FINANCIAL INSTITUTIONS (WESTERN AUSTRALIA) CODE  
SECTION 199(1)****Western Australian Financial Institutions Authority  
Notice of Exemption**

To—

Home Building Society Limited, PO Box 6196, East Perth WA 6892

And to—

AMP Limited, c/- Corrs Chambers Westgarth, GPO Box 9925, Perth WA 6001

GIO Australia Holdings Limited, GPO Box 1559, Sydney NSW 2001

Pursuant to section 199(1) of the Financial Institutions (Western Australia) Code (**“Financial Institutions Code”**), the Western Australian Financial Institutions Authority (**“Authority”**) exempts Home Building Society Limited (**“Home”**) from compliance with section 194(1) of the Financial Institutions Code in the circumstances and to the extent specified in Schedule A, subject to the conditions set out in Schedule B.

Terms used in this notice have the same meanings as in the Financial Institutions Code. Unless otherwise indicated, “associate” has the same meaning as in section 190 of the Financial Institutions Code.

**SCHEDULE A**

1. Home is exempted from any requirement to forfeit and sell permanent A class or B class shares in Home to which AMP Limited and its associates may become entitled to the extent that such a requirement may otherwise arise because AMP Limited and its associates become entitled to those shares as a result of the acceptance of takeover offers made by AMP Insurance Investments Holdings Pty Ltd for shares in GIO Australia Holdings Limited (**“takeover offers”**).
2. This exemption only applies in relation to shares in Home to which AMP Limited and its associates may become entitled as a result of the acceptance of the takeover offers. This exemption does not apply to any shares in Home to which AMP Limited and its associates may become entitled in any other manner.
3. This exemption takes effect if and when AMP Limited and its associates become entitled to shares in Home that exceed the maximum permissible shareholding as a result of the acceptance of the takeover offers, and expires on 16 February 1999.

**SCHEDULE B**

4. The exemption granted by the Authority on 9 February 1998 pursuant to section 199(1) of the Financial Institutions Code in relation to the entitlement of GIO Australia Holdings Limited and its associates to shares in Home must remain in force until 16 February 1999 and on the same terms and conditions.
5. The majority of the Board of Directors of Home must not be persons who are associates of AMP Limited, any subsidiary of AMP Limited, GIO Australia Holdings Limited or GIO General Limited.
6. AMP Limited, its related bodies corporate and their respective officers and employees must not make any statements or take any actions that may have the effect of undermining the financial position of Home, the confidence of its members and customers or otherwise adversely affecting the interests of Home's members and depositors. If there is any doubt whether a proposed statement or action would have this effect, the prior consent of the Authority to the making of the statement or the taking of the action must be obtained.

7. The Authority may terminate this exemption before 16 February 1999 if—
- (a) any of the above conditions or any other conditions in the exemption granted on 9 February 1998 are not met; or
  - (b) there are material changes to the ownership of AMP Limited or AMP Insurance Investments Holdings Pty Ltd, or to the ownership of Home, GIO Australia Holdings Limited or GIO General Limited other than as a result of acceptance of the takeover offers; or
  - (c) circumstances arise which cause the Authority to decide that it would be inappropriate for the exemption to continue.

Dated this 11th day of December 1998.

The Common Seal of the Western Australian Financial Institutions Authority was affixed by authority of its Board in the presence of—

A. K. R. WATSON, Chairman.  
N. T. RYAN, Chief Executive Officer.

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## TENDERS

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### ZT201

MAIN ROADS  
WESTERN AUSTRALIA

*Tenders*

Tenders are invited for the following project.

Information on this Tender is available from the Supply Officer, Supply & Transport Branch, Don Aitken Centre, Waterloo Crescent, East Perth, Telephone: (08) 9323 4912.

Tender No.	Description	Closing Date
597C98	Asphalt repairs, Fitzgerald Street (Great Eastern Highway), Northam.	1999 January 8

### ZT202

*Acceptance of Tenders*

Contract No.	Description	Successful Tenderer	Amount \$
495C98	Supply and install culverts on North Dandalup—Fairbridge section of South Western Highway, Shire of Murray.	F Bilcich Contractors Pty Ltd	\$217 191.56

D. R. WARNER, Executive Director Corporate Services.

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## PUBLIC NOTICES

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### 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 18 January 1999 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Anning, Valerie Doreen, late of 43 Leicester Square, Alexander Heights, died 16/11/98. (DEC 315610 DP3)

Bassanelli, David, late of Gwen Hardie Lodge, Mermaid Avenue, Emu Point, formerly of Lot 64 George Street, Gledhow, died 16/3/98. (DEC 314035 DD1)

Bould, Phyllis Lillian Dimond, late of Carinya Nursing Home, 220 Preston Point Road, Bicton, died 11/9/98. (DEC 315565 DS4)

Briggs, John Cyril, late of Windsor Park Aged Care, 110 Star Street, Carlisle, died 26/11/98. (DEC 315769 DC2)

Britto, Anthony Leslie Cecil, late of 1 Nye Way, Orelia, died 15/10/97. (DEC 314147 DA3)

Britto, Theresa Marjorie Margaret, late of 1 Nye Way, Orelia, died 25/10/97. (DEC 314146 DA3)

Brooks, Alfred Henry, also known as Drew, Alfred Henry, late of 13 Cecil Street, Gnowangerup, died 8/9/98. (DEC 313964 DS2)

Byrne, James Leonard, late of Unit 50/15 Glendower Way, Spearwood, died 19/10/98. (DEC 315334 DS4)

Cantone, Flippo, also known as Cantone, Phillip, late of 12B/19 Herdsman Parade, Wembley, died 6/7/98. (DEC 312872 DC2)

Charles, Denis John, late of 47 Coogee Street, Mount Hawthorn, died 14/11/98. (DEC 315578 DG2)

Compe, Philip, late of 8/12 Dunton Place, Redcliffe, died 17/11/98. (DEC 315591 DA3)

Counsel, Ellen Emily, late of Gracehaven Nursing Home, Westralia Gardens, Rockingham, died 19/11/98. (DEC 315736 DP3)

Dudumas, Violet Olive, late of 9B Ramose Close, Heathridge, died 18/11/98. (DEC 315680 DP4)

Enkel, Lillian Florence, late of 27/68 Ypres Road, Kelmscott, died 15/11/98. (DEC 315543 DP4)

Finn, John, late of Unit 40, Eskdale Road, Roleystone, died 1/11/98. (DEC 315092 DC4)

Gurney, Daphne Mavis, late of 202A Wandana, 93 Thomas Street, Subiaco, died 2/8/98. (DEC 312961 DC4)

Haddleton, Trevor Rodney, late of 337 Great Eastern Highway, Redcliffe, died 15/6/98. (DEC 311558 DA3)

Hutchinson, Elvie May, late of 35 Fourth Avenue, Kensington, died 17/11/98. (DEC 315576 DS2)

Johnson, Mervyn Clarence, late of 111 Attfield Street, South Fremantle, died 3/12/98. (DEC 315617 DS3)

Lawrence, Nancy Jean, late of 6 Sunrise Heights, Maida Vale, died 23/11/98. (DEC 315745 DS3)

Milhinch, Trevor Leslie, late of 24 Yalbaroo Road, Northam, died 20/8/98. (DEC 314077 DS4)

Parker, Donald Blair, late of 394 Knutsford Avenue, Kewdale, died 2/12/98. (DEC 315678 DG4)

Parsons, Florence, late of 76 Warrandyte Drive, Craigie, died 28/9/98. (DEC 315592 DP4)

Pegrum, William Stanley, late of 170 Balga Avenue, Balga, died 8/10/98. (DEC 315609 DL3)

Wilson, Dorothy May, late of A11, 43 Berkshire Road, Forrestfield, died 25/10/98. (DEC 315030 DD1)

Wyatt, Laurel Joyce, late of 2/11 Osborne Street, Joondanna, died 25/11/98. (DEC 315685 DG2)

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

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

Notice to Creditors and Claimants of Brenda Mary Trigwell late of 88/31 Williams Road, Nedlands, Western Australia.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of the deceased who died on 29 September 1998, are required by the Trustee ANZ Executors & Trustee Company Limited (ACN 006 132 332) of 41-43 St George's Terrace, Perth WA 6000 to send particulars of their claim to him by 20 January 1999 after which the Trustee may convey or distribute the assets having regard only to the claims he then has notice.

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

Notice to Creditors and Claimants of Leslie Michael Power late of 12 Ramsdale Loop, Leeming, Western Australia.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of the deceased who died on 27 July 1998, are required by the Trustee ANZ Executors & Trustee Company Limited (ACN 006 132 332) of 41-43 St George's Terrace, Perth WA 6000 to send particulars of their claim to him by 20 January 1999 after which the Trustee may convey or distribute the assets having regard only to the claims he then has notice.



**ZZ203****TRUSTEES ACT 1962**

Notice to Creditors and Claimants of Johann Pressl late of 15 Clinton Way, Kingsley, Western Australia.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of the deceased who died on 30 August 1998, are required by the Trustee ANZ Executors & Trustee Company Limited (ACN 006 132 332) of 41-43 St George's Terrace, Perth WA 6000 to send particulars of their claim to him by 20 January 1999 after which the Trustee may convey or distribute the assets having regard only to the claims he then has notice.

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**ZZ204****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Creditors and other persons having claims in respect of the Estate of the late John Edgar Park (Senior) who died on 28 February 1997 at Geraldton are requested to send particulars of their claims to the Administrator, Elizabeth Antionetta Maria Park c/- Michael, Whyte & Co, Barristers & Solicitors, Level 1, 41-43 Ord Street, West Perth 6005 within one (1) month from the date of this notice after which date the Administrator may distribute the assets having regard only to the claims of which she has then had notice and the said Administrator shall not be liable to any person of whose claim she has had no notice at any time of administration or distribution.

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**ZZ205****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

David Edward Gaunt late of 81 Hamilton Street, Bassendean in the State of Western Australia, Police Constable deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of David Edward Gaunt deceased who died on the 17th day of March 1996 at Perth in the said State aforesaid are required by the personal representative Cherie Susan Carlile of 240 Newburn Road, High Wycombe Western Australia to send particulars of their claims to Moss Bradley of 228-232 Stirling Terrace, Albany WA 6330 by the 25th day of January 1999 after which date the personal representative may convey or distribute the assets having regard only to the claim for which he has then had notice.

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**WESTERN AUSTRALIA****PUBLIC SECTOR MANAGEMENT  
ACT 1994**

**Price: \$26.70 Counter Sales  
Plus Postage on 1.2 kilograms**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

## **VICTIMS OF CRIME ACT 1994**

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WESTERN AUSTRALIA

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\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

## **TAXI ACT 1994**

**Price: \$8.10 Counter Sales**  
**Plus Postage on 470 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

## **PAWNBROKERS AND SECONDHAND DEALERS ACT 1994**

**Price: \$9.50 Counter Sales**  
**Plus Postage on 160 grams**

\*Prices subject to change on addition of amendments.

## New Publication - Now Available!

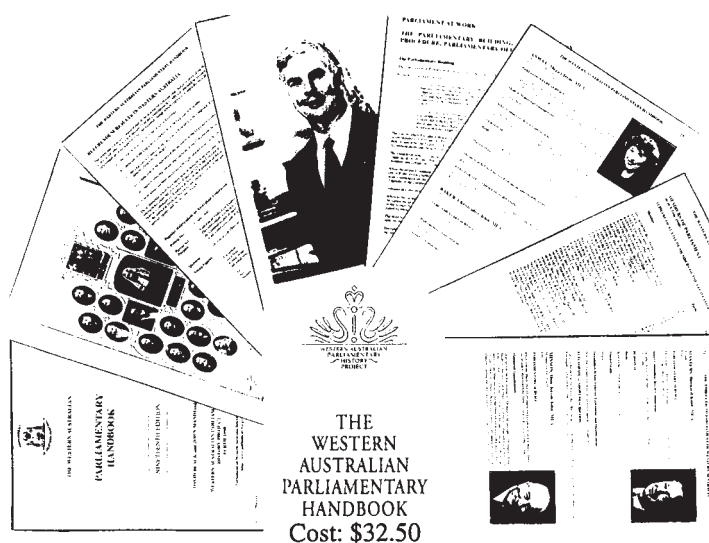
# The Western Australian Parliamentary Handbook 1998

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

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

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



For further information please contact:

State Law Publisher

Telephone: 9321 7688

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