



# WESTERN AUSTRALIAN GOVERNMENT Gazette

3383



## PERTH, FRIDAY, 23 JULY 1999 No. 140

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#### NEW FORMAT FOR GENERAL GOVERNMENT GAZETTES

For ease of access to particular notices the general Gazette will be divided into two parts as detailed below. In each part, the notices will appear in alphabetical order of the authorising Department.

**Part 1** will contain Proclamations, Regulations, Rules, Local Laws and various other Instruments etc. but not Town Planning Schemes.

**Part 2** will contain general notices and information and Town Planning Schemes.

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

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

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

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

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

## ADVERTISING RATES AND PAYMENTS

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

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## PUBLISHING ALTERATIONS

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

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

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

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

JOHN A. STRIJK, Government Printer.

# — PART 1 —

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## PROCLAMATIONS

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**AA101****ACTS AMENDMENT (MINING AND PETROLEUM) ACT 1999**

17 of 1999

**PROCLAMATION**

WESTERN AUSTRALIA  
P. M. Jeffery,  
Governor.  
[L.S.]

} By His Excellency Major General Philip Michael  
Jeffery, Companion of the Order of Australia, Officer  
of the Order of Australia (Military Division), Military  
Cross, Governor of the State of Western Australia.

I, the Governor, acting under section 2 of the *Acts Amendment (Mining and Petroleum) Act 1999* and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which the provisions of that Act come into operation.

Given under my hand and the Public Seal of the State on 13 July 1999.

By Command of the Governor,

N. F. MOORE, Minister for Mines.

GOD SAVE THE QUEEN !

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## SUPERANNUATION BOARD

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**SD301\***

Fire Brigades Superannuation Act 1985

### **Fire Brigades (Superannuation Fund) Amendment Regulations 1999**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Fire Brigades (Superannuation Fund) Amendment Regulations 1999*.

**2. The regulations amended**

The amendments in these regulations are to the *Fire Brigades (Superannuation Fund) Regulations 1986\**.

[\* Reprinted as at 11 October 1994.

*For amendments to 1 July 1999 see 1998 Index to  
Legislation of Western Australia, Table 4, pp. 96-8.]*

### 3. Regulation 3 amended

Regulation 3(1) is amended as follows:

- (a) by inserting the following definitions in the appropriate alphabetical positions —

“

“**accumulation account**” means the account kept for a member under regulation 16C;

“**preservation age**” in relation to a member, means the age at which, under the SIS standards, benefits which are required by those standards to be preserved, may be paid to the member;

“**SIS Act**” means the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth;

“**SIS standards**” means the standards in force under the SIS Act;

”;

- (b) in the definition of “maximum benefit” by deleting “regulation 20” and inserting instead —

“ regulation 18 ”;

- (c) in the definition of “partial and permanent disablement benefit” by deleting “regulation 21” and inserting instead —

“ regulation 19 ”.

### 4. Regulation 9A repealed

Regulation 9A is repealed.

### 5. Regulation 11 amended

- (1) Regulations 11(1a)(b), (1b) and (1c) are amended by deleting “the GESF” in each place where it occurs and inserting instead —

“ a GES scheme ”.

- (2) Regulation 11(2) is amended by deleting the definition of “GESF” and inserting instead —

“

“**GES scheme**” means the 1987 scheme or the 1993 scheme established under the *Government Employees Superannuation Act 1987*;

”.

**6. Regulation 14 amended**

Regulation 14(1), (2) and (3) are repealed and the following subregulation is inserted instead —

“

- (1) If a Category A member becomes a Category B member, the Superannuation Board is to credit to the member's accumulation account an amount equal to the benefit to which the member would have been entitled if the member had ceased to be in the employment of the employer on the day the member ceased to be a Category A member.

”.

**7. Regulation 15 amended**

Regulation 15(4), (5), (6), (6a) and (7) are repealed.

**8. Regulation 16C inserted**

After regulation 16B the following regulation is inserted in Part IV —

“

**16C. Accumulation accounts**

- (1) The Superannuation Board is to establish and maintain an accumulation account for each member.
- (2) The Superannuation Board is to credit to a member's accumulation account —
  - (a) any amounts to be credited to the member's accumulation account under regulation 14 or 20;
  - (b) any contributions made by the member under an agreement under regulation 37;
  - (c) any surplus funds allocated to the member under regulation 37A;
  - (d) any amounts transferred from other superannuation funds under regulation 38 that the Superannuation Board determines are to be credited to the member's accumulation account;
  - (e) for a Category A member, all contributions made by or for the member after the member has reached 65 years of age;
  - (f) for a category B member, all contributions made by or for the member; and
  - (g) interest in accordance with subregulation (4).

- (3) The Superannuation Board may debit to a member's accumulation account —
- (a) any tax payable by the Superannuation Board in respect of contributions credited to the account;
  - (b) amounts paid as benefits to, or in respect of, the member; and
  - (c) amounts transferred to other funds in satisfaction of the member's entitlement to a benefit.
- (4) At least once every year the Superannuation Board is to credit to each accumulation account interest on the balance of the account at the net fund earning rate.

”.

**9. Regulations 17 to 21 replaced**

Regulations 17 to 21 are repealed and the following regulations are inserted instead —

“

**17. Death benefit — Category A**

If a Category A member dies while still in the employment of the employer and before reaching 65 years of age, the Superannuation Board is to pay a benefit equal to —

- (a) an amount calculated in accordance with Schedule 1 using a membership period determined in accordance with Schedule 2; and
- (b) the balance of the member's accumulation account.

**18. Total and permanent disablement benefit — Category A**

If a Category A member leaves the employment of the employer as a result of total and permanent disablement before reaching 65 years of age, the member is entitled to a benefit equal to the benefit that would have been payable if the member had died on the last day on which the member received remuneration from the employer.

**19. Partial and permanent disablement benefit — Category A**

If a Category A member leaves the employment of the employer as a result of partial and permanent disablement before reaching 65 years of age, the member is entitled to a benefit equal to —

- (a) an amount calculated in accordance with Schedule 1; and
- (b) the balance of the member's accumulation account.

**20. Continuing in employment after 65 — Category A**

If a Category A member remains in the employment of the employer on the member's 65th birthday, the Superannuation Board is to credit to the member's accumulation account an amount calculated in accordance with Schedule 1 as if the member had ceased employment with the employer on that day.

**21. Leaving service benefit — Category A**

- (1) If a Category A member leaves the employment of the employer for any other reason the member is entitled to a benefit equal to —
  - (a) if the member is 65 years of age or older, the balance of the members accumulation account;
  - (b) if the member is over 55, but under 65, years of age —
    - (i) an amount calculated in accordance with Schedule 1; and
    - (ii) the balance of the member's accumulation account;or
  - (c) if the member is under 55 years of age —
    - (i) an amount calculated in accordance with Schedule 4; and
    - (ii) the balance of the member's accumulation account.
- (2) For the purposes of subregulation (1) a Category A member is taken to have left the employment of the employer if the member —
  - (a) is over 65 years of age and works for less than 10 hours a week; or
  - (b) is over 70 years of age and works for less than 30 hours a week.

**21A. Benefit — category B**

- (1) If a category B member dies while still in the employment of the employer the Superannuation Board is to pay a benefit equal to the balance of the member's accumulation account.
- (2) If a category B member —
  - (a) leaves the employment of the employer for any other reason;
  - (b) is over 65 years of age and works for less than 10 hours a week; or
  - (c) is over 70 years of age and works for less than 30 hours a week,

the member is entitled to a benefit equal to the balance of the member's accumulation account.

**21B. Payment of benefits**

- (1) Subject to this regulation and regulations 21C and 22, when a member becomes entitled to a benefit the Superannuation Board is to pay it to the member as a lump sum.
- (2) The Superannuation Board may, at the request of a member, transfer a benefit to which the member is entitled to another complying superannuation fund.
- (3) The Superannuation Board may transfer a benefit that is payable to or in respect of a member to an eligible rollover fund (as defined in the SIS Act) if that complies with the SIS standards.
- (4) If the Superannuation Board transfers a benefit under subregulation (2) or (3) —
  - (a) the receipt of the trustee of the fund to which it is transferred is a sufficient discharge to the Superannuation Board; and
  - (b) neither the Superannuation Board nor the employer is responsible for the payment, application or disposal of the benefit by that trustee.
- (5) In subregulation (2) —

**“complying superannuation fund”** means —

  - (a) a regulated superannuation fund (as defined in the SIS Act);
  - (b) an exempt public sector superannuation scheme (as defined in the SIS Act);
  - (c) a regulated approved deposit (as defined in the SIS Act); or



- (d) a retirement savings account (as defined in the *Retirement Savings Accounts Act 1997* (Commonwealth));

**21C. Preservation**

- (1) Despite any other provision in these regulations, the Superannuation Board must not pay a benefit to a member if that would be contrary to the SIS standards.
- (2) When the Superannuation Board is prohibited under subregulation (1) from paying a benefit, the Board is to hold the benefit in the member's accumulation account until payment is permitted or the benefit is transferred under regulation 39.

”.

**10. Regulations 23 and 23A replaced**

Regulations 23 and 23A are repealed and the following regulation is inserted instead —

“

**23. Employer may request increased benefit**

The Superannuation Board may, at the request of the employer, increase the benefit to which a member is entitled if the member ceased employment with the employer —

- (a) before reaching 55 years of age;
- (b) other than as a result of death, total and permanent disablement or partial and permanent disablement; and
- (c) for what were, in the employer's opinion, exceptional reasons.

”.

**11. Regulation 23B amended**

In regulation 23B(1) “under regulation 21” is deleted in both places where it occurs.

**12. Regulation 27 amended**

Regulation 27(4) is amended by deleting “*Mental Health Act 1962* to be the manager of the estate of the first-mentioned person or, if there is no such manager,” and inserting instead —

“

*Guardianship and Administration Act 1990* as the guardian of the first-mentioned person or, if no guardian has been appointed,

”.

**13. Regulation 30 amended**

Regulation 30(7) is amended by deleting “any requirement of the Commonwealth Act governing the forfeiture of benefits.” and inserting instead —

“ the SIS standards. ”.

**14. Regulation 32 amended**

Regulation 32(1) and (2) are amended by deleting “regulation 19(1) or 20” and inserting instead —

“ regulation 17 or 18 ”.

**15. Regulation 37 amended**

Regulation 37(1) is amended by deleting “, other than a Category B member,”.

**16. Regulation 37A amended**

Regulation 37A is amended by deleting “, in accordance with regulation 37B,”.

**17. Regulation 37B repealed**

Regulation 37B is repealed.

**18. Regulation 38 amended**

- (1) Regulation 38(3) is amended by deleting “, in the event of the member becoming entitled to a benefit under these regulations, be payable in the form of a preserved benefit in accordance with regulation 23A.” and inserting instead —

“

not be paid to the member unless payment is permitted under the SIS standards.

”.

- (2) Regulation 38(4) is repealed.

**19. Regulation 39 amended**

- (1) Regulation 39(1),(1a) and (4) are repealed.
- (2) Regulation 39(3) is amended by deleting “the benefit payable to or in respect of a member is paid or transferred pursuant to subregulation (1) or (1a) or if”.

**20. Regulation 40 amended**

Regulation 40(4)(c) is amended by deleting “regulation 20 or 21” and inserting instead —

“ regulation 18 or 19 ”.

**21. Regulation 41 amended**

Regulation 41(8) is amended by deleting  
“regulation 19(1)(a)(iii)” and inserting instead —

“

regulation 17 using a membership period determined  
under Schedule 2 paragraph (a)(iii)

”.

**22. Regulation 46 amended**

Regulation 46(3) is amended as follows:

- (a) by deleting “Commonwealth” in the 3 places where it  
occurs and inserting instead —

“ SIS ”;

- (b) in paragraph (f), by deleting “Commissioner” in the first  
place where it occurs and inserting instead —

“

Insurance and Superannuation Commissioner  
appointed under the *Insurance and  
Superannuation Commissioner Act 1987*  
(Commonwealth)

”.

**23. Regulation 47 amended**

After regulation 47(1) the following subregulation is inserted —

“

- (2) The Authority may, instead of conducting the election  
itself, engage the Electoral Commissioner under the  
*Electoral Act 1907* or any other independent person to  
conduct the election on behalf of the Authority.

”.

**24. Regulation 47A amended**

After regulation 47A(2) the following subregulation is  
inserted —

“

- (2a) The Authority may, instead of conducting the ballot  
itself, engage the Electoral Commissioner under the  
*Electoral Act 1907* or any other independent person to  
conduct the ballot on behalf of the Authority.

”.

**25. Schedules 1, 1A and 2 replaced**

Schedules 1, 1A and 2 are repealed and the following Schedules are inserted instead —

“

**Schedule 1 — Defined benefit**

[rr.17 - 21]

The amount calculated in accordance with this Schedule is B in the formula —

$$B = \frac{S}{365.25} \times 0.215 \times M$$

where —

- S is the member's final average salary;
- M is the number of days in the member's membership period.

**Schedule 2 — Membership period for death benefits**

[r. 17]

The number of days in a Category A member's membership period to be used for calculating the member's death benefit is —

- (a) if the member was a member on 1 November 1991 the greater of —
  - (i) M;
  - (ii) the lesser of —
    - (A) M + F; and
    - (B) 10 958 days;
  - and
  - (iii) the lesser of —
    - (A) 3 x F; and
    - (B) 10 958 days;
- or
- (b) otherwise, the greater of —
  - (i) M; and
  - (ii) the lesser of —
    - (A) M + F; and
    - (B) 10 958 days,

where —

- M is the number of days in the member's membership period up to the day before the member died;
- F is the number of days from the day the member died to the day before the day that would have been the member's 65th birthday.

”.

**26. Schedule 4 replaced**

Schedule 4 is repealed and the following Schedule is inserted instead —

“

**Schedule 4 — Leaving service benefit —  
Category A**

[r. 21(c)]

The amount calculated in accordance with this Schedule is B in the formula —

$$B = \frac{S}{365.25} \times 0.215 \times M \times \frac{1}{(1+r)^{\frac{n}{365.25}}}$$

where —

- S is the member's final average salary;
- M is the number of days in the member's membership period;
- r is a rate of interest, expressed as a percentage per annum, determined by the Superannuation Board on the advice of the actuary;
- n is the number of days from the day the member ceased employment with the employer to the member's 55th birthday.

”.

**27. Schedules 6C and 6D amended**

Schedules 6C and 6D are amended as follows:

- (a) at the end of the definition of variable “i”, by deleting “; and” and inserting a full stop instead;
- (b) by deleting “ $V = \frac{1}{1+i}$ ”.

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

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**TREASURY**

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**TY301\***

Fruit Growing Industry (Trust Fund) Repeal Act 1996

**Fruit Growing Industry (Trust Fund) Repeal  
Order 1999**

Made by the Treasurer under section 9.

**1. Citation**

This order may be cited as the *Fruit Growing Industry (Trust Fund) Repeal Order 1999*.

## 2. Status of the Account

The Treasurer is satisfied that there are no moneys in the Fruit Growing Industry Promotion Account established under section 5, and no moneys to be paid into the Account.

*[Note: Under section 9, the Act is repealed on publication of this order in the Gazette.]*

RICHARD COURT, Treasurer.

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## WATER

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WA301\*

Country Areas Water Supply Act 1947

## Lancelin Water Reserve Order 1999


Made by the Governor in Executive Council under section 9(1).

### 1. Citation

This order may be cited as the *Lancelin Water Reserve Order 1999*.

### 2. Lancelin Water Reserve

The land contained within the boundary —

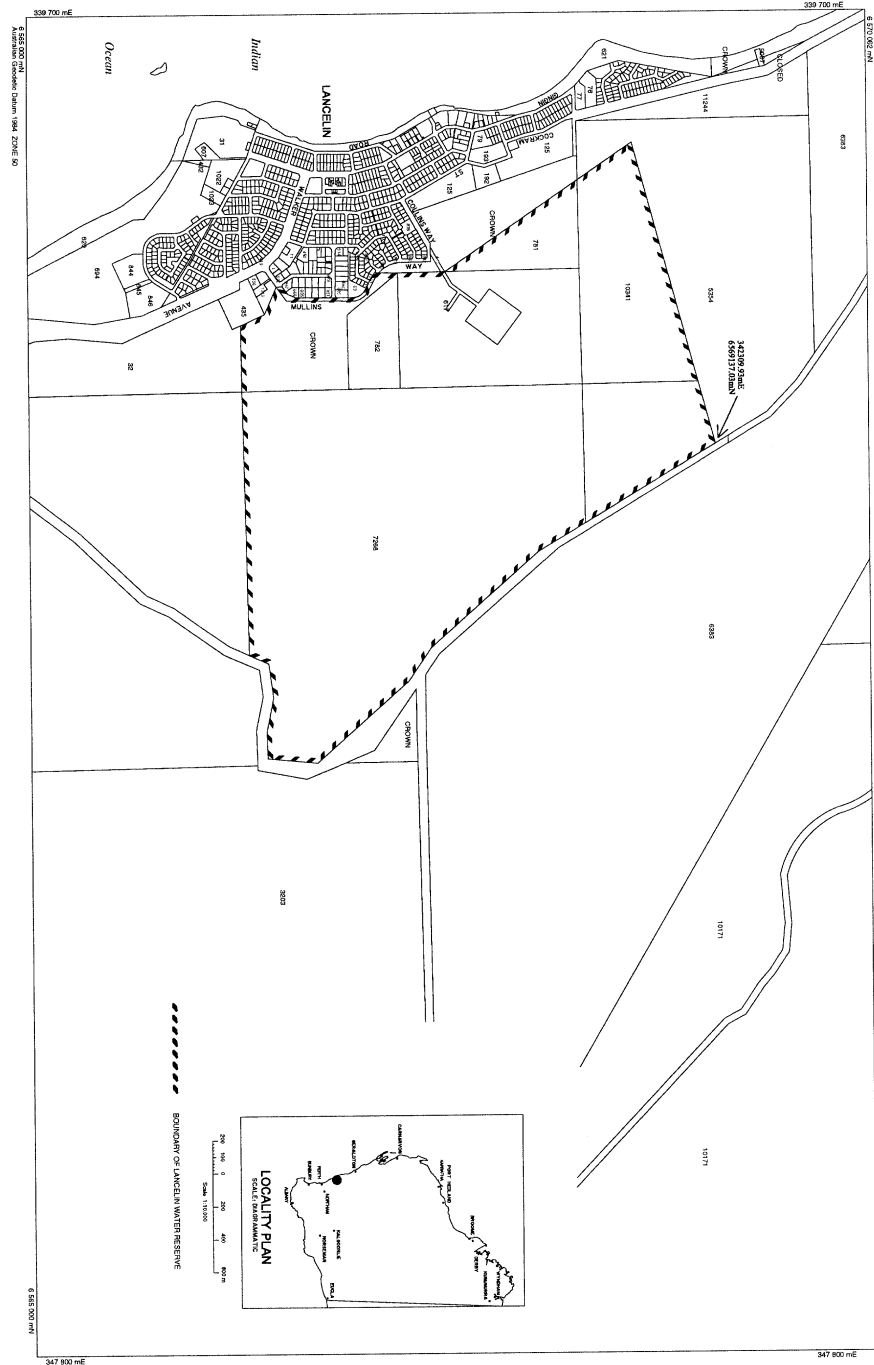
- (a) outlined  on plan WRC3147-01 held by the Water and Rivers Commission at its office at 3 Plain Street, East Perth; and
- (b) defined by straight lines connecting the Australian Map Grid coordinates (Australian Geodetic Datum 1984) for zone 50 specified on the annexure to the plan and extending along those coordinates in a clockwise direction from the first coordinate back to that coordinate,

is constituted the Lancelin Water Reserve.

### 3. Information plan of Lancelin Water Reserve

The Lancelin Water Reserve is represented for information purposes in the plan in Schedule 1.

[c1. 3]



ROD SPENCER, Clerk of the Executive Council.

WA302\*

Country Areas Water Supply Act 1947

## Seabird Water Reserve Order 1999

Made by the Governor in Executive Council under section 9(1).

### 1. Citation

This order may be cited as the *Seabird Water Reserve Order 1999*.

### 2. Seabird Water Reserve

The land contained within the boundary —

- (a) outlined **■■■■■** on plan WRC3171-01 held by the Water and Rivers Commission at its office at 3 Plain Street, East Perth; and
- (b) defined by straight lines connecting the Australian Map Grid coordinates (Australian Geodetic Datum 1984) for zone 50 specified on the annexure to the plan and extending along those coordinates in a clockwise direction from the first coordinate back to that coordinate,

is constituted the Seabird Water Reserve.

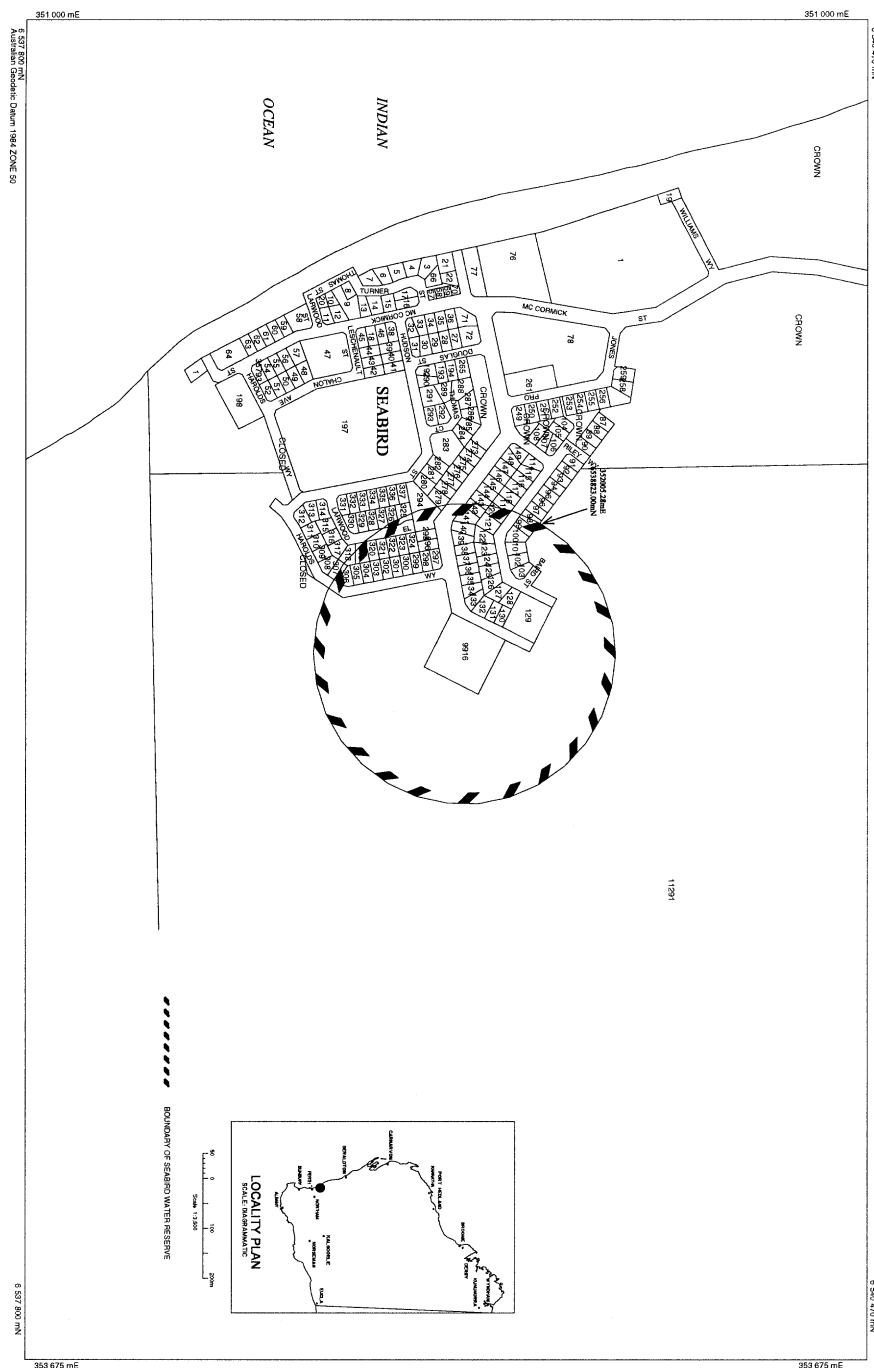
### 3. Information plan of Seabird Water Reserve

The Seabird Water Reserve is represented for information purposes in the plan in Schedule 1.



## Schedule 1 — Seabird Water Reserve

[cl. 3]



By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

WA303\*

Country Areas Water Supply Act 1947

## Guilderton Water Reserve Order 1999

Made by the Governor in Executive Council under section 9(1).

### 1. Citation

This order may be cited as the *Guilderton Water Reserve Order 1999*.

### 2. Guilderton Water Reserve

The land contained within the boundary —

- (a) outlined **///** on plan WRC3140-01 held by the Water and Rivers Commission at its office at 3 Plain Street, East Perth; and
- (b) defined by straight lines connecting the Australian Map Grid coordinates (Australian Geodetic Datum 1984) for zone 50 specified on the annexure to the plan and extending along those coordinates in a clockwise direction from the first coordinate back to that coordinate,

is constituted the Guilderton Water Reserve.

### 3. Information plan of Guilderton Water Reserve

The Guilderton Water Reserve is represented for information purposes in the plan in Schedule 1.

## [cl. 3]



WA304\*

Country Areas Water Supply Act 1947

## Gingin Water Reserve Order 1999

Made by the Governor in Executive Council under section 9(1).

### 1. Citation

This order may be cited as the *Gingin Water Reserve Order 1999*.

### 2. Gingin Water Reserve

The land contained within the boundary —

- (a) outlined **///** on plan WRC3295-01 held by the Water and Rivers Commission at its office at 3 Plain Street, East Perth; and
- (b) defined by straight lines connecting the Australian Map Grid coordinates (Australian Geodetic Datum 1984) for zone 50 specified on the annexure to the plan and extending along those coordinates in a clockwise direction from the first coordinate back to that coordinate,

is constituted the Gingin Water Reserve.

### 3. Information plan of Gingin Water Reserve

The Gingin Water Reserve is represented for information purposes in the plan in Schedule 1.

## Schedule 1 — Gingin Water Reserve

[cl. 3]



By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

## — PART 2 —

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### ENVIRONMENTAL PROTECTION

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**EP401\*****ENVIRONMENTAL PROTECTION ACT 1986****ENVIRONMENTAL IMPACT ASSESSMENT ADMINISTRATIVE PROCEDURES  
AMENDMENT 1999**

The Environmental Protection Authority gives notice that the Environmental Impact Assessment Administrative Procedures 1993 issued on 17 December 1993 pursuant to section 122 of the Environmental Protection Act 1986 are hereby amended to provide for two additional levels of assessment and to amend the time that a PER document is normally available for public review.

**5A. ADDITIONAL LEVELS OF ASSESSMENT****5A. (a) Expedited Assessment—(Environmental Protection Statement (EPS))**

This level of assessment would typically be applied to proposals that can readily be managed to meet the EPA's environmental objectives, where it is considered that Environmental Conditions set by the Minister for the Environment are required to ensure the proposal is implemented and managed in an environmentally acceptable manner, and where, in the judgement of the EPA, a formal public review period may be unnecessary.

An EPS may occur in one of two ways:

- (a) EPA initiated EPS. The EPA may set this level of assessment through the usual filtering process if it is of the view that a proposal may not have required consideration at a formal level (CER/PER/ERMP) but would benefit from the setting of Environmental Conditions by the Minister for the Environment.

The key steps in the procedure for an EPA initiated EPS are shown in points 6 to 10 under the assessment for the procedure for a Proponent-initiated EPS.

- (b) A proponent-initiated EPS. This approach would generally be triggered by the proponent approaching the EPA at an early stage in conceptualising a project. In preparing an EPS a proponent would be expected to have extensive consultation with the public prior to referring the EPS to the EPA. Once engaged in the EPS process, a proponent would have the right to withdraw from the EPS process at any time to engage in an alternative level of assessment, and could do so by formally referring the proposal to the EPA.

**Procedure for Proponent-initiated EPS**

In the case of a proponent-initiated EPS, the EPA will provide guidance to the proponent on the environmental issues or factors which will need to be addressed, and these may range from many factors to a limited number of factors, depending upon the circumstances.

Where proponents have been given an indication that this level of assessment may be appropriate, they should consult with the Department of Environmental Protection and other identified stakeholders in the preparation of an Environmental Protection Statement which would form the referral documentation (see Section 8.1 of this document). For some types of proposals preparing an EPS should be straightforward. However, because of the necessity to consult with stakeholders and the public in the preparation of satisfactory EPS documentation, the fact that a proponent has undertaken to prepare an EPS should not be taken as a prior commitment by the EPA that this level of assessment will be applied when the proposal is finally referred.

For this level of assessment to be set a proponent's Environmental Protection Statement will need to demonstrate to the EPA that:

- (a) the community and key stakeholders, including DMA's, have been adequately consulted and their views taken into account;
- (b) all necessary studies have been undertaken in a competent manner;
- (c) the results of studies have been incorporated into the design and intended operation and management of the proposal;
- (d) the proposal conforms with applicable environmental guidelines, policies, standards and procedures;
- (e) the required environmental factors have been adequately addressed;
- (f) the required environmental management commitments have been made; and
- (g) suggested draft Environmental Conditions are included for consideration by the EPA.

The following is a summary of the assessment procedure that will apply to this level of assessment:

1. The proponent approaches the Chairman of the EPA to discuss the practicality of using the expedited assessment approach (Environmental Protection Statement (EPS)) for a particular proposal.
2. EPA gives an indication to the proponent that the proposal may be able to be assessed as an EPS and provides guidance, where appropriate, on the content of the environmental review documentation. The EPA may also provide suggestions about people or groups that the proponent should contact for consultation purposes.
3. The EPA advertisement in the Saturday West Australian will contain a section giving advance notice of the projects for which proponents are preparing an EPS and indicating:
  - that the level of assessment for these projects has not yet been set by the EPA;
  - that there are no appeal rights until the level of assessment has been set;
  - that anyone interested in any of the projects that may be handled through an EPS should contact the proponent if they require information or wish to be part of the consultation process; and
  - whether the EPS will need to cover all environmental issues or factors, or only a few.
4. Proponent prepares EPS in consultation with stakeholders and other interested parties.
5. EPA receives the final EPS documentation as the referral document. In most instances the proponent's documentation would contain suggested draft environmental conditions for consideration by the EPA.
6. EPA sets level of assessment as "Environmental Protection Statement" and makes public the EPS along with the EPA Report under section 44 of the EP Act, including the proposed Environmental Conditions and Procedures.
7. EPA advertises the EPS level of assessment and the availability of the EPS and the EPA Report in its advertisement in the Saturday West Australian. (The proponent is responsible for providing adequate copies of the EPS for distribution in a package with the EPA Report).

Points 8 to 10 below are about the appeals system. This is a Ministerial process, but the steps have been included here to provide information that links the assessment and the appeals process for each proposal.

8. Appeals on level of assessment and/or on the contents of EPA Report (run concurrently).
9. The Minister for the Environment determines the appeals and seeks agreement from decision-making authorities on whether or not, and in what manner the proposal may be implemented. There are two possible outcomes:
  - (a) If an appeal on level of assessment is upheld by the Minister for the Environment, the proposal would be referred back to the EPA under Section 43 of the EP Act to be assessed more fully or more publicly. The EPA would be likely to require a PER or ERMP level of assessment.
  - (b) If an appeal on level of assessment is dismissed, any appeals on aspects of the Report can be dealt with by the Minister through the usual process for determining appeals.
10. The Minister for the Environment issues a Statement (with Environmental Conditions and Procedures) that the proposal may or may not be implemented.

5A. (b) Proposal is Unlikely to be Environmentally Acceptable (PUEA)

When some proposals are referred to the EPA it will rapidly become evident during examination of the proposal that it cannot meet the EPA's environmental objectives. A quick response that this is likely will save proponent time and money. This level of assessment would apply to proposals that are clearly in contravention of established or applicable environmental standards or procedures, could not be reasonably modified to meet the EPA's environmental objectives, or are proposed for a particularly sensitive location. It is likely that it would only be necessary to use the PUEA level of assessment a few times in any year.

Where a PUEA is indicated, the EPA Chairman would have discussions with the proponent to try and achieve a better project location and/or design, or withdrawal of the proposal, prior to deciding on this level of assessment. In addition, it should be noted that at any stage prior to the PUEA level of assessment being advertised a proponent may withdraw the proposal or may refer a new proposal to the EPA for assessment.

For a PUEA, the EPA will, following consultations with the proponent:

- advertise the level of assessment in its advertisement in the Saturday West Australian newspaper;
- make the referral and any other documentation provided by the proponent available for public scrutiny upon advertising the level of assessment; and
- makes public the proposal and a statement of reasons, in the form of a report under section 106 of the EP Act, as to why the proposal is unlikely to be found environmentally acceptable.

The following is a summary of the assessment procedure that will apply to this level of assessment:

1. The proposal is referred to the Chairman of the EPA.
2. When the Chairman is of the view that the proposal is clearly in contravention of established or applicable environmental standards or procedures, or could not be reasonably modified to meet the EPA's environmental objectives, or is proposed for a particularly sensitive location, the Chairman would meet with the proponent to indicate that the assessment level is likely to be set at "Proposal Unlikely to be Environmentally Acceptable" and to encourage the proponent to withdraw the proposal and/or submit a new, significantly modified proposal (in terms of project design and/or location).
3. If the proponent decides to proceed with the original proposal, EPA sets level of assessment as "Proposal Unlikely to be Environmentally Acceptable".
4. When the level of assessment is advertised, the EPA makes public the proposal as well as a statement of reasons, as to why the proposal is unlikely to be found environmentally acceptable.
5. The proponent, DMA's or any other relevant person are advised of the level of assessment.  
Points 6 and 7 below are about the appeals system. This is a Ministerial process, but the steps have been included here to provide the information that links the assessment and the appeals process for each proposal.
6. The proponent or any other person may appeal to the Minister for the Environment to have the proposal assessed more fully or more publicly.
  - (a) If an appeal on level of assessment is upheld by the Minister for the Environment, it would be referred back to the EPA by the Minister as required under Section 43 of the EP Act to be assessed more fully or more publicly. In order to comply with the request to assess more fully or more publicly the EPA would require a PER or ERMP level of assessment and the proposal could not proceed to an expedited assessment.
  - (b) If the appeals on level of assessment are dismissed the EPA would provide its Report under section 44 to the Minister for the Environment. The proponent or any other person could appeal on the contents of or any recommendations in the EPA's Report.
7. The Minister determines the appeals on the Report through the usual process.
  - (a) If an appeal on the section 44 Report is dismissed by the Minister for the Environment, the Minister would issue a Statement that the proposal may not be implemented.
  - (b) If the Minister is of the view that an appeal on the contents of or any recommendations in the section 44 Report has substance, the Minister for the Environment would refer that matter back to the EPA under Section 43 of the EP Act to be assessed more fully or more publicly.

#### Amendment to 5.3(b) Public Environmental Review (PER)

The public review period for a PER document has been amended to enable the review period to be specified as being between four and ten weeks. The length of public review specified by the EPA is appealable.

## EP402\*

### ENVIRONMENTAL PROTECTION ACT 1986

#### PUBLIC COMMENT INVITED

#### REVIEW OF THE ENVIRONMENTAL PROTECTION (OZONE PROTECTION) POLICY 1993

The Environmental Protection Authority has prepared a review of the existing Environmental Protection (Ozone Protection) Policy 1993 to establish the effectiveness of the Policy in minimizing the discharge of ozone-depleting substances to the environment.

The Environmental Protection Authority has prepared a new draft Environmental Protection Policy. In accordance with section 26 (d) of the Environmental Protection Act 1986, the Environmental Protection Authority invites submissions from the public on the new draft policy.

Copies of the new draft Policy are available free of charge from the Department of Environmental Protection offices at—

- the public reading room, 8th Floor, 141 St Georges Terrace, Perth;
- the premises of the Department at SGIO Building, Welcome Road, Karratha, Western Australia 6714;
- the premises of the Department at 165, Gilmore Avenue, Kwinana, Western Australia 6167;
- the premises of the Department at 10th Floor, Bunbury Tower, 61 Victoria Street, Bunbury, Western Australia, 6231; and
- the premises of the Department at 5 Burges Street, Geraldton, Western Australia, 6530.



Interested people and organisations are invited to submit written comments by 31 October 1999, which should be addressed to—

The Chairman  
Environmental Protection Authority  
Westralia Square  
141 St Georges Terrace  
Perth WA 6000  
Attention: Ms Geoff Fulford  
Telephone: 9222 7131

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## FAMILY AND CHILDRENS SERVICES

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**FA401**

### **ADOPTION ACT 1994**

#### **LICENCE FOR CONTACT AND MEDIATION**

I hereby certify that Alison Wolf is licensed to conduct contact and mediation services in the State of Western Australia in accordance with the Adoption Act 1994, Adoption Regulations 1995 and the Code of Practice (Contact and Mediation Agencies) 1995.

This licence is issued for a period of three years from 31 May 1999.

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

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## LOCAL GOVERNMENT

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**LG401**

### **SHIRE OF NORTHAMPTON**

#### **Appointment of Authorised Officers**

It is hereby notified for public information that the following persons have been appointed as authorised officers for the purposes of—

Local Laws Relating to Reserves and Foreshores

Murray Guerin and John McLaren

Local Laws Relating to Signs

Garry Keffe, Darren Long, Phillip Shephard, Ian Davidson, Brett Bain and Sam Smith.

G. L. KEEFFE, Chief Executive Officer.

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## MINERALS AND ENERGY

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**MN401\***

Commonwealth of Australia

### **PETROLEUM (SUBMERGED LANDS) ACT 1967**

#### **NOTICE OF RENEWAL OF EXPLORATION PERMIT**

EXPLORATION PERMIT No. WA-192-P held by: Tap (Harriet) Pty Ltd, New World Oil & Developments Pty Limited, Apache UK Limited, Apache Harriet Pty Limited, Apache Varanus Pty Limited, Texaco Australia Pty Ltd, Apache Northwest Pty Ltd, British-Borneo Australia Limited and Kufpec Australia Pty Ltd has been renewed to have effect for a period of five (5) years from the 9th day of July 1999.

W. L. TINAPPLE, Director Petroleum Division.

**MN402****MINING ACT 1978****NOTICE OF INTENTION TO FORFEIT**

Department of Minerals & Energy,  
Perth WA 6000.

In accordance with Regulation 50(b) of the Mining Act, 1978, notice is hereby given that unless the rent due on the undermentioned licences and leases is paid on or before 27 August 1999, it is the intention of the Hon. Minister for Mines under the provisions of Sections 96A(1) and 97(1) of the Mining Act, 1978-1983 to forfeit such for breach covenant, viz, non-payment of rent.

L. C. RANFORD, Director General.

Number	Holder	Mineral Field
<b>Exploration Licences</b>		
08/713	Mustang Nominees Pty Ltd Tallside Nominees Pty Ltd	Ashburton
09/836	Astro Mining NL	Gascoyne
09/837	Astro Mining NL	Gascoyne
09/838	Astro Mining NL	Gascoyne
21/72	Central Bore NL	Murchison
28/602	Heron Resources NL	North East Coolgardie
29/264	Centaur Mining & Exploration Ltd	North Coolgardie
29/297	Western Diamond Corporation NL	North Coolgardie
29/298	Western Diamond Corporation NL	North Coolgardie
29/299	Western Diamond Corporation NL	North Coolgardie
29/333	John Ewald Hoppmann (deceased)	North Coolgardie
36/307	Heron Resources NL	East Murchison
36/361	Fangio Investments Pty Ltd	East Murchison
37/463	Dalla Costa, Melville Raymond	Mt Margaret
38/626	Kulla Pty Ltd	Mt Margaret
38/782	Kulla Pty Ltd	Mt Margaret
38/783	Kulla Pty Ltd	Mt Margaret
38/784	Kulla Pty Ltd	Mt Margaret
38/786	Kulla Pty Ltd	Mt Margaret
38/1042	Linke, William Roy	Mt Margaret
	Matusik, Eryk	
39/505	Target Mining Corporation Ltd	Mt Margaret
45/1678	Lynas Gold NL	Pilbara
46/442	Legendre, Bruce Robert	Pilbara
47/618	Dalrymple Resources NL	West Pilbara
47/862	Winterfall Pty Ltd	West Pilbara
53/636	Madigan, Michael	East Murchison
53/690	Eureka Stockdale Pty Ltd	East Murchison
58/175	Fargo Investments Pty Ltd	Murchison
59/676	Seivwright, Daniel Kevin	Yalgoo
63/467	Terra Firma Resources NL	Dundas
63/536	Pan Australian Exploration Pty Ltd	Dundas
63/537	Pan Australian Exploration Pty Ltd	Dundas
63/553	Fangio Investments Pty Ltd	Dundas
63/563	Pan Australian Exploration Pty Ltd	Dundas
63/603	Gold Partners NL	Dundas
63/604	Gold Partners NL	Dundas
69/1231	Gold Partners NL	Warburton
70/1450	Rio Tinto Exploration Pty Ltd	South West
70/1451	Rio Tinto Exploration Pty Ltd	South West
70/1452	Rio Tinto Exploration Pty Ltd	South West
70/1453	Rio Tinto Exploration Pty Ltd	South West
70/1495	Rio Tinto Exploration Pty Ltd	South West
70/1551	Enmic Pty Ltd	South West
70/1562	Sipa Exploration NL	South West
70/1579	Rio Tinto Exploration Pty Ltd	South West
80/2131	Burdekin Resources NL	Kimberley
<b>Mining Leases</b>		
15/576	St Francis Mining NL	Coolgardie
16/86	Centaur Mining & Exploration Ltd	Coolgardie
16/88	Australasian Gold Mines NL	Coolgardie
16/164	Centaur Mining & Exploration Ltd	Coolgardie
20/109	Castle Hill Resources NL	Murchison
20/110	Castle Hill Resources NL	Murchison
20/120	Emerald Square Pty Ltd	Murchison
	Jewellery International Bvba, Nelson, Gary Steinkalik, Sylvain	

Number	Holder	Mineral Field
<i>Mining Leases—continued</i>		
20/193	Castle Hill Resources NL	Murchison
20/194	Castle Hill Resources NL	Murchison
20/196	Castle Hill Resources NL	Murchison
20/322	Central Bore NL	Murchison
21/12	Goldview Corporation Pty Ltd	Murchison
21/13	Goldview Corporation Pty Ltd	Murchison
24/113	Centaur Mining & Exploration Ltd	Broad Arrow
24/193	Centaur Mining & Exploration Ltd	Broad Arrow
24/194	Centaur Mining & Exploration Ltd	Broad Arrow
24/195	Centaur Mining & Exploration Ltd	Broad Arrow
24/196	Centaur Mining & Exploration Ltd	Broad Arrow
24/211	Centaur Mining & Exploration Ltd	Broad Arrow
24/220	Astro Mining NL	Broad Arrow
24/224	Centaur Mining & Exploration Ltd	Broad Arrow
24/229	Centaur Mining & Exploration Ltd	Broad Arrow
24/366	Centaur Mining & Exploration Ltd	Broad Arrow
38/340	Green, Peter Donald Rymer, Gregory Arthur	Mt Margaret
45/346	Elazac Mining Pty Ltd	Pilbara
45/357	Elazac Mining Pty Ltd	Pilbara
45/368	Fletcher, Paul Rodney Marshall, William John	Pilbara
45/438	Pilbara Mines NL Elazac Mining Pty Ltd Haoma Mining NL WMC Resources Ltd	Pilbara
45/480	Bamboo Gold Mines NL Haoma Mining NL Kitchener Mining NL	Pilbara
45/481	Bamboo Gold Mines NL Haoma Mining NL Kitchener Mining NL	Pilbara
45/547	Elazac Mining Pty Ltd	Pilbara
45/683	Thompson, Mark James	Pilbara
46/45	Anzoil (NZ) NL Capricorn Resources Australia NL Jeppe, Carl Peter Jonathon	Pilbara
46/64	Erlistoun Gold NL	Pilbara
47/141	Hunter Resources Pty Ltd	West Pilbara
47/142	Hunter Resources Pty Ltd	West Pilbara
47/143	Hunter Resources Pty Ltd	West Pilbara
47/144	Hunter Resources Pty Ltd	West Pilbara
47/252	Australian Nickel Mines NL	West Pilbara
47/253	Australian Nickel Mines NL	West Pilbara
53/274	Elmina NL	East Murchison
53/344	Great Central Mines Ltd	East Murchison
53/345	Great Central Mines Ltd	East Murchison
57/249	Garbutt, Robert Sydney Sheppard, Robert Ernest John Wirraminna Gold NL	East Murchison
59/322	Barlow, Bruce William Marianna, Robert Dela	Yalgoo
59/323	Barlow, Bruce William Marianna, Robert Dela	Yalgoo
59/324	Higbee, Michael William Hustvedt, Karl Amandus	Yalgoo
63/148	Gypsum Sales of Australia Pty Ltd	Dundas
63/211	Inland Gold Mines NL Kings Minerals NL	Dundas
63/213	Inland Gold Mines NL Kings Minerals NL	Dundas
70/521	Glover, Harold Victor	South West
77/592	Resource Supply Services Pty Ltd Rutherford, Gregory Malcolm Rutherford, John Walter Rutherford, Thomas Malcolm	Yilgarn
80/267	Elmina NL	Kimberley
80/268	Elmina NL	Kimberley
80/269	Elmina NL	Kimberley

Number	Holder	General Purpose Leases	Mineral Field
16/11	Australasian Gold Mines NL		Coolgardie
16/12	Australasian Gold Mines NL		Coolgardie
16/13	Australasian Gold Mines NL		Coolgardie
16/14	Australasian Gold Mines NL		Coolgardie
47/41	Dumpna Pty Ltd		West Pilbara

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

Department of Minerals and Energy,  
Coolgardie WA 6430.

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

P. G. THOBAVEN, Warden.

To be heard in the Warden's Court, Coolgardie on the 13th September, 1999.

**COOLGARDIE MINERAL FIELD***Prospecting Licences*

15/3344—Cole, Thomas Craham; Miller, Agnes Veronica; Leahy, Timothy John  
 15/3860—Pollock, George Leo; Williams, Neal Daniel  
 15/3864—Maconachie, Karina Michelle  
 15/3867—Ertech Pty Ltd  
 15/3868—Pollock, George Leo; Smyth, Glenice; Smyth, Richard John  
 16/1473—Radisich, Dennis; Court, Edward Robert; McManus, Maureen Alice  
 16/1474—Radisich, Dennis; Court, Edward Robert; McManus, Maureen Alice

**MN404****MINING ACT 1978****NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Minerals and Energy,  
Kalgoorlie WA 6430.

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

Warden.

To be heard in the Warden's Court, Kalgoorlie on the 10th September, 1999.

**BROAD ARROW MINERAL FIELD**

24/2848—Astro Mining NL  
 24/2850—Astro Mining NL  
 24/2852—Astro Mining NL  
 24/2849—Astro Mining NL  
 24/3332—Grill Julian Fletcher; Hiles, Douglas John; Smith Suzanne Florence; Never Can Tell Mining & Exploration Company Pty Ltd  
 24/3333—Grill Julian Fletcher; Hiles Douglas John; Smith Suzanne Florence; Never Can Tell Mining & Exploration Company Pty Ltd  
 24/3334—Grill Julian Fletcher; Hiles Douglas John; Smith Suzanne Florence; Never Can Tell Mining & Exploration Company Pty Ltd  
 24/3336—Grill Julian Fletcher; Hiles Douglas John; Smith Suzanne Florence; Never Can Tell Mining & Exploration Company Pty Ltd

- 24/3337—Grill Julian Fletcher; Hiles Douglas John; Smith Suzanne Florence; Never Can Tell Mining & Exploration Company Pty Ltd  
 24/3338—Grill Julian Fletcher; Hiles Douglas John; Smith Suzanne Florence; Never Can Tell Mining & Exploration Company Pty Ltd.  
 24/3339—Grill Julian Fletcher; Hiles Douglas John; Smith Suzanne Florence; Never Can Tell Mining & Exploration Company Pty Ltd

## EAST COOLGARDIE MINERAL FIELD

- 26/2729—Timbarra Nominees Pty Ltd  
 26/2731—Timbarra Nominees Pty Ltd  
 26/2733—Timbarra Nominees Pty Ltd  
 26/2813—Kempthorne, Geoffrey Michael

## NORTH EAST COOLGARDIE MINERAL FIELD

- 27/1408—Heron Resources NL  
 27/1409—Heron Resources NL  
 27/1412—Heron Resources NL  
 27/1414—Heron Resources NL  
 27/1420—Heron Resources NL

## NORTH COOLGARDIE MINERAL FIELD

- 30/908—Hiles, Douglas John

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**PARLIAMENT**


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**PA401\***

## PARLIAMENT OF WESTERN AUSTRALIA

## Bills Assented To

It is hereby notified for public information that the Deputy of the Governor has Assented in the name and on behalf of Her Majesty the Queen, on the dates shown, to the undermentioned Bills passed by the Legislative Council and the Legislative Assembly during the Second Session of the Thirty-Fifth Parliament.

Short Title of Bill	Date of Assent	Act No
Appropriation (Consolidated Fund) Act (No.1) 1999	7 July 1999	28 of 1999
Appropriation (Consolidated Fund) Act (No.2) 1999	7 July 1999	29 of 1999
Loan Act 1999	7 July 1999	30 of 1999
Year 2000 Information Disclosure Act 1999	7 July 1999	31 of 1999

July 19, 1999

IAN ALLNUTT, Acting Clerk of the Parliaments.

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**PLANNING**


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

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*CITY OF ALBANY*

## TOWN PLANNING SCHEME No. 1A—AMENDMENT No. 118

Ref: 853/5/2/15 Pt 118

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Albany Town Planning Scheme Amendment on 15 July, 1999 for the purpose of—

1. Rezoning a portion of Lot 12 of Plantagenet Location 45 McLeod Street, Miramar, Albany, from the Parks and Recreation reserve to the Residential zone with an R20 density coding.
2. Amending the Scheme Maps accordingly.

K. MICHAEL, Chairman of Commissioners.  
 E. H. KELLY, Chief Executive Officer.

**PD402\*****TOWN PLANNING AND DEVELOPMENT ACT, 1928****ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT***CITY OF ALBANY***TOWN PLANNING SCHEME No. 3—AMENDMENT No. 142**

Ref: 853/5/4/5 Pt 142

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Albany Town Planning Scheme Amendment on 13 July, 1999 for the purpose of—

1. Rezoning a portion of Part Lot 29 of Location 520 Elizabeth Street and Norwood Road, Lower King from the Rural zone to the Residential Development zone.
2. Amending the Scheme Maps accordingly.

K. MICHAEL, Chairman of Commissioners.  
E. H. KELLY, Chief Executive Officer.

**PD403****TOWN PLANNING AND DEVELOPMENT ACT, 1928****ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT***CITY OF BUNBURY***TOWN PLANNING SCHEME No. 6—AMENDMENT No. 215**

Ref: 853/6/2/9 Pt 215

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Bunbury Town Planning Scheme Amendment on 13 July, 1999 for the purpose of—

1. Rezone portion of Lot 14 Spencer Street and portion of road reserve on Edward Street from "Special Use—Hospital" to "Special Use—City Centre" zone.
2. Rezone portion of Lot 14 Spencer Street from "Commercial A" to "Special Use—City Centre" zone.
3. Delete Item No. 19 of "Appendix IV—First Schedule: Special Uses" which covers Lots 2, 13 etc Edward Street and Parkfield Street.
4. Rezone the front portion of Lots 11 and 12 Sampson Road from "Residential R15" to "Special Use—City Centre" zone.
5. Recode the front portion of Lots 11 and 12 Sampson Road from "R15" to "R20."
6. Amend the Policy Area Boundaries to include Lot 14 Spencer Street and portion of Lots 11 and 12 Sampson Road within Policy Area 4—Central Business District.
7. Including portion of Lot 14 Spencer Street, portion of Lot 11 and 12 Sampson Road and portion of road reserve on Edwards Street within Appendix IV—First Schedule—"Special Uses" of the Scheme text, as follows—

**Schedule No. 1—Special Uses**

Description of Land (Lot etc)	Permitted Uses	Development Conditions
Lot 14 Spencer Street and portion of Lots 11 and 12 Sampson Road, Bunbury	All permitted uses ("P" and "AA") as detailed within the "Central Business District Zone," are subject to the "AA" provisions of the Scheme and the provisions of Policy Area No. 4— Central Business District as listed under Part 4, Clause 4.3 of the Scheme Text	Land Use Planning (i) Council shall consider all land use and development proposals on Lot 14 Spencer Street and portion of Lots 11 and 12 Sampson Road in accordance with an overall Development Guide Plan approved by Council prior to the issue of a development approval addressing the following matters— <ul style="list-style-type: none"> <li>• Overall site layout</li> <li>• Description of proposed land uses</li> <li>• Residential densities (if applicable)</li> <li>• Vehicle ingress and egress to the site</li> <li>• On site and street car parking arrangements</li> </ul>

Schedule No. 1—Special Uses—*continued*

Description of Land (Lot etc)	Permitted Uses	Development Conditions
		<ul style="list-style-type: none"> <li>• Landscaping and aesthetics</li> <li>• Traffic management</li> <li>• Relationship of land uses and their internal integration</li> <li>• Relationship of the proposed land uses to the Central Business District</li> <li>• Integration of the development with adjoining land</li> <li>• Servicing requirements including sewerage, water, power, gas etc</li> <li>• Compliance with relevant Scheme provisions</li> <li>• Pedestrian access and walkways</li> <li>• Land tenure and any management agreements</li> <li>• Interface with existing residential land uses</li> <li>• Treatment of heritage buildings on Spencer Street</li> <li>• Any other matters which may be considered by Council relevant to the site.</li> </ul>
		<p>(ii) All residential development shall be in accordance with the Development Guide Plan. Permanent residential development shall not exceed the equivalent of R100 (Special Use: City Centre Zone) and R20 (Residential Zone) standards of the Residential Planning Codes. Non residential development shall be in accordance with the provisions of Council's Town Planning Scheme and any relevant Council policies.</p>
		<p>(iii) Development shall generally be in accordance with the requirements of Policy Area No. 4 (Part IV Policies and Zonings, Clause 4.3 of Council's Town Planning Scheme).</p>
		<p>(iv) Council will require the preparation of development design guidelines to the satisfaction of Council prior to any development occurring on the sites.</p>
		<p>(v) All office and commercial development should encourage a <u>Mainstreet</u> type of development particularly along the Spencer and Edward Street frontage of the site.</p>
		<p>(vi) Council shall not grant planning approval to any development of the subject site unless it is satisfied that—</p> <p>(a) The design and siting of any new buildings and the materials used will not create an adverse impact on the visual amenity of the area.</p>



Description of Land (Lot etc)	Schedule No. 1—Special Uses— <i>continued</i>	Development Conditions
	Permitted Uses	
		(b) Colours, materials and character of the development is in keeping with the amenity of the area, particularly with regard to the development interface with adjoining residential and historical buildings in the area.
		(c) The development of the subject site demonstrates an overall integration with the CBD.
		(vii) No new buildings within the subject site shall exceed 4 storeys in height above the natural ground level.
		(viii) Council shall require the preparation and implementation of a landscaping plan as a condition of approval to any land use proposed or development application.
		(ix) Council shall encourage the design of buildings suitable for mixed use development which compliments the expansion of the Central Business District area and promotes the principles of "New Urbanism" design.
		(x) A comprehensive car parking plan and traffic management plan shall be submitted to Council with any development application. Car parking shall be provided in accordance with the requirements of Council Town Planning Scheme No. 6 Part VII, Clause 7.1. (The provision of Clause 7.3—Central Business District Car Parking Strategy—shall not apply to this particular zone).
8. Amend the Scheme Maps accordingly.		

G. M. CASTRILLI, Mayor.  
G. P. BRENNAN, Chief Executive Officer.

**PD404\*****TOWN PLANNING AND DEVELOPMENT ACT, 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*CITY OF CANNING*

## TOWN PLANNING SCHEME No. 40—AMENDMENT No. 85

Ref: 853/2/16/44 Pt 85

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Canning Town Planning Scheme Amendment on 13 July, 1999 for the purpose of—

## 1. SCHEME MAP MODIFICATION

Designating 21 Woodthorpe Drive (Lot 28), Willetton, to indicate additional use in Serial No 78 of Appendix 5, Schedule of Additional or Prohibited Uses.



## 2. SCHEME TEXT MODIFICATION

Adding the following to Appendix 5, Schedule of Additional or Prohibited Uses:

No	Lot	Address	Uses which may be prohibited or permitted in addition to those permitted by the Zoning Table	Additional Development Requirements
78	28	21 Woodthorpe Drive, Willetton	Place of Public Worship	Development is not to include any second storey windows facing towards adjacent residential properties, and designed to minimise the impact on adjacent residential properties.

M. S. LEKIAS, Mayor.  
I. F. KINNER, Chief Executive Officer.

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

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*CITY OF CANNING*

## TOWN PLANNING SCHEME No. 40—AMENDMENT No. 92

Ref: 853/2/16/44 Pt 92

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Canning Town Planning Scheme Amendment on 15 July, 1999 for the purpose of amending the Scheme Text as follows—

## Subclause 2.1.10—Power to Deal with Reserved Land

1. Deletion of the words "... unless that use or purpose is permitted by the Scheme."
2. Addition of the following passage to the end of Subclause 2.1.10—  
"... unless that use has been approved pursuant to the provisions of Subclauses 2.1.6, 2.1.7, 2.1.8 and 2.1.9, or established on site for a consequential purpose by a person or body acting pursuant to powers in a State or Commonwealth."

M. S. LEKIAS, Mayor.  
I. F. KINNER, Chief Executive Officer.

**PD406****TOWN PLANNING AND DEVELOPMENT ACT, 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*CITY OF COCKBURN*

## DISTRICT ZONING SCHEME No. 2—AMENDMENT No. 191

Ref: 853/2/23/19 Pt 191

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Cockburn Town Planning Scheme Amendment on 13 July, 1999 for the purpose of—

1. Inserting a new part to the scheme text titled PART 11. POLICIES and inserting the following clauses—
  - 11.1 Adoption and Amendment of Policies
    - 11.1.1 The procedure for adoption and amendment of a policy as a Clause 11 Policy shall be as follows—
      - (a) The Council having prepared and adopted a draft Policy shall advertise the draft policy by way of a notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area and by such other methods as the Council may consider appropriate to ensure notice of the draft Policy, giving details of where the draft Policy may be inspected, the subject and nature of the draft Policy and in what form and during what period (being not less than 21 days from the date specified in the notice) submissions may be made.

- (b) The Council shall carry out such other consultations as it thinks fit.
- (c) The Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.
- (d) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.
- 11.1.2 Where, in the opinion of the Council, the provisions of any Policy affect the interests of the Commission, a copy of the Policy shall be forwarded to the Commission.
- 11.2 Amendment of Policy
  - 11.2.1 Policies of the Council which have been adopted under this Clause as Clause 11 Policies will be incorporated into the Council's policy manual.
  - 11.2.2 The Council shall not amend a Clause 11 Policy, otherwise than under the provisions of this Scheme.
  - 11.2.3 The procedure for adopting an amendment to a Clause 11 Policy shall be as follows—
    - (a) In the case of a substantial amendment the Council shall before its adoption of the amendment as an amendment to the relevant Clause 11 Policy, undertake the procedures referred to in Clause 11.11.11;
    - (b) If in the opinion of the Council an approved amendment does not involve a substantial alteration to the policy, or would not have any significant impact on any person affected by the policy, the Council may resolve to adopt such an amendment as an amendment to the Clause 11 Policy without prior publication or inviting of submissions.
  - 11.2.4 If the Council pursuant to Clause 11.1.2 has forwarded a Clause 11 Policy to the Commission, the Council shall likewise forward to the Commission for consideration, advice and, where necessary, adoption, any amendment to such a policy which the Council has resolved to adopt pursuant to this Clause.
- 11.3 Status of Part 11 Policy
  - 11.3.1 The Council shall have regard to any Clause 11 Policy which in its opinion is relevant when exercising a discretion pursuant to Clause 6.3.
  - 11.3.2 Before varying from the provisions of a Clause 11 Policy in the exercise of its discretion in any matter, the Council shall consider the extent to which a variation from the policy would prejudice the intent and integrity of the policy, and the impact such a variation would have on the orderly and proper planning of the district.
- 11.4 Existing Policies
  - 11.4.1 Prior to adoption all existing policies shall go through the procedure as set out in Clause 11.2.3. Only after having gone through this procedure shall the Council declare such a policy to be a Clause 11 Policy.
- 11.5 Policy Manual
  - 11.5.1 The Council shall maintain a manual of all Clause 11 Policies which shall be available for public inspection at the Office of the Council during normal office hours.
- 11.6 Rescission of a Policy
  - 11.6.1 A Clause 11 Policy may be rescinded by—
    - (a) the preparation or final adoption of a new Policy pursuant to Clause 11.1 specifically worded to supersede an existing Policy; or
    - (b) publication of a formal notice of rescission by the Council once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area.

J. DONALDSON, Chairman of Commissioners.  
D. M. GREEN, Per Chief Executive Officer.

**PD407\***

### **TOWN PLANNING AND DEVELOPMENT ACT, 1928**

#### **ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**

#### *CITY OF GERALDTON*

#### **TOWN PLANNING SCHEME No. 3—AMENDMENT No. 3**

Ref: 853/3/2/7 Pt 3

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Geraldton Town Planning Scheme Amendment on 13 July, 1999 for the purpose of—

1. Applying a 'Service Industry' Additional Use to Lots 33 and 34 Houtman Street Wonthella and amending the Scheme Maps accordingly.

2. Adding the following to Schedule 2 of the Scheme Text—

ADDITIONAL USES	
SITE	USES
Lot 33 Houtman Street	Service Industry
Lot 34 Houtman Street/North West Coastal Highway	Service Industry

P. G. COOPER, Mayor.  
C. J. ALDRED, Chief Executive Officer.

**PD408\***

**TOWN PLANNING AND DEVELOPMENT ACT, 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*CITY OF GOSNELLS*

TOWN PLANNING SCHEME No. 1—AMENDMENT No. 502

Ref: 853/2/25/1 Pt 502

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Gosnells Town Planning Scheme Amendment on 15 July, 1999 for the purpose of—

1. Rezoning Lot 5 and portion of Pt Lot 51, 102, 25, Pt Lot 55 Nicholson Road, Canning Vale from Composite A and Light Industry to Light Industry (Additional Use - Restaurant (AA), Showroom (AA), Offices (AA), Professional Rooms/Offices (AA), Betting Agency (AA), Amusement Facility (IP), Bulk Retail Sales (AA)).
2. Amending the Fifth Schedule by adding the following lots, additional uses and permissibilities listed—

Fifth Schedule—Additional Use Zones

Street	Particulars of Land	Additional Use Permitted
Nicholson Road, Canning Vale	Lot 5, portion of Pt Lot 51, 102, 25, and portion of Pt Lot 55	Restaurant (AA) Showroom (AA) Offices (AA) Professional Rooms/Offices (AA) Betting Agency (AA) Amusement Facility (IP) Bulk Retail Sales (AA)

3. Amending the Scheme Text by modifying Clause 53 as follows:
  - (a) By adding after the word “may” and before the word “be” in line two of Clause 53 (b) the following words: “subject to compliance with any permissibility or condition specified in the Schedule”.
  - (b) By adding an additional sub-clause (c) which reads—
    - (c) Clause 16(c) should be referred to for the purpose of interpreting any permissibility that is specified for a use within the Fifth Schedule.

P. MORRIS, Mayor.  
S. HOLTBY, Chief Executive Officer.

**PD409\***

**TOWN PLANNING AND DEVELOPMENT ACT, 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*CITY OF JOONDALUP*

TOWN PLANNING SCHEME No. 1—AMENDMENT No. 851

Ref: 853/2/34/1 Pt 851

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Joondalup Town Planning Scheme Amendment on 13 July, 1999 for the purpose of—

1. replacing paragraph (b) of subclause 10.8.3 with the following—
  - (b) the standards and requirements applicable to zones and R Codings under the Scheme shall apply mutatis mutandis to the areas having corresponding designations under the Agreed Structure Plan; however an Agreed Structure Plan may make provision for any standard or requirement applicable to zones or R Codings to be varied, and the standard or requirement varied in that way shall apply within the area of the Agreed Structure Plan, or any stipulated part of that area, as if it was a variation incorporated in this Scheme;

2. deleting the words "at the end of part 3" from the first paragraph of Clause 3.4.

C. ANSELL, Chairman of Commissioners.  
L. DELAHAUNTY, Chief Executive Officer.

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**PD410\*****TOWN PLANNING AND DEVELOPMENT ACT, 1928****ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT*****CITY OF STIRLING*****DISTRICT PLANNING SCHEME No. 2—AMENDMENT No. 341**

Ref: 853/2/20/34 Pt 341

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Stirling Town Planning Scheme Amendment on 15 July, 1999 for the purpose of—

1. Amending the Scheme Text by substituting Clause 1.1.7 Relationship of Scheme to By-Laws, with the following new clause—

**1.1.7 RELATIONSHIP OF SCHEME TO LOCAL LAWS AND BUILDING CODE OF AUSTRALIA**

The provisions of the Scheme shall have effect, notwithstanding any Local Law for the time being in force in the District including the Building Code of Australia. Where the provisions of the Scheme are inconsistent with the provisions of a Local Law including the Building Code of Australia, the provisions of the Scheme shall prevail. Furthermore, an approval or Licence (otherwise complying with or required under the provisions of a Local Law including the Building Code of Australia) shall not be issued except where such an approval or Licence complies with the provisions of the Scheme.

2. Amending Clause 1.3.5.1 of the Scheme Text by:

- 2.1 Substituting the existing sub-clauses (b) and (c) with the following—

- (b) A single house on a lot with an area of 350 square metres or more, except where—

- (i) that single house does not comply with the provisions of the Scheme (including but not limited to the Residential Planning Codes), or
- (ii) the Council is not prepared to use its discretion to approve a variation to the Scheme (including but not limited to the Residential Planning Codes) for that single house;

or

- (c) Demolition of a building except where such a building is within a Character Protection Area, a Special Design Control Area or listed on the City of Stirling Municipal Inventory;

- 2.2 Inserting the following new paragraph immediately preceding the existing paragraph commencing with the phrase "The Council may in considering an application consult":

Notwithstanding that a particular use or development of land does not require the Council's prior Approval to Commence Development, the provisions of the Scheme (including but not limited to Clause 1.6.1 RIGHT OF APPEAL and Clause 1.6.2 OFFENCES) shall apply to such a use or development of land.

D. C. VALLELONGA, Mayor.  
R. A. CONSTANTINE, Chief Executive Officer.

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**PD411\*****TOWN PLANNING AND DEVELOPMENT ACT, 1928****ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT*****CITY OF WANNEROO*****TOWN PLANNING SCHEME No. 1—AMENDMENT No. 851**

Ref: 853/2/30/1 Pt 851

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Wanneroo Town Planning Scheme Amendment on 13 July, 1999 for the purpose of—

1. replacing paragraph (b) of subclause 10.8.3 with the following:

- (b) the standards and requirements applicable to zones and R Codings under the Scheme shall apply mutatis mutandis to the areas having corresponding designations under the Agreed Structure Plan; however an Agreed Structure Plan may make provision for any

standard or requirement applicable to zones or R Codings to be varied, and the standard or requirement varied in that way shall apply within the area of the Agreed Structure Plan, or any stipulated part of that area, as if it was a variation incorporated in this Scheme;

2. deleting the words "at the end of part 3" from the first paragraph of Clause 3.4.

C. ANSELL, Chairman of Commissioners.  
K. WHITE, Chief Executive Officer.

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**PD412\***

**TOWN PLANNING AND DEVELOPMENT ACT, 1928**

**TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

*SHIRE OF AUGUSTA-MARGARET RIVER*

**TOWN PLANNING SCHEME No. 11—AMENDMENT No. 101**

Ref: 853/6/3/8 Pt 101

Notice is hereby given that the local government of the Shire of Augusta-Margaret River has prepared the abovementioned Scheme Amendment for the purpose of—

1. Rezoning a portion of Location 310 Caves Road, Boodjidup from Rural and Policy Area B to Special Rural.
2. Rezoning a portion of Location 310 Caves Road, Boodjidup from Rural and Policy Area B to Special Use—Dwelling and Small Holding.
3. Rezoning Location 311, Black Rock Road, Boodjidup from Rural to Special Use—Dwelling and Small Holding.
4. Amending Schedule 1 of Shire of Augusta-Margaret River Town Planning Scheme No 11 to include development control provisions.
5. Amending Schedule 3 of Shire of Augusta-Margaret River Town Planning Scheme No 11 to include development control provisions.

Plans and documents setting out and explaining the Scheme Amendment have been deposited at Council Offices, Town View Terrace, Margaret River and will be available for inspection during office hours up to and including 3 September 1999.

Submissions on the Scheme Amendment may be made in writing on Form No 4 and lodged with the undersigned on or before 3 September 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.

M. EASTCOTT, Chief Executive Officer.

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**PD413\***

**TOWN PLANNING AND DEVELOPMENT ACT, 1928**

**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**

*SHIRE OF DENMARK*

**TOWN PLANNING SCHEME No. 3—AMENDMENT No. 24**

Ref: 853/5/7/3 Pt 24 Vol 2

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Denmark Town Planning Scheme Amendment on 15 July, 1999 for the purpose of—

1. Rezoning Part Reserve 34209, Reserves 25961 and 25348 and Lot 953, bounded by Peace Street, Hardy Street and South Coast Highway, from the Public Use reserve to the Residential zone with an R20 density coding and Commercial zone.
2. Transferring Part Reserve 34209 from the Public Use reserve to the Parks and Recreation reserve.
3. Rezoning Part Reserve 35774 South Coast Highway from the Parks and Recreation reserve to the Residential zone with an R20 density coding and Commercial zone.
4. Rezoning Reserve 42271 Teesdale Street from the Public Use reserve to the Parks and Recreation reserve.
5. Amending the Scheme Maps accordingly.

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

**PD414\***

**TOWN PLANNING AND DEVELOPMENT ACT, 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*SHIRE OF DENMARK*

TOWN PLANNING SCHEME No. 3—AMENDMENT No. 40

Ref: 853/5/7/3 Pt 40

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 13 July, 1999 for the purpose of recoding Lot 624 Zimmermann Street, Denmark from Residential R2.5 to Residential R20, under the Shire of Denmark Town Planning Scheme No 3.

C. DONNELLY, President.  
P. DURTANOVICH, Chief Executive Officer.

**PD415\***

**TOWN PLANNING AND DEVELOPMENT ACT, 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*SHIRE OF KENT*

TOWN PLANNING SCHEME No. 2—AMENDMENT No. 1

Ref: 853/5/13/4 Pt 1

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 Kent Town Planning Scheme Amendment on 15 July, 1999 for the purpose of rezoning Lot 167 Hobley Street and part of Lots 166 Hobley and 168 Bourke Streets, Nyabing, from the Parks and Recreation zone to the Residential zone; and modifying the Scheme Maps accordingly.

A. G. ADDIS, President.  
I. FITZGERALD, Chief Executive Officer.

**PD416\***

**TOWN PLANNING AND DEVELOPMENT ACT, 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*SHIRE OF NORTHAM*

TOWN PLANNING SCHEME No. 2—AMENDMENT No. 33

Ref: 853/4/23/2 Pt 33

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 Northam Town Planning Scheme Amendment on 15 July, 1999 for the purpose of including the words "and Tavern" under the heading Permitted use and conditions of use where applicable—

Description of Site	Permitted use and conditions of use where applicable
Portion of Lot 5, corner Great Eastern Highway Wooroloo	Shop, Restaurant, Office, Service Station and Tavern

I. J. SHEEHAN, President.  
A. J. MIDDLETON, Chief Executive Officer.

**PD417\***

**TOWN PLANNING AND DEVELOPMENT ACT, 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*SHIRE OF ROEBOURNE*

TOWN PLANNING SCHEME No. 6—AMENDMENT No. 57

Ref: 853/8/5/4 Pt 57

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 Roebourne Town Planning Scheme Amendment on 13 July, 1999 for the purpose of—

- 1 Rezoning Lot 4471 Searipple Road from Controlled Usage and Preservation to Tourism.
- 2 Amending the Scheme Maps accordingly.

K. J. RICHARDS, President.  
T. S. RULAND, Chief Executive Officer.



PD701\*

**TOWN PLANNING AND DEVELOPMENT ACT, 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME  
*SHIRE OF KULIN*  
TOWN PLANNING SCHEME NO 2  
DISTRICT ZONING SCHEME

Ref: 853/4/16/2

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Kulin Town Planning Scheme 2 (District Zoning Scheme) on 1 July 1999—the Scheme Text of which is published as a Schedule annexed hereto.

J. C. BELL, President.  
G. HADLOW, Chief Executive Officer.

Schedule  
SHIRE OF KULIN  
TOWN PLANNING SCHEME No. 2  
(District Zoning Scheme)

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

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**PART 1—PRELIMINARY****1.1 CITATION**

This Town Planning Scheme may be cited as the Shire of Kulin Town Planning Scheme No. 2 (District Zoning Scheme)—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 Kulin, hereinafter referred to as “The Council”.

**1.3 SCHEME AREA**

The Scheme applies to the total land area within the boundary of the Shire of Kulin.

**1.4 CONTENTS OF THE SCHEME**

The Scheme comprises—

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

**1.5 ARRANGEMENT OF THE SCHEME TEXT**

The Scheme Text is divided into the following parts—

- PART I PRELIMINARY
- PART II LOCAL RESERVES
- PART III ZONES
- PART IV GENERAL DEVELOPMENT REQUIREMENTS
- PART V SPECIAL CONTROLS



**PART VI NON CONFORMING USES****PART VII PLANNING CONSENT****PART VIII ADMINISTRATION****1.6 SCHEME OBJECTIVES**

The major objectives of the Scheme are—

- 1.6.1 To create zones for the purposes of land use control and to provide for the setting aside of land for public use and other matters authorised by the Act.
- 1.6.2 To formulate development control provisions and adopt policies which enable Council to realistically and responsibly manage development and the environment throughout the town and rural sectors of the Shire.
- 1.6.3 To secure the Amenity, Health, Convenience, Economic and General Welfare of the Scheme Area and the inhabitants thereof.
- 1.6.4 To preserve, protect and enhance Townscapes and Places, Buildings and Objects of Heritage Value, Natural Beauty, Historic or Scientific Interest which exist throughout the Shire.

**1.7 REVOCATION OF EXISTING SCHEME**

The Shire of Kulin Town Planning Scheme No. 1 (Kulin Townsite) which came into operation by publication in the Government Gazette on 1st November 1968 is hereby revoked.

**1.8 INTERPRETATION**

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

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

1.8.3 Words and expressions used in the Scheme but not defined in Schedule 1—'Interpretations' or elsewhere in the Scheme and the Residential Planning Codes shall have their normal and common meanings.

**PART II—LOCAL RESERVES****2.1 LOCAL AUTHORITY SCHEME RESERVES**

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

The four (4) types of Local Reserves contained within the Scheme Area are set out hereunder—

- (a) Recreation
- (b) Public Purposes
- (c) Civic and Cultural
- (d) Railway

**2.2 PLANNING CONSENT**

Except as otherwise provided in this part a person shall not carry out any development on land reserved under this Scheme, other than the erection of a boundary fence, of a specification approved by Council, without first applying for and obtaining the Planning Consent of Council.

**2.3 MATTERS TO BE CONSIDERED BY COUNCIL**

Where an Application for Planning Consent is made with respect to land within a Local Reserve, the Council shall have regard to—

- (a) the objectives as outlined below; and
- (b) the ultimate purpose intended for the reserve.

The Council shall in the case of land reserved for the purpose of a Public Authority confer with that authority before granting its approval or issuing its planning consent.

**2.4 OBJECTIVES**

2.4.1 The objectives for land shown as Recreation on the Scheme Map are—

- (a) To secure and reserve land for public access and recreation.
- (b) To maintain public recreation areas for the use of sporting and recreation bodies.
- (c) To preserve areas of natural vegetation worthy of retention.
- (d) To provide visual or noise buffer areas between incompatible uses.
- (e) To reflect and protect areas already set aside for National Parks or Crown Reserves.

2.4.2 The objectives for land shown as Public Purposes on the Scheme Map are—

- (a) To protect areas already set aside for public purposes by Crown Reserves.
- (b) To enable the Council to control development in public purpose reserves.

2.4.3 The objectives for land shown as Civic and Cultural on the Scheme Map are—

- (a) To set aside land for community, civic and cultural uses.

2.4.4 The objectives for land shown as Railway on the Scheme Map are—

- (a) To set aside land for the purpose of railways.

## 2.5 COMPENSATION

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

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

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

## PART III—ZONES

### 3.1 ZONES

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

- (i) Residential
- (ii) Residential Development
- (iii) Commercial
- (iv) Industrial
- (v) Special Use
- (vi) Townsite
- (vii) Rural

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

### 3.2 OBJECTIVES

#### 3.2.1 Residential Zone

The use of land in the Residential Zone shall be consistent with the following objectives—

- (a) To encourage single houses as the predominant form of residential development.
- (b) To achieve a high standard of development and residential amenity.
- (c) To provide for the development of a variety of non-residential-type uses which are compatible with the character, scale and operation of existing residential development and do not detract from the general amenity of the area.

#### 3.2.2 Residential Development Zone

The development and use of land in the Residential Development Zone shall be consistent with the following objectives—

- (a) To cater for low and medium density residential development and a variety of activities complementary to residential land usage.
- (b) To require the preparation and adoption by Council of an Outline Development Plan as a guide for future development in a specified area prior to the subdivision and development of the land.
- (c) To achieve a high standard of development and residential amenity.

#### 3.2.3 Commercial Zone

The use of land in the Commercial Zone shall be consistent with the following objectives—

- (a) To provide for a variety of service, retail, office and entertainment uses.
- (b) To maintain a compact and accessible centre.
- (c) To centralise commercial and service functions.
- (d) To maintain safety and efficiency of traffic flows and provide for adequate facilities for the parking and circulation of vehicles.
- (e) To preclude the storage of bulky and unsightly goods where they may be in public view.
- (f) To maintain the compatibility with the general streetscape of all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
- (g) To provide sheltered places for pedestrians.
- (h) To restrict industrial type uses to service or low impact, labour intensive industries that relate to the commercial and service functions of the zone.
- (i) To restrict the development of uses which attract large volumes of truck traffic.
- (j) To provide for residential uses only where such uses are combined with a commercial use, e.g. hotel, or where the residential uses occupy a floor level where it is impracticable or inappropriate to establish a shop or office.

#### 3.2.4 Industrial Zone

The use of land in the Industrial Zone shall be consistent with the following objectives—

- (a) To provide a location for industrial uses which operate as an integral part of the function of a town centre.
- (b) To provide a location for diverse industries that would otherwise have a detrimental impact on other uses in a town.

- (c) To provide a location where separate heavy vehicle access is provided.
- (d) To provide a location for depots, warehouses and heavy vehicle parking and servicing areas.

### 3.2.5 Special Use Zone

The use of land in the Special Use Zone shall be consistent with the following objectives—

- (a) To provide an area where special uses can be developed and operated under the specific control of the Council in order to maintain the amenity, convenience, health, safety and welfare of the Scheme Area and the inhabitants thereof.
- (b) To enable the Council to impose specific conditions to restrict the use and operation of any development that would normally not fit within the ambit of any other zone in the Scheme.

### 3.2.6 Townsite Zone

The Townsite Zone is shown diagrammatically on the Scheme Map. This zone shall deem to apply to all land within the Dudinin, Gnarnming, Holt Rock, Jitarning and Pingaring townsites.

The use of land in the Townsite Zone shall be consistent with the following objectives—

- (a) To allow for the development of a variety of uses required to service the normal functions of a townsite.
- (b) To achieve a high standard of development and general amenity.

### 3.2.7 Rural Zone

The use of land in the Rural Zone shall be consistent with the following objectives—

- (a) To provide for a wide range of activity which is predominantly rural in nature.
- (b) To protect land from uses that may jeopardise the future development of that land for other planned purposes which are compatible with its Rural zoning.
- (c) To protect land from closer development which would detract from the rural character and amenity of the area.
- (d) To prevent any development which may detrimentally affect the commercial viability of Rural zoned landholdings.
- (e) To provide for the development of a range of Council approved non-rural uses which accord with the provisions of the Scheme and Council's policies.

## 3.3 ZONING TABLE

3.3.1 The Zoning Table contained in Schedule No. 2 of this Scheme indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any use is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

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

- 'P' means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent.
- 'AA' means that the use is not permitted unless the Council has granted its planning consent
- 'SA' means that the use is not permitted unless the Council has granted its planning consent after giving notice of such use in accordance with Clause 7.2.
- 'IP' means that the use is not permitted unless such use is incidental to the predominant use as decided and approved by Council.

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

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

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

- (a) determine by absolute majority that the use is consistent with the objectives and purposes of the particular zone and is therefore 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 advertising procedures of Clause 7.2 in considering an application for planning consent; or
- (c) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted.

## 3.4 ADDITIONAL USES

Notwithstanding anything contained within the Zoning Table, the land specified in Schedule No. 3 may, subject to compliance with any condition specified in the Schedule with respect to the land, be used for the purpose set against that land. The use so specified is in addition to the other uses permitted in the zone in which the land is situated unless any of those uses are excluded or modified by a condition specified in that Schedule.

## 3.5 SPECIAL USE ZONE

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

## PART IV—GENERAL DEVELOPMENT REQUIREMENTS

### 4.1 REQUIREMENT FOR PLANNING CONSENT

4.1.1 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 consent of the Council pursuant to the provisions of Part VII of the Scheme.

4.1.2 The planning consent of Council is not required for the development of land in the following instances—

- (a) The use of land in any reserve, where such land is held by Council or vested in a Public Authority—
  - (i) For the purpose for which the land is reserved under the Scheme, or;
  - (ii) In the case of land vested in a Public Authority, for any purpose for which such land may be lawfully used by that Authority.
- (b) The use of land which is a permitted (“P”) use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works.
- (c) The erection of a boundary fence except as otherwise required by the Scheme.
- (d) The carrying out of any works on, in, over or under a street or road by a Public Authority acting pursuant to the provisions of any Act.
- (e) The carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building.
- (f) The carrying out of works urgently required in the public safety or for the safety and or security of plant or equipment or for the maintenance of essential services.
- (g) The erection of a single dwelling house, including ancillary out buildings, on a Lot or Location in a zone where a single dwelling house is permitted by the Scheme and the relevant development standards and requirements of the Scheme are complied with and a building licence is obtained, except where the Lot or Location—
  - (i) Abuts any Reserve or major road.
  - (ii) Adjoins any land which is zoned Commercial, Industrial or Special Use.
  - (iii) Does not enjoy frontage to a dedicated/constructed road reservation.
- (h) The carrying out of rural pursuits in the Rural Zone.

### 4.2 DEVELOPMENT TABLE

4.2.1 Any development that is permitted under the provisions of Part II and Part III of this Scheme shall conform to the requirements for that use as specified in Schedule No. 5—Development Table, or in the Residential Planning Codes for residential development.

4.2.2 Where a particular land use is not specified in Schedule No. 5, Council may grant its planning consent to that land use, upon such conditions as it thinks fit.

### 4.3 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

Except for development in respect of which the Residential Planning Codes apply under this Scheme, if a development the subject of an application for Planning Consent 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; and
- (c) The spirit and purpose of the requirements or standard will not be unreasonably departed from thereby.

### 4.4 RESIDENTIAL DEVELOPMENT: RESIDENTIAL PLANNING CODES

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

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

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

4.4.4 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 Residential Planning 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 Council has the power to approve; and
- (b) approval of that variation would not compromise the objectives of the Residential Planning Codes.

4.4.5 All residential development shall be in accordance with the R10 / R30 residential density code unless otherwise coded.

4.4.6 Any residential development proposed at a density greater than R10 requires the planning consent of the Council and will only be considered by the Council if it can be proven that an effective method of effluent disposal, satisfactory to the Council's requirements, can be provided.

#### 4.5 DEVELOPMENT ON LAND ABUTTING LAND ZONED RESIDENTIAL OR RESIDENTIAL DEVELOPMENT

Any non-residential development on land abutting land zoned Residential or Residential Development shall conform to such standards as the Council thinks fit. These standards shall be determined on the basis of the potential nuisance of the proposed development on land zoned Residential or Residential Development.

#### 4.6 COMMERCIAL DEVELOPMENT

4.6.1 Commercial development in the Commercial Zone shall conform to the requirements of Schedule 5—Development Table and the objectives for that Zone as outlined in Part III.

4.6.2 Loading docks and access ways shall be provided sufficient in size to wholly contain delivery vehicles on site and to permit the passage of vehicles to and from the street in a forward gear.

4.6.3 Where the Council considers it appropriate, rear access shall be provided to each tenement in order to avoid using the front entrance or the entrance/s of other tenements.

#### 4.7 INDUSTRIAL DEVELOPMENT

4.7.1 Industrial development in the Industrial Zone shall conform to the requirements of Schedule 5—Development Table and the objectives for that zone as outlined in Part III.

4.7.2 The front setback area may be used only for the purposes of landscaping, visitors car parking or access. The Council may approve the use of the front setback area for display or for loading and unloading vehicles. No material or product may be stored within the front setback area.

4.7.3 Where an open storage area is visible from a public place or street, and is not of a display nature, it shall be screened to the satisfaction of the Council.

4.7.4 Street setback areas shall be landscaped, including an area of not less than one metre wide adjacent to each side boundary, except where an access is shared between adjacent lots. Areas other than the front setback that are visible from a public street or place shall be developed with landscaped open space or screened to the approval of the Council.

4.7.5 Loading docks and access ways shall be provided sufficient in size to wholly contain delivery vehicles on site and to permit the passage of vehicles to and from the street in a forward gear.

4.7.6 Where the Council considers it appropriate, rear access shall be provided to each tenement in order to avoid using the front entrance or the entrance of other tenements.

4.7.7 The Council may require a bond or bank guarantee from a developer to ensure that landscaping and/or other development works are designed and carried out to the satisfaction of the Council. In the case of planting, the works shall be brought to a standard considered by the Council to be properly established within twelve (12) months of the date of commencement of development works.

#### 4.8 SPECIAL USE DEVELOPMENT

4.8.1 Where Council considers a particular development or use to be incompatible with the predominant uses in other zones, it may require such a development or use be restricted to the Special Use Zone.

4.8.2 In controlling development within a Special Use Zone, notwithstanding any other provision of the Scheme, Council may at its discretion specify additional site requirements in regard to lot area, minimum effective frontage, development type and style, plot ratio, car parking, setbacks and any other provision affecting the development of a Special Use zoned lot, for the purpose permitted under the provisions of the Scheme.

4.8.3 Restricted uses permitted in the Special Use Zone are listed in Schedule 4.

#### 4.9 TOWNSITE DEVELOPMENT

Development in the Townsite Zone shall comply with the objectives for that zone as outlined in Part III, and with such requirements as the Council thinks fit relative to the proposed use.

#### 4.10 RURAL DEVELOPMENT

Development in the Rural Zone shall comply with the objectives for that zone as outlined in Part III, and with such requirements as the Council thinks fit relative to the proposed use.

#### 4.11 DEVELOPMENT OF ADDITIONAL SINGLE DWELLINGS / GROUPED DWELLINGS IN THE RURAL ZONE

4.11.1 Within the Rural zone the Council will not generally support the erection of more than one single house per lot.

4.11.2 Council may consider granting approval to additional single dwellings/ grouped dwellings in the Rural zone in cases where the landowner clearly demonstrates that additional housing is required for



farm management purposes. In any case the total number of dwelling units per lot shall not exceed four (4).

4.11.3 Where an application is made for planning approval for the development of grouped dwellings on Rural zoned land Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions of Clause 7.2.

4.11.4 The existence of more than one dwelling on a Rural zoned lot shall not be construed as a basis for Council support to the subdivision of the lot.

#### 4.12 SPECIAL DESIGN AREAS

4.12.1 The following provisions shall apply to all land included in the area designated on the Scheme Map as a Special Design Area in addition to any other provisions which are more generally applicable to such land under this Scheme.

4.12.2 In the area designated on the Scheme Map as a Special Design Area development shall be consistent with the following objectives—

- (a) To improve the general appearance and image of the town centre.
- (b) To preserve and enhance the heritage character of the town centre.
- (c) To cater for convenient, shaded and safe pedestrian areas.
- (d) To ensure that town centre traffic and vehicular parking are efficiently and safely catered for.
- (e) To provide suitable landscaping to enhance the appearance of the town centre and provide shading of pedestrian and vehicle parking areas.
- (f) To provide for tourist information and other facilities considered necessary by the Council.

#### 4.13 DEVELOPMENT ON LAND SUBJECT TO INUNDATION OR FLOODING

4.13.1 Where, in the opinion of the Council, the dampness of the site on which a building is proposed to be constructed so warrants, the Council may require that one or all of the following measures shall be carried out—

- (a) The subsoil shall be effectively drained.
- (b) The surface of the ground beneath the building shall be regraded or filled and provided with adequate outlets to prevent any accumulation of water beneath the building.
- (c) The surface of the ground beneath the building shall be covered with an approved damp-resisting material.

4.13.2 The Council may refuse an application for the construction of a building/s upon any land liable to flooding or inundation. In this regard the Council may consult the Waters and Rivers Commission to determine flood levels.

#### 4.14 DEVELOPMENT OF LOTS ABUTTING UNCONSTRUCTED ROADS

Notwithstanding anything elsewhere appearing in the Scheme, where an application for Council's planning consent is made in respect of land abutting an unconstructed road or a lot which does not have frontage to a constructed road the Council may 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;
- (b) Approve 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.

#### 4.15 CAR PARKING

4.15.1 All car parking required to be provided pursuant to the provisions of the Scheme shall be designed and laid out generally in accordance with the minimum specifications set out in Schedule No. 6.

4.15.2 All car parking areas and driveways shall be paved, marked, drained and maintained to the satisfaction of Council.

4.15.3 Where the Council so decides, it may accept a cash payment in lieu of the provision of car parking spaces but only subject to the following requirements being satisfied—

- (a) A cash in lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the car parking spaces required by the Scheme, plus the value as estimated by the Valuer General, or by a licensed Valuer appointed by Council of that area of his land which would have been occupied by the parking spaces; and
- (b) Payments made under this Clause shall be paid into a special fund to be used to provide public car parks and the Council may use this fund to provide public car parks anywhere in the immediate vicinity as and when required.

4.15.4 Council may approve an application for development where the number of car parking spaces proposed to be provided is less than the number required pursuant to the Scheme provided that applicants can demonstrate that other off street parking facilities are available to be shared with other land uses operating at different times and provided—

- (a) The Council is satisfied that no conflict will occur in the operation of land uses for which the joint use of parking facilities is proposed; and
- (b) Land owners who request sharing of parking facilities enter into a legal agreement for reciprocal rights to parking facilities.

**PART V—SPECIAL CONTROLS****5.1 HERITAGE—BUILDINGS AND PLACES OF HERITAGE SIGNIFICANCE****5.1.1 Purpose and Intent**

The purpose and intent of the heritage provisions is to—

- (a) ensure the conservation of any building, object, structure or place of heritage value;
- (b) afford the opportunity for existing traditional uses to be continued or allow for the approval of alternative uses which are compatible with the heritage values and amenity of the locality;
- (c) ensure that development or redevelopment within or adjacent to places of heritage value has due regard to the heritage value of the place and is in harmony with the character of the locality.

**5.1.2 Heritage List**

5.1.2.1 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.

5.1.2.2 For the purposes of this Part, the 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 Municipal Inventory.

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

**5.1.3 Designation of Heritage Precincts**

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

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

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

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

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

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

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

**5.1.4 Applications for Council's Planning Consent**

5.1.4.1 Notwithstanding any other provision of the Scheme, no person shall commence or carry out any development affecting a building, object, structure or place listed in the Heritage List or contained within a heritage precinct without first having applied for and obtained the Planning Consent of the Council pursuant to the provisions of Clause 5.1.5 of the Scheme.

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

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

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

5.1.4.5 For the purposes of Clause 4.1.1 of the Scheme the term 'development' shall have the meaning as set out in the Town Planning and Development Act (as amended) but shall also include, in relation to any place entered in the Heritage List or contained within a heritage precinct, any act or thing that is likely to significantly change the external character of the building, object, structure or place.

**5.1.5 Formalities of Application**

In addition to the application formalities prescribed in Clause 5.1.4 and any formalities or requirements associated with applications for Planning Consent contained in any other provision of the Scheme, the

Council may require an applicant for Planning Consent, 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) side and rear elevations of the proposed development drawn to a scale not smaller than 1:100;
- (c) 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;
- (d) an assessment of the cultural significance of any existing buildings and the development site according to policy guidelines adopted by the Council;
- (e) 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
- (f) any other information which the Council indicates that it considers relevant.

#### 5.1.6 Variation to Scheme Provisions

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

- (a) consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to Clause 7.2; and
- (b) have regard to any expressed views prior to making its decision to grant variation.

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

### 5.2 CONTROL OF ADVERTISEMENTS

#### 5.2.1 Power to Control Advertisements

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

5.2.1.2 Applications for Council's Planning Consent pursuant to this Part shall be submitted in accordance with the provisions of Clause 7.1.1 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Schedule No. 8 giving details of the advertisement(s) to be erected, placed or displayed on the land.

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

#### 5.2.3 Consideration of Applications

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

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

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 5.2.1.1, the Council's prior planning consent is not required in respect of those advertisements listed in Schedule No. 7 which for the purpose of this Clause are referred to as 'exempted advertisements'. The exemptions listed in Schedule No. 7 do not apply to land, buildings, objects, structures and places included on the Heritage List or within a heritage precinct established or designated under Clause 5.1 of the Scheme.

#### 5.2.5 Discontinuance

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



#### 5.2.6 Derelict or Poorly Maintained Signs

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

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

#### 5.2.7 Notices

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

5.2.7.2 Any notice served in exceptional circumstances pursuant to Clause 5.2.5 or 5.2.6 shall be served upon the advertiser and shall specify—

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

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

#### 5.2.8 Scheme to Prevail

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

#### 5.2.9 Enforcement and Penalties

The offences and penalties specified in Clause 8.2.2 of the Scheme apply to the advertiser in this Clause.

### PART VI—NON-CONFORMING USES

#### 6.1 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 time of coming into force of the Scheme; or
- (b) the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out were duly obtained and are current.

#### 6.2 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.

#### 6.3 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 purpose of the zone or reserve.

#### 6.4 DISCONTINUANCE OF NON-CONFORMING USE

6.4.1 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.

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

#### 6.5 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 buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.

### PART VII—PLANNING CONSENT

#### 7.1 APPLICATION FOR PLANNING CONSENT

7.1.1 Every application for planning consent shall be made in the form prescribed in Schedule No. 9 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

7.1.2 Unless Council waives any particular requirement, every application for planning consent shall be accompanied by—

- (a) three (3) copies of a plan or plans to a scale of not less than 1:500 showing—
  - (i) street names, lot number(s), north point and the dimensions of the site;
  - (ii) the existing contours of the site and any alteration to these as a result of the proposed development;
  - (iii) the location and proposed use of any existing buildings to be retained, and the location and use of buildings proposed to be erected on the site;
  - (iv) the existing and proposed means of access for pedestrians and vehicles to and from the site;
  - (v) the location, number, dimensions and layout of all car parking spaces intended to be provided;
  - (vi) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site, and the means of access to and from those areas;
  - (vii) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same;
  - (viii) the location of all trees on-site and the position of these to be either retained or planted as part of the development proposal; and
  - (ix) the nature and extent of any open space and landscaping proposed for the site.
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain; and
- (c) any other plan or information that the Council may reasonably require to enable the application to be determined.

## 7.2 ADVERTISING OF APPLICATIONS

7.2.1 Where an application is made for planning consent to commence or carry out development which involves an 'SA' use, the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions of sub-clause 7.2.3.

7.2.2 Where an application is made for planning consent to commence or carry out development which involves an 'AA' use, or any other development which requires the planning consent of the Council, the Council may give notice of the application in accordance with the provisions of Clause 7.2.3.

7.2.3 Where the Council is required or decides to give notice of an application for planning consent, the Council shall cause one or more of the following to be carried out—

- (a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning consent, stating that submissions may be made to the Council within twenty one days of the service of such notice;
- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days 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.

7.2.4 The notice referred to in Clause 7.2.3 (a) and (b) shall be in the form contained in Schedule No. 10 with such modifications as circumstances require.

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

## 7.3 CONSIDERATION AND DETERMINATION OF APPLICATIONS

7.3.1 The Council in considering an application for planning consent shall have due regard to the following—

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

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

7.3.3 In determining an application for planning consent the Council may—

- (a) grant its approval unconditionally or subject to such conditions as it thinks fit;
- (b) refuse to grant its approval.

7.3.4 The Council shall convey its decision to the applicant in the form prescribed in Schedule No. 11 to the Scheme.

7.3.5 Where the Council approves an application for planning consent under this Scheme the time for which that consent remains valid is two (2) years unless otherwise stated on Council's decision on the application.

#### 7.4 DEEMED REFUSAL

7.4.1 Subject to subclause 7.4.2, an application for planning consent 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.

7.4.2 An application for planning consent which is subject of a notice under subclause 7.2.3 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 90 days of the receipt of it by the Council, or within such further time as agreed between the applicant and the Council.

7.4.3 Notwithstanding that an application for planning consent may be deemed to have been refused under subclauses 7.4.1 and 7.4.2, the Council may issue a decision in respect of the application at any time after the expiry of the 60 day or 90 day period specified in those clauses, and that decision shall be regarded as being valid.

#### 7.5 APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS

7.5.1 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.

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

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

#### 7.6 APPROVAL OF EXISTING DEVELOPMENTS

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

7.6.2 The application to the Council for approval under sub-clause 7.6.1 shall be made on the form prescribed in Schedule No. 9.

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

### PART VIII—ADMINISTRATION

#### 8.1 POWERS OF THE SCHEME

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

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

#### 8.2 OFFENCES

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

- (a) otherwise than in accordance with the provisions of the Scheme;
- (b) unless all approvals required by the Scheme have been granted and issued;
- (c) unless all conditions imposed upon the grant and issue of any approval required by the Scheme have been and continue to be complied with;

- (d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that part have been and continue to be complied with.

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

### 8.3 COMPENSATION

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

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

### 8.4 ELECTION TO PURCHASE AND VALUATION

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

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

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

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

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

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

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

### 8.5 RIGHTS OF APPEAL

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

### 8.6 PLANNING POLICIES

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

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

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

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

- (a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.
- (b) Policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.
- (c) The Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.
- (d) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.

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

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

8.6.5 A Policy may be rescinded by—

- (a) preparation or final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing Policy; and



- (b) publication of a formal notice of rescission by the Council twice in a local newspaper circulating in the district.

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

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

#### 8.7 DELEGATION

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

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

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

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

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

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

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

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

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

#### 8.8 AMENDMENTS TO THE SCHEME

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

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

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

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

#### 8.9 NOTICE FOR REMOVAL OF CERTAIN BUILDINGS

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

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

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#### SCHEDULE 1—INTERPRETATIONS

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

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

amenity: means the quality of the environment as determined by the character of an area, its appearance and land use, which contributes to its pleasantness and harmony and to its better enjoyment.

amusement and recreation: means land and buildings used for the amusement, recreation or entertainment of the public, with or without charge, including a cinema, drive-in cinema, racecourse, trotting track and showgrounds.

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

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

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

ancillary use: means a use which is incidental to the predominant use of land and buildings.

animal boarding house: means land and buildings used for the boarding and breeding of animals where such premises are registered or required to be registered by the Council. These premises include a cattery and may include the sale of animals where such use is incidental to the predominant use.

appendix: means an appendix to the Scheme.

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

authorised officer: means an officer of the Council, authorised by the Council to exercise all or some of the powers of the Council under this Scheme.

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

bed and breakfast accommodation: means short stay residential accommodation offering overnight lodgings, with or without breakfast, in a domestic environment.

betting agency: means a building operated in accordance with the Totalisator Agency Betting Board Act 1960 (as amended).

builder's storage yard: means any land or buildings used for the storage of building materials, pipes or other similar items related to any trade and may include manufacture, assembly and dismantling processes incidental to the predominant use.

Building Code of Australia: means the Building Code of Australia 1988 (as amended).

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

building line: means the line between which any public place or public reserve a building may not be erected except by or under the authority of an Act.

building setback: means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected.

camping area: means any 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, school or recreation area carried on or existing on the same site.

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

child day care centre: means any land or buildings used for the daily or occasional care of children in accordance with the Child Care Regulations 1968 (as amended) but does not include a Child Family Care Centre.

child family care centre: means a child minding centre conducted in a private dwelling where children are received for care but does not include a child day care centre.

civic use: means land or buildings used by a government department, an instrumentality of the Crown, or the Council for administrative, recreational or other purposes.

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

community use: means land used by a club or association or other body approved by the Council as a meeting place for formal and informal activity, including entertainment and includes any land appurtenant thereto used for recreation, and includes a residential club.

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

- (a) enable the cultural heritage significance of that place or precinct to be retained; and
- (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting.

- constructed road: means a track which has been graded and stabilised to a trafficable standard within a dedicated road reserve.
- consulting rooms: means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, podiatrists, and persons ordinarily associated with a practitioner, in the prevention or treatment of physical or mental injuries or ailments, and the two may be of the one profession or any combination of professions or practices.
- convenience store: means any land and or buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300 square metres gross leasable area.
- Council: means the executive body of the Shire of Kulin.
- 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 Kulin.
- dry cleaning premises: means any land or buildings used for the cleaning of garments and other fabrics by chemical processes.
- educational establishment: means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory.
- effective frontage: means the length of the lot boundary which is on the street alignment or the width of the lot at the minimum distance from the street alignment at which buildings may be constructed, whichever is the greater. If the lot has two or more boundaries on a street alignment then the least of the measurements shall be considered for ascertaining the effective frontage. In the case of a battleaxe lot the effective frontage shall be the smallest horizontal dimension.
- factoryette: means a portion of a factory building that is or is intended to be the subject of a separate occupancy.
- farm supply centre: means the use of land and buildings for the supply of vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment.
- fast food outlet: means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, including drive-in facilities, but does not include a fish shop.
- fish shop: means a building where wet fish and similar foods are displayed and offered for sale.
- frontage: means the boundary line or lines between a site and the street or streets upon which the site abuts.
- fuel depot: means any land or building used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station.
- funeral parlour: means any land or buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.
- garden centre: means any land or buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings.
- gazettal date: means the date on which notice of the Minister's approval on this Scheme is published in the *Government Gazette*.
- gross floor area: shall have the same meaning as Floor Area in the Building Code of Australia.
- gross leasable area: means, in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.
- hall: means a building or part of a building used for public assembly or other public purposes.
- 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.
- 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.
- holiday accommodation: means accommodation comprising two or more cabins, apartments, chalets, cottages, or flats which, by way of trade or business, or for the purpose of any trade or business, is held out as being available or is made available for holiday purposes for occupation by persons other than the proprietor.

home occupation: means a business or activity carried out within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that—

- (a) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;
- (d) does not entail employment of any person not a member of the occupier's household;
- (e) does not occupy an area greater than 20 square metres;
- (f) does not display a sign exceeding 0.2 square metres 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; and
- (i) does not entail the presence, parking and garaging of a vehicle of more than two (2) tonnes tare weight.

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

hotel: means any land or buildings providing accommodation for the public the subject of a hotel licence granted under the provisions of the Liquor Licensing Act 1988 and may include a betting agency operated in accordance with the Totalisator Agency Betting Board Act 1960, but does not include a motel, tavern or boarding house the subject of a limited hotel licence or other licence granted under the 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 any article;
- (c) the generation of electricity or the production of gas;
- (d) the manufacture of edible goods;

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

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

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

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

industry—extractive: means an industry which involves—

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

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

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



industry—light: means an industry—

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

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

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

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

institutional building: means a building or a group of buildings used or designed for use wholly or principally for the purpose of—

- (a) a hospital or sanatorium for the treatment of infectious or contagious diseases;
- (b) a penal or reformatory institution; or
- (c) a hospital for the treatment or care of the mentally ill.

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

- (a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;
- (b) the establishment and operation of plant and fruit nurseries;
- (c) the development of land for irrigated fodder production and irrigated pasture (including turf farms);
- (d) the development of land for the keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either fur or meat 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 the Department of Agriculture in consultation with surrounding farmers for the applicable pasture type; and
- (g) aquaculture.

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

kiosk: means the use of land or buildings which is incidental to the predominant use and which complements that use for the purpose of the display and sale of souvenirs and/or refreshments to patrons of the predominant use.

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

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

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

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

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

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

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

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

- (a) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms, 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 this Scheme but is not in conformity with the provisions of this Scheme.

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

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

outline development plan: means a plan prepared to indicate the outline of future development in a specified area. The plan may include topography; the location of roads, natural areas, facilities and amenities, including recreation, civic and retail uses; residential densities; services including drainage, water and sewerage; development staging; and any other information required by the Council.

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 below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;
- (b) any works or buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- (c) as much of the land beneath the place as is required for the purposes of its conservation.

places of natural beauty: means the natural beauties of the area including rivers, lakes and other inland waters, banks of rivers, foreshores of harbours and other parts of the sea, hill slopes and summits and valleys.

place of worship: includes buildings used primarily for the religious activities of a church but does not include an institution for primary, secondary or higher education or a residential training institution.

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

plot ratio: shall have the same meaning given to the term in the Building Code of Australia except for residential dwellings where the term shall have the same meaning given to it in the Residential Planning Codes.

poultry farm: means any land or buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act 1911-1990 (as amended).

private hotel: means any land or buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).

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

public exhibition: means any land or buildings used for the display of materials or for the promotion of artistic, cultural or educational purposes.

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

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.

radio or television installation: means any land or buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.

reception centre: means any land or buildings used by parties for functions on formal or ceremonial occasions, but not for unhosted use for general entertainment purposes.

Residential Planning Codes: means the Residential Planning Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1.

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

restricted premises: means any land or building, part or parts thereof, used or designed to be used primarily for the sale of retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—

- (a) publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902 (as amended); or
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.

restoration: means any work or process on, at or in respect of a building structure or place which wholly or partly brings the building structure or place back 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.

retail: means the sale or hire of products, goods or services to the general public generally in small quantities and from a shop, showroom or fast food outlet.

roadhouse: means land and buildings used for the predominant purpose of a service station but incidentally including a cafe, restaurant and/or shop. The facility may include a truck stop.

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.

schedule: means a schedule to the Scheme.

service station: means any land or buildings used for the retail sale of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs, minor mechanical repairs to motor vehicles but does not include a transport depot, panel beating, spray painting, major repairs or wrecking.

shop: means any building or portion of a 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 bank, fuel depot, a wholesale market, service station, milk depot, marine store, warehouse, timber yard or land or buildings used for the sale of vehicles or for any purpose falling within the definition of industry.

showroom: means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, china, glassware or domestic hardware, or items of personal adornment.

sign: means a notice, message or display by means of a freestanding or fixed sign or hoarding.

stockyards: means any land, building or other structure used for holding and/or sale of animal stock.

tavern: means any land or buildings the subject of a Tavern Licence granted under the provisions of the Liquor Licensing Act 1988.

trade display: means any land and/or buildings used for the display of trade goods and equipment for the purposes of advertisement.

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

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

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

vehicle sales premises: means any land and buildings used for the display and sale 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.

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

veterinary clinic: means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight, and may include a dispensary of medications incidental thereto.

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

warehouse: means a building or enclosed land, or part of a building or enclosed land, used for storage of goods, the carrying out of commercial transactions involving the sale of such goods by wholesale and includes a bulk store or depot.

wayside stall: means a stall located adjacent to a street in which only fruit, vegetables and artifacts grown, produced or made on the land are sold or offered for sale.

wholesale: means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant' for sales tax purposes under the provisions of the Sales Tax Assessment Act No. 1 1930 (as amended).

wine house: means any land or buildings the subject of a Wine House Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).

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

#### SCHEDULE 2—ZONING TABLE

Use and Development Class	Zones						
	Residential	Residential Development	Commercial	Industrial	Special Use	Townsite	Rural
1. Aged or Dependent Persons Dwelling	SA	SA			*	AA	
2. Amusement Parlour			AA		*	SA	
3. Amusement and Recreation	SA		AA	SA	*	AA	SA
4. Animal Boarding House				AA	*	SA	AA
5. Bed and Breakfast Accommodation	SA	SA	AA		*	AA	SA
6. Betting Agency			P		*	SA	
7. Camping Area					*	AA	SA
8. Caravan Park					*	AA	SA
9. Caretakers Dwelling	IP	IP	IP	IP	*	IP	IP
10. Civic Use	SA	SA	AA	AA	*	AA	SA
11. Community Use	SA	SA	P		*	AA	SA
12. Convenience Store	SA	SA	P	SA	*	AA	
13. Day Care Centre	SA	SA	AA		*	AA	SA
14. Dry Cleaning Premises			AA	P	*	AA	
15. Educational Establishment	SA	SA	P		*	AA	
16. Factoryettes			SA	P	*	SA	
17. Fast Food Outlet	SA		AA		*	SA	
18. Funeral Parlour			SA	P	*	AA	
19. Garden Centre	SA		P	AA	*	AA	AA
20. Holiday Accommodation			AA		*	SA	AA
21. Home Occupation	SA	SA	AA	AA	*	P	P
22. Hotel			P		*	SA	
23. Industry—Cottage	SA	SA	AA	P	*	AA	AA
24. Industry—Extractive				SA	*		AA
25. Industry—General				P	*	SA	
26. Industry—Hazardous				AA	*		
27. Industry—Light			AA	P	*	SA	
28. Industry—Noxious				SA	*		
29. Industry—Rural				SA	*	SA	AA
30. Industry—Service			AA	P	*	SA	
31. Intensive Agriculture					*		AA
32. Kindergarten	SA	SA	AA		*	AA	
33. Kiosk	SA	SA	P	AA	*	AA	
34. Liquor Store			P		*	AA	
35. Lodging House	SA	SA	AA		*	SA	AA
36. Market			AA	SA	*	AA	AA
37. Medical Centre	SA	SA	AA		*	SA	
38. Medical Clinic	SA	SA	AA		*	SA	

## Zones

(Note: \* means uses as determined by the Council as per Schedule No. 4 and the Scheme Maps).

### SCHEDULE 3—ADDITIONAL USES

No.	Lot Description	Permitted Additional Use	Development Standards /Conditions

## SCHEDULE 4—SPECIAL USE ZONE

No.	Lot Description	Permitted Special Use	Scheme Map Designation
1.	Reserve 20557 cnr Gordon & Bull Streets KULIN	Place of Worship	W
2.	Reserve 21661 cnr Gordon & Day Streets KULIN	Place of Worship	W

## SCHEDULE 5—DEVELOPMENT TABLE

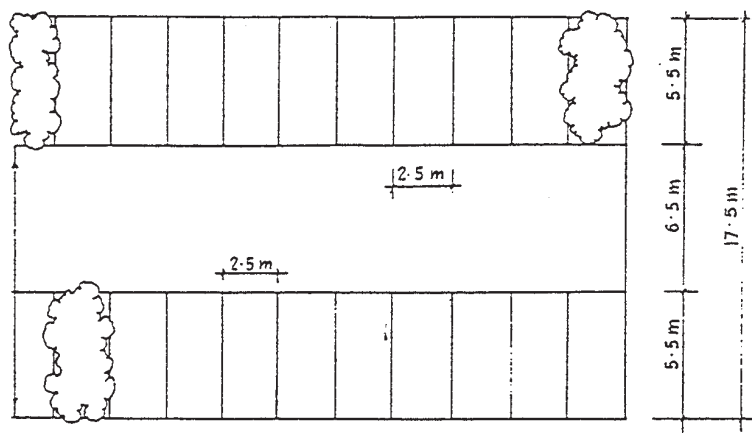
Controls	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum Landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Club	*	*	*	0.5	*	1 for every 45m <sup>2</sup> of gross floor area.
Consulting Rooms	*	*	*	0.4 in Res Zone 0.5 elsewhere	30 in Res Zone	1 for every 30m <sup>2</sup> of gross floor area, plus 1 for each person employed.
Day Care Centre	7.5	7.5	*	*	*	1 for each employee.
Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the Council.
Funeral Parlour	*	*	*	*	10	As determined by the Council, (minimum 6).
Hall	*	*	*	*	10	1 for every 4 persons whom the building is designed to accommodate.
Hospital	9.0	7.5	5.0	0.4 in Res Zone 0.5 elsewhere	20	1 per 4 beds and 1 per employee.
Hostel	7.5	7.5	*	*	30	1 per dwelling.
Hotel/Tavern	*	*	*	*	10	1 for every bedroom plus 1 per 2m <sup>2</sup> of bar and lounge area.
Industrial—Service	7.5	7.5	*	*	10	1 per 2 employees.
Industrial—Light	7.5	7.5	*	*	10	1 per 2 employees.
Industrial—General	7.5	7.5	*	*	15	1 per 2 employees
Motel	9.0	7.5	3.0 per storey	1.0	30	1 per unit, plus 1 space per 25m <sup>2</sup> of service area.
Office	*	*	*	*	*	1 for every 30m <sup>2</sup> plot ratio area.
Professional Office	*	*	*	0.5	*	1 for every 30m <sup>2</sup> plot ratio area.
Restaurant	*	*	*	*	*	1 for every 10m <sup>2</sup> of gross floor area or 1 for every 4 seats provided, whichever is the greater.
Service Station	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site.
Shop	*	*	*	*	*	1 for every 15m <sup>2</sup> of gross floor area.
Showroom	*	*	*	*	10	1 for every 100m <sup>2</sup> of gross floor area.
Vehicle Sales	*	*	*	*	5	1 for every 250m <sup>2</sup> of sales area, plus 1 for every person employed on site.

## Note—

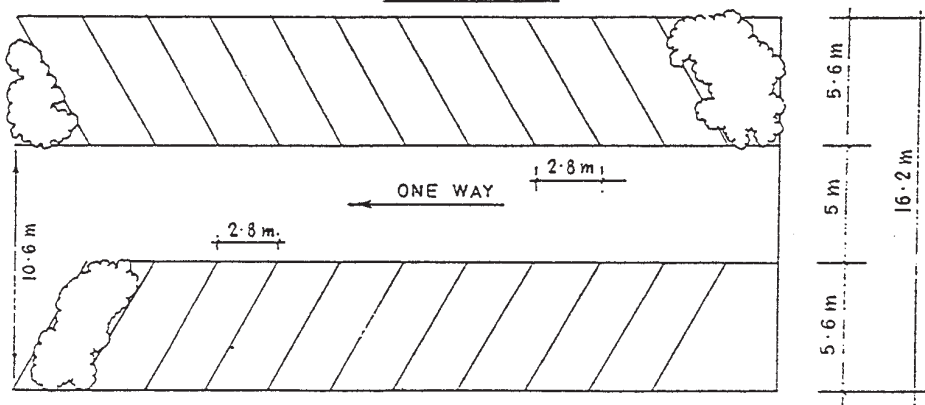
- (1) \* means to be determined by the Council in each particular case.
- (2) Landscaping to be generally at the street frontage.

## SCHEDULE 6—MINIMUM CAR PARKING LAYOUT SPECIFICATIONS

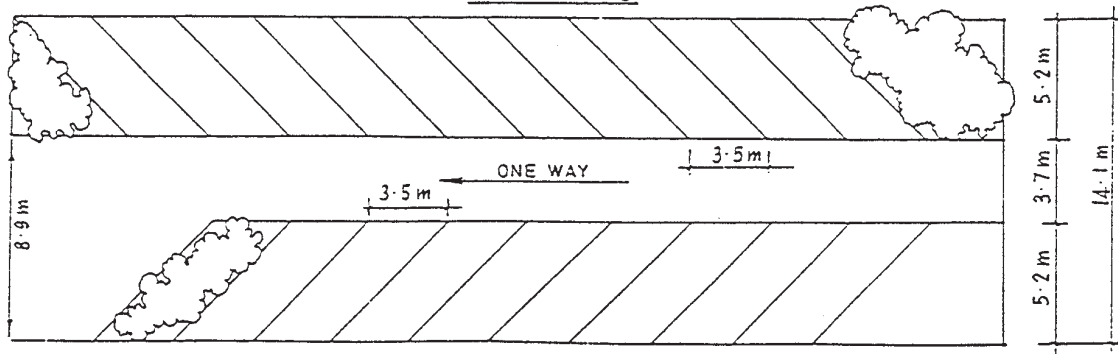
90° PARKING



60° PARKING



45° PARKING





## SCHEDULE 7—EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 5.2

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



Schedule 7—Exempted Advertisements pursuant to Clause 5.2—*continued*

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters on poster signs and applies to all illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
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 dwelling	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>
TEMPORARY SIGNS	EXEMPTED SIGNS TYPES AND NUMBER (All non illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows—		
(1) Dwellings	One advertisement per street frontage containing details of the project, professional consultants and the contractors undertaking the construction work.	2m <sup>2</sup>
(2) Multiple Dwellings, Shops, Commercial and Industrial Projects	One sign as for (1) above.	5m <sup>2</sup>
(3) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (1) above.  One additional sign showing the name of the project builder.	10m <sup>2</sup>  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 or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m <sup>2</sup>
Property Transactions—Advertisement signs displayed for the duration over which property transactions are offered and negotiated as follows—		
(a) Dwellings	One sign per street frontage for each property relating to 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 Projects	One sign as for (a) above.	Each sign shall not exceed an area of 5m <sup>2</sup>
(c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.	One sign as for (a) above.	Each sign shall not exceed an area of 10m <sup>2</sup>

Schedule 7—Exempted Advertisements pursuant to Clause 5.2—*continued*

TEMPORARY SIGNS	EXEMPTED SIGNS TYPES AND NUMBER (All non illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Display Homes— Advertisement signs displayed for the period over which homes are on display for public inspection.	(i) One sign for each dwelling on display.	2m <sup>2</sup>
	(ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	5m <sup>2</sup>

SCHEDULE 8—ADDITIONAL INFORMATION SHEET FOR  
ADVERTISEMENT APPROVAL

## ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL

(To be completed in addition to Schedule 9—Application for Planning Consent)

NAME OF ADVERTISER (if different from landowner)—

.....

FULL ADDRESS .....

DESCRIPTION OF PROPERTY UPON WHICH ADVERTISEMENT IS TO BE DISPLAYED  
INCLUDING FULL DETAILS OF ITS PROPOSED POSITION WITHIN THAT PROPERTY

.....

.....

.....

DETAILS OF PROPOSED SIGN—

Height ..... Width ..... Depth .....

Colours to be used .....

Height above ground level (to top of advertisement) ..... (to underside) .....

Materials to be used .....

Illuminated: Yes/No If Yes, state whether sign is to be steady, moving, flashing, alternating, digital,  
animated or scintillating and state intensity of light source—

.....

.....

STATE PERIOD OF TIME FOR WHICH ADVERTISEMENT IS REQUIRED

.....

DETAILS OF SIGNS, IF ANY, TO BE REMOVED IF THIS APPLICATION IS APPROVED

.....

SIGNATURE OF ADVERTISER(S) .....

(If different from landowner)

Note: (1) This application should be supported by a photograph or photographs of the premises showing  
superimposed thereon the proposed position for the advertisement and those signs to be removed as  
detailed above.SCHEDULE 9—APPLICATION FOR PLANNING CONSENT  
**Town Planning and Development Act 1928 (as amended)**

## SHIRE OF KULIN

## TOWN PLANNING SCHEME No. 2

## APPLICATION FOR PLANNING CONSENT

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

FULL ADDRESS .....

SURNAME OF LANDOWNER ..... GIVEN NAMES .....

(if different from above)

SUBMITTED BY .....

ADDRESS FOR CORRESPONDENCE .....

TELEPHONE No. .... FACSIMILE No. ....

LOCALITY OF PROPOSED DEVELOPMENT .....

TITLE DETAILS OF LAND .....

NAME OF ROAD SERVING PROPERTY .....

STATE TYPE OF DEVELOPMENT .....

NATURE AND SIZE OF ALL BUILDINGS PROPOSED .....

.....

MATERIALS TO BE USED ON EXTERNAL SURFACES OF BUILDING/S .....

.....

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

.....

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

.....

APPROXIMATE COST OF PROPOSED DEVELOPMENT .....

ESTIMATED TIME FOR COMPLETION OF CONSTRUCTION WORKS .....

SIGNATURE OF LANDOWNER ..... DATE .....

SIGNATURE OF APPLICANT OR AGENT ..... DATE .....

(Both signatures are required if Applicant is not the Owner)

## NOTE—

- (1) This form should be completed and forwarded to the Council together with three (3) copies of detailed plans showing complete details of the proposed development including a site plan showing the relationship of the land to the area generally.
- (2) A separate application is required to be submitted to Council for a building licence (where applicable).

SCHEDULE 10—NOTICE OF PUBLIC ADVERTISEMENT OF  
DEVELOPMENT PROPOSAL

*SHIRE OF KULIN*

TOWN PLANNING SCHEME No. 2

NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL

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

SUBMITTED BY .....

ON BEHALF OF .....

LAND DESCRIPTION

LOT No. .... STREET .....

PROPOSAL .....

.....

.....

.....

.....

.....

.....

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.....

.....

Details of the proposal are available for inspection at the Kulin Shire Office, Johnston Street, Kulin. Comments on the proposal may be submitted to the Council in writing on or before the—

..... day of ..... 19 .....

.....  
CHIEF EXECUTIVE OFFICER

.....  
DATE

SCHEDULE 11—NOTICE OF DECISION ON APPLICATION FOR  
PLANNING CONSENT

**Town Planning and Development Act 1928 (as amended)**

*SHIRE OF KULIN*

TOWN PLANNING SCHEME No. 2

NOTICE OF DECISION ON APPLICATION FOR PLANNING CONSENT

The Council having considered the application—

Dated .....

Submitted by .....

On behalf of .....

hereby advise that it has decided to—

REFUSE/GRANT APPROVAL—TO COMMENCE DEVELOPMENT

—TO DISPLAY AN ADVERTISEMENT

subject to the following conditions/for the following reasons—

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

.....  
CHIEF EXECUTIVE OFFICER

.....  
DATE

Note: (1) Any Council decision to grant approval is only valid for a period of two (2) years from the date shown on the decision, unless otherwise stated in the decision.

ADOPTION

Adopted by Resolution of the Council of the Shire of Kulin at the Ordinary Meeting of the Council held on the 16th day of April 1997.

16th April 1997.

J. C. BELL, President.  
G. HADLOW, Chief Executive Officer.

FINAL APPROVAL

1. Adopted by Resolution of the Council of the Shire of Kulin at the Ordinary Meeting of the Council held on the 16th day of June 1999 and the seal of the Municipality was pursuant to that Resolution hereunto affixed in the presence of—

16th June 1999.

J. C. BELL, President.  
G. HADLOW, Chief Executive Officer.

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

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

Date 29 June 1999

EUGENE FERRARO, for Chairperson.

3. Final approval granted.

Date 1 July 1999.

G. KIERATH, Hon. Minister for Planning.

## RACING, GAMING AND LIQUOR

### RA401

#### LIQUOR LICENSING ACT 1988

##### SUMMARY OF LIQUOR LICENSING APPLICATIONS

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

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
1628/1999	Charles Anthony Maiolo	Application for the grant of a producer's licence in respect of premises situated in Carburnup River and known as Maiolo Wines.	22/8/99
1635/1999	Sandalford Wines Pty Ltd	Application for the grant of a special facility licence in respect of premises situated in Caversham and known as Sandalford Caversham Estate.	17/8/99
1636/1999	Uniservices Kalgoorlie Pty Ltd	Application for the grant of a special facility licence in respect of premises situated in Kalgoorlie and known as Uniservices Kalgoorlie Pty Ltd.	18/8/99
1638/1999	Ambergold Holdings Pty Ltd	Application for the grant of a tavern licence in respect of premises situated in Leederville and known as Fibber McGee's	12/8/99
1639/1999	Frontier Group Pty Ltd	Application for the grant of a special facility licence in respect of premises situated in Fremantle and known as Bar Millennium.	17/8/99
APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
1135/1999	KJ Robe, GG Moretti & JM Campbell	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Perth and known as Grosvenor.	6/8/99

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

G. B. AVES, Director of Liquor Licensing.

## WATER

### WA401\*

#### RIGHTS IN WATER AND IRRIGATION ACT 1914

##### Notice Under Section 13 of the Act (Regulation 14(1))

The Water & Rivers Commission has received the applications in the following schedule from the Water Corporation for licences to take and use surface water for public water supply purposes.

The applications are for increased draw from existing sources of supply.

Any owner or occupier of land within 4.8 km of the source and contiguous to the watercourse on which the source is located may lodge an objection to that application. The Water & Rivers Commission in determining whether a licence is issued will consider any objection.

Objections must be sent to reach me at the Water & Rivers Commission PO Box 6740 Hay St. East EAST PERTH. Prior to 18 August 1999 by certified mail.

Any queries regarding these applications should be referred to Mr Alan Cook on telephone 9278 0398.

##### Schedule

Source:	10 Mile Brook Dam	Source:	Kirup Dam
Watercourse:	10 Mile Brook	Watercourse:	Capel River
River System:	Margaret River	River System:	Capel

Manager, Allocation Branch Water & Rivers Commission.

**WA402\*****WATER AGENCIES (POWERS) ACT 1984**

Water Supply Improvements: Shire of Busselton-Quindalup

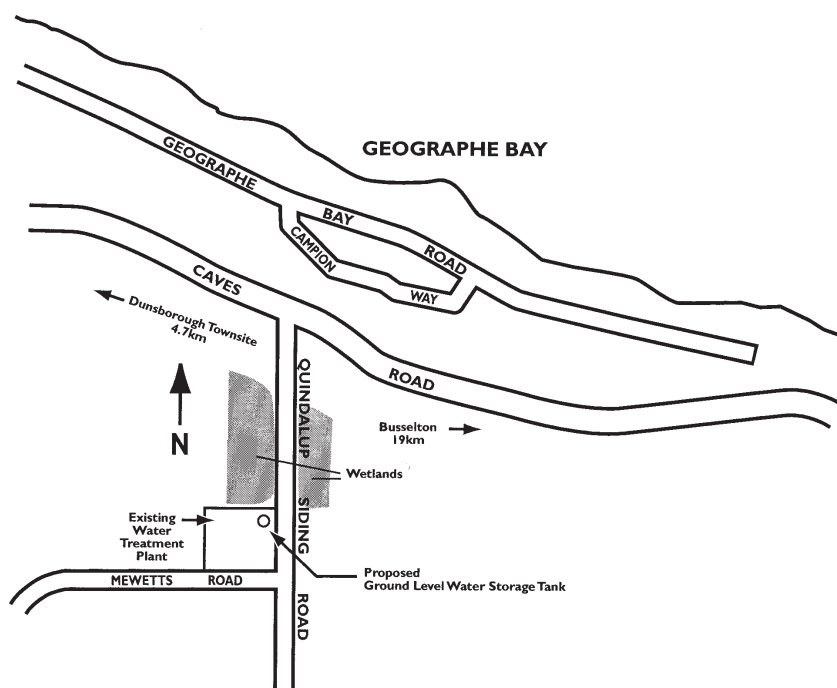
**NOTICE OF AUTHORISATION TO CONSTRUCT A 2,500m<sup>3</sup> GROUND LEVEL TANK**

In accordance with the provisions of the Water Agencies (Powers) Act 1984, the Minister for Water Resources has authorised the Water Corporation to construct the following works—

- A reinforced concrete ground level water storage tank of approximately 2,500 cubic metres capacity, 23.0 metres diameter and 6.3 metres wall height, with a metal sheeted roof of zinc/aluminium finish.
- Associated earthworks and pipework including valves, meters and concrete valve pits.

The location of the proposed works is at Quindalup within the groundwater treatment plant site on Quindalup Siding Road as shown on the plan.

The works will improve the water supply to Dunsborough and the Quindalup area.

**WA403\*****WATER AGENCIES (POWERS) ACT 1984**

Water Supply Improvements: Shire of Busselton

**NOTICE OF AUTHORISATION TO CONSTRUCT THREE GROUNDWATER PRODUCTION BORES AND 400mm NOMINAL DIAMETER COLLECTOR MAIN**

In accordance with the provisions of the Water Agencies (Powers) Act 1984, the Minister for Water Resources has authorised the Water Corporation to construct the following works—

- Groundwater production bores and connections to collector main with associated valves, pipework and pumps.
- Approximately 5,500 metres of 400mm nominal diameter steel below ground bore collector main with associated fittings, valves and manholes.

The location of the proposed works is as shown on the adjacent plan.

The following groundwater production bores are proposed—

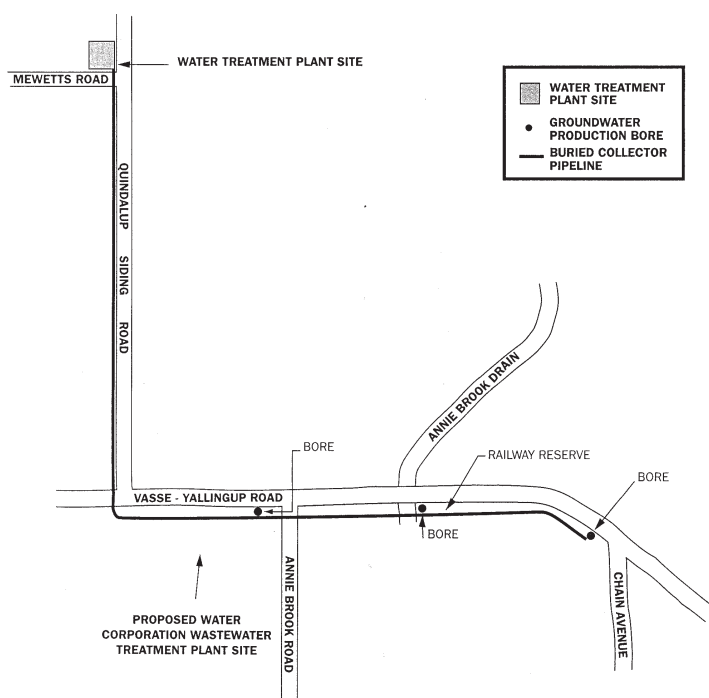
- Bore 1/98 In rail reserve on southern side of Vasse-Yallingup Road.
- Bore 3/98 In rail reserve on southern side of Vasse-Yallingup Road.
- Bore 4/98 In rail reserve on southern side of Vasse-Yallingup Road.

The collector main will generally be located in:

- Road reserve on the Western side of Quindalup Siding Road.
- On the south side of the disused railway reserve to the south of the Vasse-Yallingup Road.

Other than rail and road reserves, the collector main will traverse the northern boundary of the Water Corporation's Wastewater Treatment Plant on the Vasse-Yallingup Road.

The works will improve the Water Supply to Dunsborough and adjacent areas.



## PUBLIC NOTICES

**ZZ101**

### TRUSTEES ACT 1962

#### Notice to Creditors and Claimants

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 23rd August 1999, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Brook, Marjorie Edith Marion, late of Gwen Hardie Lodge, Albany, died 12/6/99 (DEC 320667 DC4).

Bullin, Iris Amelia, late of Freshwater Bay Nursing Home, 67 Palmerston Street, Mosman Park, died 11/7/99 (DEC 320699 DS2).

Curtis, Gwenyth Marion, late of St Andrew's Nursing Home, 37 Burwood Road, Balcatta, formerly of 56 Marlow Street, Wembley, died 1/6/99 (DEC 319926 DS4).

Drummond, Alwynne Verona, late of Concorde Nursing Home, 25 Anstey Street, South Perth, died 26/6/99 (DEC 320537 DC2).

Duncan, Jacqueline Marjorie, late of 28 Hollett Road, Morley, died 18/6/99 (DEC 320536 DP1).

Eggleston, Ruth Evelyn Olive, late of Karri Lodge, 42/250 Baltimore Parade, Merriwa, died 1/7/99 (DEC 320540 DL3).

Giles, Edna Annie, late of Esperance Aged Care Facility, 4 Randell Street, Esperance, formerly of 126 Prinsep Street, Norseman, died 22/6/99 (DEC 320650 DP4).

Hammer, Jack, late of Swan Cottage Homes, 7 Plantation Drive, Bentley, died 5/6/99 (DEC 320573 DG4).

Hazeldine, Gladys Kate, late of St David's Nursing Home, 19 Lawley Crescent, Mount Lawley, died 7/7/99 (DEC 320622 DG4).

Hughes, Kaye Elizabeth, late of Craigmont Nursing Home, Third Avenue, Maylands, died 28/6/99 (DEC 320641 DS3).

Johnston, Florence Mary, late of St David's Nursing Home, 17-19 Lawley Crescent, Mount Lawley, died 3/7/99 (DEC 320575 DC3).

Lane, Katharine Ellen, late of Room 64, Frederick Guest Hostel, 25 Gleddon Road, Bull Creek, died 14/6/99 (DEC 320610 DL4).

Larsen, Heather Claudia, late of McDougal Park Nursing Home, 18 Ley Street, Como, died 4/7/99 (DEC 320505 DC4).



Lowrie, Rex George, late of 52 Saunders Street, Wynyard, Tasmania, formerly of 12 Haynes Street, North Perth, died 18/6/99 (DEC 320566 DG2).

McLean, Roy, late of St Luke's Nursing Home, Rokeby Road, Subiaco, died 28/6/99 (DEC 320676 DC2).

Messenger, Violet Margaret, late of 2/91 Fitzroy Road, Rivervale, died 27/6/99 (DEC 320574 DS2).

Middleton, Gordon Harry, late of Lot 139 South River Road, Carnarvon, died 7/11/98 (DEC 315372 DL4).

Nichols, Hilda Isabelle Madge, late of Agmaroy Nursing Home, 115 Leach Highway, Wilson, died 7/4/99 (DEC 318305 DS2).

O'Dowd, George Trevor, late of 123 Richmond Street, Leederville, died 3/4/98 (DEC 320506 DS3).

Pratley, Gladys Viola, late of 4/480 Guildford Road, Bayswater, died 6/7/99 (DEC 320638 DG3).

Rowden, Audrey, late of 3/7 Tulare Turn, Joondalup, died 4/6/99 (DEC 320618 DP4).

Salmon, Arthur John, late of Murray River Nursing Home, Coolibah Avenue, Mandurah, died 1/5/99 (DEC 319140 DG4).

Stent, Alexander William, late of Ascot Nursing Home, 29 Neville Street, Bayswater, formerly of 9A Alfred Street, Belmont, died 9/7/99 (DEC 320706 DA2).

Taylor, Eileen Grace, late of Alfred Carson Nursing Home, 30 Bay Road, Claremont, died 29/6/99 (DEC 320674 DA1).

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

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

## Notice to Creditors and Claimants

Mary McConachy Jessop, late of 16 Kingfisher Loop, Willetton in the State of Western Australia, Married Woman, deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the estate of the abovenamed deceased who died on the 20th day of May 1999, are required by the Trustee Edward Jessop of care of Beere May & Meyer, Solicitors of 37 Kent Street, Busselton, Western Australia to send particulars of their claims to the Executor by the 20th day of August, 1999 (the date which is 28 days after publication of the notice), after which date the Trustee may convey or distribute the assets, having regard only to the claims of which the Executor then has notice.

BEERE MAY & MEYER, Solicitors of 37 Kent Street, Busselton,  
Western Australia. Phone: (08) 9752 4166 Fax: (08) 9754 1732.

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

## NOTICE TO CREDITORS AND CLAIMANTS

In the matter of the Estate of Polyxeni Maliotis, late of Rockingham Nursing Home, 14 Langley Street, Rockingham in the State of Western Australia, Secretary, deceased.

Creditors and other persons having claims to which Section 63 of the Trustees Act 1962 relate in respect of the Estate of the deceased, who died on the 15th day of May 1999, are required by the Executor, Esstathiou Maliotis, to send the particulars of their claim to Messrs Taylor Smart of Level 28, 44 St George's Terrace, Perth in the State of Western Australia, by the 25th day of August 1999, after which date the said Executor may convey or distribute the assets, having regard only to the claims of which he has had notice.

Dated this 20th day of July 1999.

GARRY E. SAME.  
TAYLOR SMART.

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

## NOTICE TO CREDITORS AND CLAIMANTS

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the Estate of Alfred Thomas Bellord, late of 69 Forrest Street, Cottesloe who died on 4th July



1999, are required by the executor National Mutual Trustees Limited of 6th Floor, 111 St George's Terrace, Perth to send particulars of their claims to them on or before the expiration of one month from the date of publication of this notice, after which date the Company may convey or distribute the assets of the Estate having regard only to the claims of which it then has notice.

**ZZ401****DISPOSAL OF UNCOLLECTED GOODS ACT 1970**

NOTICE OF INTENTION TO APPLY TO COURT FOR AN ORDER TO SELL, OR OTHERWISE  
DISPOSE OF GOODS VALUED IN EXCESS OF \$300.

To Domenic Casella of Cnr Harper Street and The Esplanade, you were given notice on 26 September 1997 that the following goods; Porsche 911SC, situated at 277 Guildford Road, Maylands WA were ready to be collected.

Unless not more than one month after the date of the giving of this notice you either collect the goods or give directions of their collection, Peter Harper of 277 Guildford Road, Maylands WA 6051 intends making an application to the court for an order to sell or otherwise dispose of them in accordance of the Act.

Dated this 14th day of July 1999.

Signed P. HARPER.

## WESTERN AUSTRALIA

## DANGEROUS GOODS (TRANSPORT) ACT 1998

**Price: \$5.35 Counter Sales  
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### CLAIMS FOR MISSING ISSUES

#### (SUBSCRIPTION ITEMS)

For a claim to be recognised as valid, written notification must be lodged at State Law Publisher, 10 William Street, Perth 6000 within 28 days of publication of the missing item.

Claims lodged after this date will attract payment in full.

### COUNTER SALES 1999-2000

(As from 1 July 1999)

	\$
<b>Government Gazette—(General).....</b>	2.55
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<b>Industrial Gazette .....</b>	12.85
<b>Bound Volumes of Statutes .....</b>	224.00

## 1998 Acts

These Acts were passed by Parliament during 1998.

1. Local Government Amendment Act
2. Country High School Hostels Authority Amendment Act
3. Misuse of Drugs Amendment Act
4. Country Housing Act
5. Small Business Development Corporation Amendment Act
6. Building and Construction Industry Training Fund and Levy Collection Amendment Act
7. Charitable Trusts Amendment Act
8. Guardianship and Administration Amendment Act
9. Agricultural Legislation Amendment and Repeal Act
10. Statutes (Repeals and Minor Amendments) Act (No. 2)
11. Environmental Protection (Landfill) Levy Act
12. Liquor Licensing Amendment Act
13. Industry and Technology Development Act
14. Environmental Protection Amendment Act
15. Acts Amendment (Abortion) Act
16. Treasurer's Advance Authorization Act
17. Betting Control Amendment Act
18. Revenue Laws Amendment (Taxation) Act
19. Racecourse Development Amendment Act
20. Advance Bank (Merger with St. George Bank) Act
21. Advance Bank (Merger with St. George Bank) (Taxing) Act
22. Revenue Laws Amendment (Assessment) Act
23. WA Greyhound Racing Association Amendment Act
24. Acts Amendment (Gaming) Act
25. WA Treasury Corporation Amendment Act
26. Lotteries Commission Amendment Act
27. Acts Amendment (Education Loan Scheme) Act
28. Bookmakers Betting Levy Amendment Act
29. Criminal Law Amendment Act (No. 2)
30. WADC and WA Exim Corporation Repeal Act
31. Supreme Court Amendment Act
32. Rail Safety Act
33. Government Railways Amendment Act
34. Real Estate and Business Agents Amendment Act
35. Mining Amendment Act
36. Appropriation (C.F.) Act (No. 1)
37. Appropriation (C.F.) Act (No. 2)
38. Criminal Law Amendment Act (No. 1)
39. Births Deaths and Marriages Registration Act
40. Acts Repeal and Amendment (Births Deaths and Marriages Registration) Act
41. Fire and Emergency Services Authority of Western Australia Act
42. Fire and Emergency Services Authority of Western Australia (Consequential Provisions) Act
43. Curtin University of Technology Amendment Act
44. Taxi Amendment Act
45. Carnarvon Banana Industry (Compensation Trust Fund) Repeal Act
46. Western Australian Meat Industry Authority Amendment Act
47. Police Amendment Act
48. Acts Amendment (Video and Audio Links) Act
49. Government Railways (Access) Act
50. Dangerous Goods (Transport) Act
51. Dangerous Goods (Transport) (Consequential Provisions) Act
52. Road Traffic Amendment Act
53. Botanic Gardens and Parks Authority Act
54. Bail Amendment Act
55. Pearling Amendment Act
56. Surveillance Devices Act
57. Mutual Recognition (Western Australia) Amendment Act
58. Revenue Laws Amendment (Assessment) Act (No. 2)
59. Coal Mines Legislation Amendment and Revival Act
60. Western Australian Land Authority Amendment Act
61. Acts Amendment (Land Administration Mining and Petroleum) Act
62. Health Amendment Act
63. Occupational Safety and Health (Validation) Act
64. Local Government Amendment Act (No. 2)
65. Gas Pipelines Access (Western Australia) Act
66. Commercial Tenancy (Retail Shops) Agreement Amendment Act

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For further information please contact:

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Telephone: 9321 7688

WESTERN AUSTRALIA

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WESTERN AUSTRALIA

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(Reprinted as at 17 December 1993)

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