

# WESTERN AUSTRALIAN GOVERNMENT Gazette

6571



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### CONTENTS

#### PART 1

Town of Kwinana—Repeal of Local Laws—  
 Local Law Relating to Control & Management of Calista Hall, Equipment and Property; Model Local Law relating to Petrol Pumps No. 10; Model Local Law relating to Motels No. 3..... 6573  
 Local Law Relating to Payment of Rates and Charges; Local Law relating to Long Service Leave; Model Local Law relating to Caravan Parks and Camping Grounds No. 2..... 6573-4

#### PART 2

Agriculture..... 6575-7  
 East Perth Redevelopment Authority ..... 6577-8  
 Fair Trading ..... 6578  
 Health ..... 6578-9  
 Insurance Commission..... 6579-81  
 Justice ..... 6581-2  
 Land Administration..... 6583  
 Local Government ..... 6583-5  
 Mining..... 6585-7  
 Parliament..... 6587  
 Planning..... 6587-614  
 Public Notices—Deceased Estates..... 6615-6  
 Racing, Gaming and Liquor..... 6614-5  
 Treasury..... 6615

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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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## **ADVERTISING RATES AND PAYMENTS**

EFFECTIVE FROM 1 JULY 2000 (Prices include GST).

Deceased Estate notices, (per estate)—\$19.91

Real Estate and Business Agents and Finance Brokers Licences, (per notice)—\$46.53

Other articles in Public Notices Section—\$46.53 (except items of an exceptionally large nature. In these instances arrangements will be made for pricing the notice at time of lodging).

All other Notices

Per Column Centimetre—\$9.24

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

Clients without an account will need to pay at time of lodging the notice.

## **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 —

## LOCAL GOVERNMENT

### LG301\*

TOWN OF KWINANA  
 REPEAL OF LOCAL LAWS  
 LOCAL LAW RELATING TO CONTROL & MANAGEMENT OF CALISTA HALL,  
 EQUIPMENT & PROPERTY  
 MODEL LOCAL LAW RELATING TO PETROL PUMPS NO. 10  
 MODEL LOCAL LAW RELATING TO MOTELS NO. 3

The Council of the Town of Kwinana records having made the following local law at a meeting held on 24 May 2000.

The following Local Laws are hereby repealed—

LOCAL LAW	DATE OF GAZETTAL
Control and Management of the Calista Hall, Equipment and Property on Lot C574, Calista	13 January, 1971 Amended 30 April, 1976
Model Local Law relating to the Construction, Establishment, Operation and Maintenance of Motels No. 3	Original Gazettal 20 September, 1961 Adopted by Council 20 December, 1961 Amended 5 April, 1974 Amended 21 June, 1974
Model Local Law relating to Petrol Pumps No. 10	Original Gazettal 9 March, 1966 Adopted by Council 17 August, 1966 Amended 31 August, 1970 Amended 21 June, 1974

Dated this 24th day of May 2000.

The Common Seal of the Town of Kwinana was affixed by authority of a resolution of the Council in the presence of—

J. H. D. SLINGER, JP, Mayor.  
 FRANK EDWARDS, Chief Executive Officer.

### LG302\*

TOWN OF KWINANA  
 REPEAL OF LOCAL LAWS  
 LOCAL LAW RELATING TO PAYMENT OF RATES & CHARGES  
 LOCAL LAW RELATING TO LONG SERVICE LEAVE  
 MODEL LOCAL LAW RELATING TO CARAVAN PARKS AND CAMPING  
 GROUNDS NO. 2

The Council of the Town of Kwinana records having made the following local law at a meeting held on 24 May 2000.

The following Local Laws are hereby repealed—

LOCAL LAW	DATE OF GAZETTAL
Payment of Rates & Charges	28 June, 1991 Amended 12 June, 1992

<b>LOCAL LAW</b>	<b>DATE OF GAZETTAL</b>
Long Service Leave	4 October, 1968 Amended 27 June, 1975 Amended 31 October, 1975
Model Local Law relating to Caravan Parks & Camping Grounds No. 2	22 February, 1974 Amended 27 June, 1975

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Dated this 24th day of May 2000.

The Common Seal of the Town of Kwinana was affixed by authority of a resolution of the Council in the presence of—

J. H. D. SLINGER, JP, Mayor.  
FRANK EDWARDS, Chief Executive Officer.

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— PART 2 —

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**AGRICULTURE**

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**AG401\***

**SOIL AND LAND CONSERVATION ACT 1945**

NOTICE OF APPOINTMENT

Pursuant to section 23 (2b)(d) of the Soil and Land Conservation Act 1945, being persons actively engaged in, or affected by, or associated with land use in the District, Walter Kolb of Toodyay and Rosemary June Madácsi of Toodyay West are appointed members of the Toodyay Land Conservation District (*the Committee was established by an Order in Council, published in the Gazette 13 October 1989 at pp. 3805-06 and amended in the Gazettes 18 May 1990 at p. 2336 and 30 April 1996 at pp. 1853-1854*). The appointment is for a term ending on 30 September 2001.

Dated this 27th day of October 2000.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

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**AG402\***

**SOIL AND LAND CONSERVATION ACT 1945**

NOTICE OF APPOINTMENT

Pursuant to section 23 (2b)(d) of the Soil and Land Conservation Act 1945, being persons actively engaged in, or affected by, or associated with land use in the District, Elizabeth Western of Maida Vale and Don Burgess of Gidgegannup are appointed members of the Wooroloo Brook Land Conservation District (*the Committee was established by an Order in Council, published in the Gazette of 29 May 1992 at pp. 2182-84 and amended in the Gazette of 14 November 1995 at p. 5282*). The appointment is for a term ending on 30 September 2001.

Dated this 27th day of October 2000.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

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**AG403\***

**SOIL AND LAND CONSERVATION ACT 1945**

NOTICE OF APPOINTMENT

Pursuant to section 23 (2b)(b) of the Soil and Land Conservation Act 1945, on the nomination of the City of Swan, Anne Conti of Gidgegannup is appointed a member of the Wooroloo Brook Land Conservation District (*the Committee was established by an Order in Council, published in the Gazette of 29 May 1992 at pp. 2182-84 and amended in the Gazette of 14 November 1995 at p. 5282*). The appointment is for a term ending on 30 September 2001.

Dated this 27th day of October 2000.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

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**AG404\***

**SOIL AND LAND CONSERVATION ACT 1945**

NOTICE OF APPOINTMENT

Pursuant to section 23 (2b)(d) of the Soil and Land Conservation Act 1945, being persons actively engaged in, or affected by, or associated with land use in the District, Bruce Raymond Enright of North Baandee is appointed a member of the Kellerberrin Land Conservation District (*the Committee was established by an Order in Council, published in the Government Gazette of 25 May 1984 at pp. 1405-06 and amended in the Gazettes of 20 March 1987 at pp. 983-84, 15 December 1989 at pp. 4586-87, 1 March 1991 at p. 968 and 25 August 1995 at pp. 3844-3845*). The appointment is for a term ending on 30 September 2001.

Dated this 27th day of October 2000.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

**AG405\*****SOIL AND LAND CONSERVATION ACT 1945****CHAPMAN VALLEY LAND CONSERVATION DISTRICT  
(APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2000**

MADE by the Commissioner of Soil and Land Conservation.

**1. Citation**

This Instrument may be cited as the *Chapman Valley Land Conservation District (Appointment of Members) Instrument 2000*.

**2. Appointment of members**

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Chapman Valley Land Conservation District) Order 1991\**, the following members are appointed to the land conservation district committee for the Chapman Valley Land Conservation District—

- (a) on the nomination of the Shire of Chapman Valley: John Philip Collingwood of Yetna;
- (b) to represent the Western Australian Farmers Federation (Inc): Eldred Graeme Royce of East Chapman;
- (c) as persons actively engaged in, or affected by or associated with, land use in the district—
  - (i) John Edger Stokes of Naraling
  - (ii) Peter Norman Stewart of Durawah
  - (iii) Milton Morris Mincherton of Nolba
  - (iv) George Mallett Barnetson of Nabawa
  - (v) Neil Stanley Kupsch of Nabawa
  - (vi) Wendy Elizabeth Morrell of Mt Rennie
  - (vii) Derek Lindsay Morrell of Mt Rennie
  - (viii) Freda Blakeway of Nansen

(\*Published in the Gazette of 12 July 1991 at pp. 3422-24 and amended in the Gazettes of 23 April 1993 at p. 2166; 20 September 1994 at p. 4846 and an Amendment Order approved by Executive Council on 23 September 1997 {Agriculture Western Australia reference: 881822V02P0J}).

**3. Term of office**

Members appointed to the committee under this instrument will hold office for a term expiring on 30 September 2003.

Dated this 7th day of November 2000.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

**AG406\*****SOIL AND LAND CONSERVATION ACT 1945****NORTHAM LAND CONSERVATION DISTRICT  
(APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2000**

MADE by the Commissioner of Soil and Land Conservation.

**1. Citation**

This Instrument may be cited as the *Northam Land Conservation District (Appointment of Members) Instrument 2000*.

**2. Appointment of members**

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Northam Land Conservation District) Order 1986\**, the following members are appointed to the land conservation district committee for the Northam Land Conservation District—

- (a) on the nomination of the Shire of Northam: Alfred Douglas Morgan of Northam;
- (b) on the nomination of the Town of Northam: Raymond Milne Head of Northam
- (c) as persons actively engaged in, or affected by or associated with, land use in the district—
  - (i) Ian Russell Hancock of Bakers Hill
  - (ii) Robert Stanley Barton of Clackline
  - (iii) Siebren Dragstra of Northam
  - (iv) Malcolm Lawrence of Southern Brook
  - (v) Robert Leslie Hitchcock of Northam
  - (vi) Brian Maurice Whittington of Tuart Hill

(\*Published in the Gazette on 18 April 1986 at pp. 1456-57 and amended in the Gazettes of 12 July 1991 at pp. 3411-13, 1 November 1991 at pp. 5588-89, 16 May 1995 at pp. 1841-42, 9 February 1996 at p. 476 and an Amendment Order approved by Executive Council on 26 August 1997 {Agriculture Western Australia reference: 881712V03P0K}).

**3. Term of office**

Members appointed to the committee under this instrument will hold office for a term expiring on 30 September 2003.

Dated this 7th day of November 2000.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

**AG407\*****SOIL AND LAND CONSERVATION ACT 1945****WEST MOUNT BARKER LAND CONSERVATION DISTRICT (APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2000**

MADE by the Commissioner of Soil and Land Conservation.

**1. Citation**

This Instrument may be cited as the *West Mount Barker Land Conservation District (Appointment of Members) Instrument 2000*.

**2. Appointment of members**

Under section 23(2b) of the Act and clause 5(1)(b) of the *Soil and Land Conservation (West Mount Barker Land Conservation District) Order 1988\**, the following members are appointed to the land conservation district committee for the West Mount Barker Land Conservation District—

- (a) on the nomination of the Shire of Plantagenet: Kevin Malcolm Forbes of West Mount Barker;
- (b) to represent the Pastoralists and Graziers Association: John Reginald Howard of West Mount Barker;
- (c) as persons actively engaged in, or affected by or associated with, land use in the district—
  - (i) Brian Francis Bailey of Forest Hill
  - (ii) Leonard Ernest Handasyde of Forest Hill
  - (iii) Michael Thornton Jenkins of Denbarker
  - (iv) Michael Gerard Lanigan of Mount Barker

(\*Published in the Gazette on 28 October 1988 at pp. 4318-20 and amended in the Gazettes of 19 May 1989 at pp. 1518-19; 26 June 1992 at pp. 2650-51 and 13 October 2000 at p. 5729.)

**3. Term of office**

Members appointed to the committee under this instrument will hold office for a term expiring on 30 September 2003.

Dated this 3rd day of November 2000.

JULIA FRY, A/Commissioner of Soil and Land Conservation—South Coast Region.

**AG408****EXOTIC DISEASES OF ANIMALS ACT 1993****EXOTIC DISEASES OF ANIMALS IMPORT RESTRICTION ORDER 2000  
Number 5—Extension Number 4**

Made by the Minister under section 25.

The Import Restriction Order number 5 published on page 4033 of the *Government Gazette* on July 28 2000 and effective until November 24 is extended for 30 days until December 24, 2000.

MONTY HOUSE, MLA, Minister for Primary Industry; Fisheries.

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**EAST PERTH REDEVELOPMENT AUTHORITY**

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**EC401****EAST PERTH REDEVELOPMENT ACT 1991****EAST PERTH REDEVELOPMENT SCHEME AMENDMENT No. 11  
NOTICE OF FINAL APPROVAL**

East Perth Redevelopment Authority.

It is hereby notified for public information that the Hon. Minister for Planning has granted Final Approval to Amendment No. 11 to the East Perth Redevelopment Scheme, pursuant to Section 32 of the East Perth Redevelopment Act.

The purpose of Amendment No. 11 is to define Precincts (20-24) and associated R Code densities, together with supporting Scheme text and policy provisions, for land within the Northbridge Project Area of the Redevelopment Scheme.

Details of the proposed Amendment are available for inspection at the offices of the East Perth Redevelopment Authority, 184 Bennett Street, East Perth, between the hours of 8.30am and 5.00pm, Monday to Friday.

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**EC402**

**EAST PERTH REDEVELOPMENT ACT 1991**  
EAST PERTH REDEVELOPMENT SCHEME AMENDMENTS No. 9 & 12  
NOTICE OF FINAL APPROVAL

East Perth Redevelopment Authority.

It is hereby notified for public information that the Hon. Minister for Planning has granted Final Approval to Amendments No. 9 & 12 to the East Perth Redevelopment Scheme, pursuant to Section 32 of the East Perth Redevelopment Act.

The purpose of Amendment No. 9 is to correct errors in the wording of clause 2.17A and clause 2.28 of the Redevelopment Scheme.

The purpose of Amendment No. 12 is to modify the wording of clause 5.15.4 of the Redevelopment Scheme, such that Lot 773 (the MRWA office building site) is excluded from the 12m height plane.

Details of the proposed Amendments are available for inspection at the offices of the East Perth Redevelopment Authority, 184 Bennett Street, East Perth, between the hours of 8.30am and 5.00pm, Monday to Friday.

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**FAIR TRADING**

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**FT401**

**ASSOCIATIONS INCORPORATION ACT 1987**

Section 35

**THE ANNE BLUNTISH CARER'S RETREAT INC**

Notice is hereby given that the incorporation of the above named association has been cancelled as from the date of this notice.

Dated this 20th day of November 2000.

MICHAEL EATON, Manager, Registration Services  
for Commissioner for Fair Trading.

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**HEALTH**

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**HE401**

**MEDICAL ACT 1894**

MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 8) 2000

Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.

**Citation**

1. This determination may be cited as the *Medical (Unmet Area of Need) Determination (No. 8) 2000*.

**Commencement**

2. This determination comes into operation on the day on which it is published in the *Government Gazette*.

**Unmet area of need**

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 11AF(1)D of the Act.



**Expiry of determination**

4. This determination expires 12 months after its commencement.

**SCHEDULE—UNMET AREA OF NEED**

- General medical services in City of Geraldton and Shire of Greenough

Dated this 7th day of November 2000.

JOHN DAY MLA, Minister for Health.

**HE402****MEDICAL ACT 1894****MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 9) 2000**

Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.

**Citation**

1. This determination may be cited as the *Medical (Unmet Area of Need) Determination (No. 9) 2000*.

**Commencement**

2. This determination comes into operation on the day on which it is published in the *Government Gazette*.

**Unmet area of need**

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 11AF(1)D of the Act.

**Expiry of determination**

4. This determination expires 12 months after its commencement.

**SCHEDULE—UNMET AREA OF NEED**

- General medical services in the Shire of Dandaragan

Dated this 7th day of November 2000.

JOHN DAY MLA, Minister for Health.

**INSURANCE COMMISSION****IA401\*****INSURANCE COMMISSION OF WESTERN AUSTRALIA****SCHEDULE OF PREMIUMS**

Payable under the Motor Vehicle (Third Party Insurance) Act 1943 in respect of Third Party Insurance Policies on and after **1 July 2000** until further notice.

**Definition**

“Motor Vehicle” means any vehicle propelled by gas, oil, electricity or any other motive power, not being animal power required to be licensed, and complying with the requirements necessary for licensing under the Road Traffic Act 1974, and includes a caravan trailer or semi-trailer drawn or hauled by a motor vehicle.

		Schedule	
Class No.	Class of Vehicle	Annual Premium Rate	Annual Premium Rate (including 10% GST)
1A*	Motor Car - Any motor car used for private or business purposes and constructed principally for the conveyance of persons not included in Classes 2 to 8, inclusive. This class includes Station Wagons which have a designed seating capacity for four (4) or more persons.....	\$ 216.77	\$ 238.45
	(Any motor car licensed under regulation 21D of the Road Traffic (Licensing) Regulations and issued with registration plates in accordance with regulation 24 (1) of those Regulations as a farm vehicle shall be entitled to a rebate of 50 per cent of this premium).		

Schedule—*continued*

Class No.	Class of Vehicle	Annual Premium Rate \$	Annual Premium Rate (including 10% GST) \$
1B	Ambulance Vehicle, Fire Brigade Vehicle, Undertakers' Vehicle, Motor Vehicle owned and used by the Australian Red Cross Society, or a vehicle owned and used by the Spastic Welfare Association - "Ambulance Vehicle": Any motor vehicle constructed and used for the conveyance of sick or injured persons. "Fire Brigade Vehicle": Any motor vehicle owned by or under the control of the Western Australian Fire Brigade Board. "Undertakers' Vehicles": Any motor vehicle used solely as an undertakers' hearse or mourning coach ....	104.32	114.75
2*	Goods Vehicle—Any motor vehicle not included in Classes 3 to 8, both inclusive, constructed principally for the conveyance of goods. This class includes a wagon, utility, tractor (prime mover type) ..... (Any wagon licensed under regulation 21D of the Road Traffic (Licensing) Regulations and issued with registration plates in accordance with regulation 24 (1) of those Regulations as a farm vehicle shall be entitled to a rebate of 50 per cent of this premium).	190.00	209.00
3	Hire Vehicle—(excludes any vehicle used on a not for profit basis i.e. where only a contribution towards ordinary running costs is received by the owner/and or driver)— (a) Any motor vehicle, other than a taxi-cab and "Hire-and-Drive-Yourself" vehicle licensed under the Road Traffic Act to carry eight or more persons principally operating on routes, the major portion of which is within the 40-kilometre radius of the GPO Perth .....	1147.73	1262.50
	(b) Any motor vehicle, other than a taxi-cab and "Hire-and-Drive-Yourself" vehicle licensed under the Road Traffic Act to carry eight or more persons principally operating on routes, the major portion of which is outside the 40-kilometre radius of the GPO Perth .....	394.27	433.70
	(c) Taxi-cab (other than Peak Period Taxi-cab) principally operating within a 40-kilometre radius of the GPO Perth .....	980.09	1078.10
	(d) Taxi-cab principally operating outside a 40-kilometre radius of the GPO Perth .....	269.59	296.55
	(e) School buses, ie vehicles used primarily for the carriage of children to and from school and any other vehicle constructed similarly to an omnibus privately owned and used for conveyance of non-paying passengers .....	140.77	154.85
	(f) Any motor vehicle used for carriage of passengers, for hire, fare or reward, not included in Classes 3 (a) to 3 (e) inclusive .....	314.50	345.95
	(g) Hire-and-Drive-Yourself vehicle (other than motor cycles included in Class 7 (a) .....	269.59	296.55
4*	Motor Cycle Other than motor cycle included in Classes 5 (b) and 7 (a) .....	121.95	134.15
	(Any motor cycle licensed under regulation 21D of the Road Traffic (Licensing) Regulations and issued with registration plates in accordance with regulation 24 (1) of those Regulations as a farm vehicle shall be entitled to a rebate of 50 per cent of this premium.)		
5	Motor Trade Vehicle (ie motor car manufacturing, garage proprietor, vendor of and/or dealer in motor cars)— (a) Motor Vehicle not included in Classes 5 (b) and 5 (c) used by the above with identification plate attached issued under the Road Traffic Act—rate per identification plate issued .....	51.55	56.70
	(b) Motor cycle used by the above, with identification plate attached issued under Road Traffic Act—rate per identification plate issued .....	78.95	86.85
	(c) Tow Truck (as defined in First Schedule of Road Traffic Act); or testing plate whilst being used in accordance with section 27 of the Motor Vehicle Dealers Act 1973 .....	52.50	57.75
6	Trailer, Caravan, Invalid Wheel Chair—(This class includes all vehicles issued with trailer plates, but does not include tractor (prime mover type), which is issued separately under Class 2) .....	5.05	5.55

Schedule—*continued*

Class No.	Class of Vehicle	Annual Premium Rate \$	Annual Premium Rate (including 10% GST) \$
7	Miscellaneous—		
	(a) Veteran Cars, Wagons and Motor Cycles—Vehicles which are the subject of a limited Traffic Licence as a veteran vehicle and only whilst being used in accordance with the provisions of such licence. Farm Fire Fighting Vehicles—Any vehicle that is owned by a person engaged in the business of farming or grazing and that is fitted or adapted for the purpose of fire fighting, licensed under a limited licence, limiting it exclusively to use on a road for fire fighting purposes. Motor Cycles—Not exceeding 75 cc. (If the Motor Cycle is used as a HIRE VEHICLE the premium is increased by 100%). Any other vehicles being a motor vehicle within the meaning of the Motor Vehicle (Third Party Insurance) Act not otherwise classified .....	14.95	16.45
	(b) Forklift, Tow Motor, Self-propelled Headers, Tractor (other than prime mover type but including farm type) and Tractor Plant as defined in First Schedule of Road Traffic Act and licensed as Class A or B licence under Regulations to Road Traffic Act .....	23.55	25.90
8	(a) Tractor Plant which is licensed as Class C licence under Regulations to Road Traffic Act .....	75.86	83.45
	(b) Motor Cranes, as defined in First Schedule of Road Traffic Act...	537.77	591.55

\* Vehicles insured under Vehicle Class 1A, 2 or 4 and licensed under Regulation 21D(1) of the Road Traffic Act (Licensing) Regulations and issued with registration plates in accordance with Subregulation 1 of Regulation 24 of the Road Traffic (Licensing) Regulations as farm vehicle shall be entitled to a rebate of 50 per cent of the premium applicable to that vehicle class.

"For Short Period Rates - the premium for any period less than 12 months shall be calculated as follows—

- for a period of 6 months the premium will be half of the 12 month premium,
- for a period of 3 months the premium will be one quarter of the 12 month premium.
- for periods other than the periods specified above, the premium will be calculated by dividing the 12 month premium by 365 days and multiplying the result by the number of days for the period required".

**NOTE—**

**SHORT TERM FEES** (ie. any period of less than 12 months)—In addition to the premium a short term fee of 10 cents is payable except in the case of an initial licence or permit where such licence or permit is effected for the maximum period permitted by the Licensing Authority.

**PERMITS**—Any motor vehicle issued with a permit pursuant to Section 26 of the Road Traffic Act 1974 (or the Road Traffic (Licensing) Regulations 1975) which has a duration in excess of 48 hours, shall be entitled to a 50 per cent rebate of the insurance premium listed in this Schedule of Premiums, applicable to that class of vehicle and for the period of the permit.

**PERMIT NOT EXCEEDING 48 HOURS**—The fee for permits, the duration of which does not exceed 48 hours, shall be \$5.00 Third Party Insurance Premium and 25 cents stamp duty.

**STAMP DUTY**—Stamp Duty of 25 cents is payable on all licences or permits irrespective of the period.

**GOODS AND SERVICES TAX (GST)**—GST of 10% is payable on all premiums for policies with a commencement date of 1 July 2000 onwards. GST applies to short term fees but does not apply to stamp duty.

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## JUSTICE

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

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

Mr Trevor John Walker of 21 Franklin Street, Three Springs.

GARY THOMPSON, Executive Director, Court Services.

**JM401\*****COURT SECURITY AND CUSTODIAL SERVICES ACT 1999**

## GAZETTAL OF PERMIT DETAILS

Pursuant to the provisions of section 51 of the *Court Security and Custodial Services Act 1999*, the Director General of the Ministry of Justice has issued the following persons with Permits to do High-Level Security Work—

Surname	First Name(s)	Permit Number	Date Permit Issued	Permit Commence Date	Permit Expiry Date
Rundle	Audrey	CS302	10/11/2000	10/11/2000	30/07/2001
Medhurst	Jane Beverly	CS303	10/11/2000	10/11/2000	30/07/2001
Palmer	Jennifer Kaye	CS304	10/11/2000	10/11/2000	30/07/2001
Withers	Ronald George	CS305	14/11/2000	14/11/2000	30/07/2001
Green	Jason Andrew	CS306	14/11/2000	14/11/2000	30/07/2001
Matovinovic	Tomislav Paul	CS307	14/11/2000	14/11/2000	30/07/2001
McKeon	James	CS308	14/11/2000	17/11/2000	30/07/2001
Marsh	Barry John	CS309	14/11/2000	17/11/2000	30/07/2001
Farmer	David Ian	CS310	14/11/2000	17/11/2000	30/07/2001

Pursuant to the provisions of section 56 of the *Court Security and Custodial Services Act 1999*, the Director General of the Ministry of Justice has revoked the following Permits to do High-Level Security Work—

Surname	First Name(s)	Permit Number	Date Permit Revoked
BOZICH	Louise Ann	CS017	20/11/2000
DAVEY	Donald William	CS035	20/11/2000
NICHOLLS	Darcy James	CS140	20/11/2000
VENTHAM	Arthur	CS219	20/11/2000

This notice is published under section 57(1) of the *Court Security and Custodial Services Act 1999*.

ALEX TAYLOR, Director, Service Procurement.

**JM403****DECLARATIONS AND ATTESTATIONS ACT 1913**

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

Mr Bernard Marinus Iriks of 10 Winchester Way, Leeming.

GARY THOMPSON, Executive Director, Court Services.

**JM404****JUSTICES ACT 1902**

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

Mr Kandia Aran of 44 Freedman Way, Winthrop

Mr David Bruce Bickford of 18 Target Road, Albany

Mr Graham Robert Dawes 501 Gwalia Street, Leonora

Ms Ann Georgina Elder of 6/63 Royal Street, Tuart Hill

Mrs Sylvia Barbara Jackson of 29 Pioneer Drive, Yangebup

Mr Gordon William Marwick of 24 Newcastle Street, York

Mr Tam Minh Nguyen of 7 Munro Court, Noranda

Mr Douglas Stuart Simpson of 5 Parwich Rise, Carine

Mr Paul Tucek of 25 Condor Circle, Willetton

Mr John Alexander Keyes Wilson of RMB 221 Wilson Road, Kudardup

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

GARY THOMPSON, Executive Director, Court Services.

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## LAND ADMINISTRATION

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**LA401**

**LAND ACT 1933**  
**FORFEITURES**

Department of Land Administration.

The following licence together with all rights, title and interest therein have this day been forfeited to the crown under the Land Act 1933 for the reason stated.

Dated this 20th day of November 2000.

A. A. SKINNER, Chief Executive Officer.

Name	Licence	District	Reason	Corres. Number	Plan
Palermo, Italo Flavio	338/20689	Manjimup lot 791	Non payment of purchase monies	02070-1993-01RO	BG28 32.10

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## LOCAL GOVERNMENT

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**LG401**

CITY OF STIRLING

It is hereby notified for public information that the following persons—

Joanne McKee

has been appointed Poundkeeper at the Animal Care Facility (Animal Pound), located at 61 Delawney Street, Balcatta (entrance of Natalie Way), to exercise powers pursuant to the following—

Local Government Miscellaneous Provisions Act 1960

Local Government Act 1995

West Australian Dog Act 1976

M. J. (Mike) WADSWORTH, Chief Executive Officer.

**LG402\***

**BUSH FIRES ACT 1954**

*Shire of Trayning*

Appointment of Fire Control Officers

It is hereby notified for public information that as of 15 November 2000 the following Bush Fire Control for the Shire of Trayning are appointed—

Chief Fire Control Officer      Trevor Diver

Deputy Fire Control Officer      Geoff Peddie

Fire Control Officers—

Trayning                                  Darren Mollenoyux

Trayning                                  Pace Vernon

Kununoppin                              Geoff Waters

Yelbeni                                    John Marchant

All previous appointments of Fire Control Officers of the Shire of Trayning are hereby cancelled.

GEOFF PEDDIE, Chief Executive Officer.

**LG403\*****DOG ACT 1976***Shire of Trayning*

It is hereby notified for public information that pursuant of the provisions of the Dog Act 1976 the following persons have been appointed as Dog Registration Officers—

Geoff Peddie  
Edward Metcalfe  
Christie Leeson  
Darren Mollenoyux

The following persons have been appointed as authorised Control Officers under the provision of the Dog Act 1976—

David Graham Kerr  
Geoff Peddie

All previous Authorisations for Registration Officers of the Shire of Trayning are hereby cancelled.

GEOFF PEDDIE, Chief Executive Officer.

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**LG404****CITY OF BELMONT**

## Appointment of Authorised Person

It is hereby notified for public information that Nicholas Clark has been appointed a Ranger for the City of Belmont, effective from 5 November 2000, and is an officer authorised to exercise the powers in accordance with the following Acts, Regulations and Local Laws—

- Local Government Act 1995
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations
- Litter Act 1979 and Regulations
- Dog Act 1976 (as amended) and Regulations
- Local Government "Parking for Disabled Persons" Regulations 1996
- City of Belmont Local Laws Relating to Parking Facilities
- City of Belmont Local Laws Relating to Dogs
- All other Council Local Laws or Regulations administered or enforced by the City of Belmont

The appointment of Bradley Wilkinson is hereby cancelled.

BRUCE GENONI, Chief Executive Officer.

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**LG405****DOG ACT 1976***City of Belmont*

## Appointment of Authorised Person and Registration Officer

It is hereby notified for public information that Nicholas Clark has been appointed an Authorised Person and Registration Officer pursuant to the Dog Act 1976.

This appointment is effective as from 5th November 2000.

The appointment of Bradley Wilkinson is hereby cancelled.

BRUCE GENONI, Chief Executive Officer.

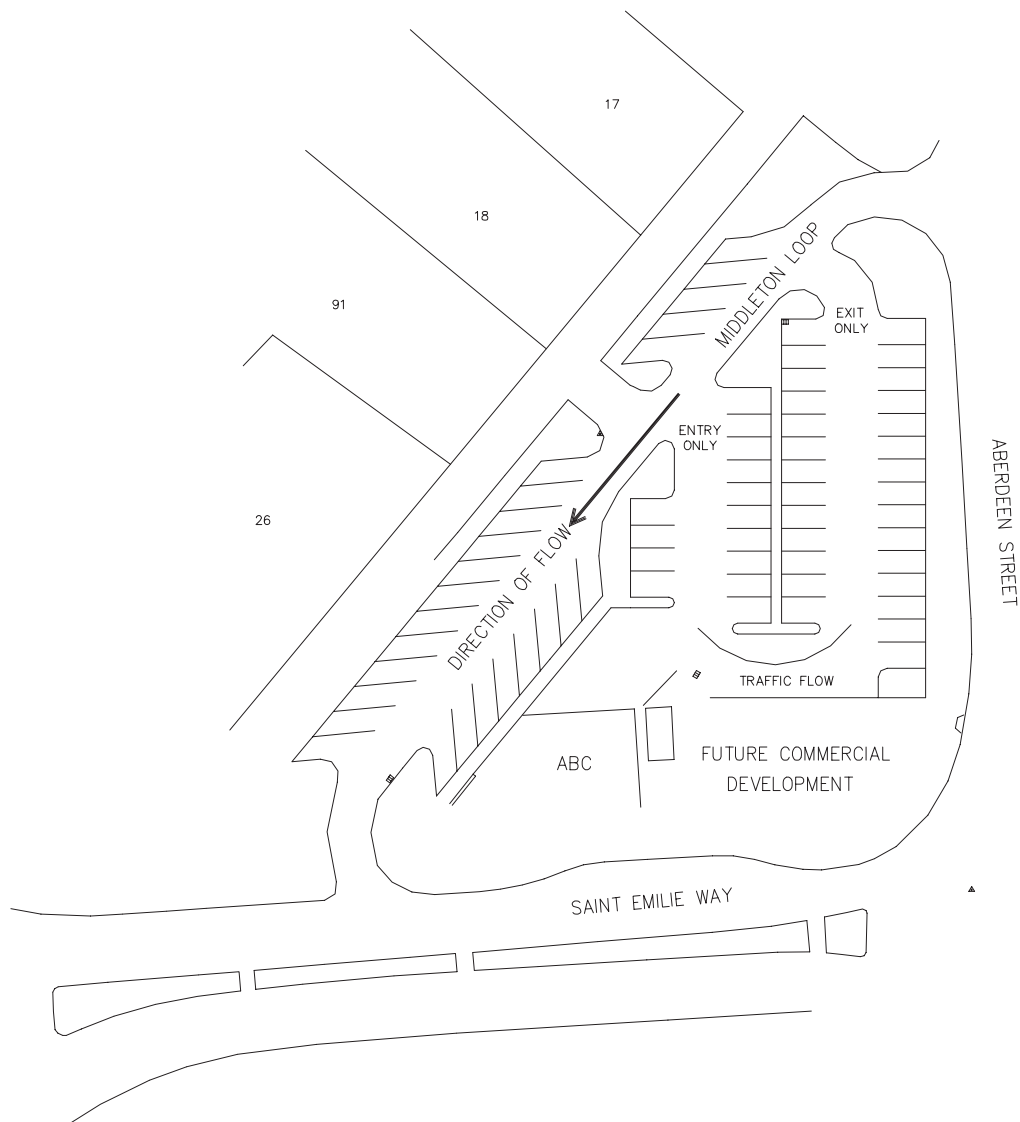
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**LG406\*****TRAFFIC ACT 1974***City of Albany*

## ROAD TRAFFIC ALTERATION

The City of Albany in accordance with the Road Traffic Code Regulation 307, has changed Middleton Loop from a two-way carriageway to a one-way carriageway. Council resolved, at the ordinary council

meeting on the 17 October 2000, that traffic flow will only be allowed from Aberdeen Street to St. Emilie Way.




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## MINING

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MN401

### MINING ACT 1978

#### NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Minerals and Energy,  
Meekatharra WA 6642.

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.

S. WILSON (SM), Warden.

To be heard in the Warden's Court, Meekatharra on the 25 January 2001.

MURCHISON MINERAL FIELD

Prospecting Licences

51/2210—Resource Exploration Ltd

EAST MURCHISON MINERAL FIELD  
Prospecting Licences

53/962—Gateway Mining NL  
53/963—Gateway Mining NL  
53/933—Fangio Investments Pty Ltd  
53/934—Fangio Investments Pty Ltd

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

The Minister for Mines pursuant to the powers conferred on him by Section 19 of the Mining Act 1978, hereby extends the exemption granted 11 December 1998, filed at page 105 of Department of Minerals and Energy file 9082/94 and published in *Government Gazette* on 18 December 1998 the area of land described hereunder from Divisions 1 to 5 of Part IV of the Mining Act 1978.

**Description**

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

<b>Million Plan Name</b>	<b>Primary No.</b>	<b>Graticular Sections</b>
Wiluna	3327	w, x
	3399	b, c, g, h, m, n

Total No of blocks: 8

Locality: Staunton Well

Period of Extension: 11 December 2000 to 10 December 2001.

Dated at Perth this 14th day of November 2000.

NORMAN MOORE MLC, Minister for Mines.

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

Department of Minerals and Energy,  
Leonora.

In accordance with Regulation 49(2)(c) of the Mining Regulations 1981, notice is hereby given that the following licences are liable to forfeiture under the provisions of Section 96(1)(a) of the Mining Act, 1978, for breach of covenant, viz, non-payment of rent.

E. A. WOODS SM, Warden.

To be heard in the Warden's Court at Leonora on 14 December, 2000.

MOUNT MARGARET MINERAL FIELD  
Prospecting Licence

38/2906 Hyde, Charles Alexander

NORTH COOLGARDIE MINERAL FIELD

*Niagara District*

Prospecting Licence

40/960 Acton, Bruce David; Golden Hill Mines Pty Ltd

**MN404****MINING ACT 1978**

Department of Minerals & Energy,  
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 99(1)(a) of the Mining Act 1978 that the undermentioned Exploration Licences are forfeited for breach of covenant, viz; non compliance with



expenditure conditions with prior right of application being granted to the plaintiffs under Section 100(2).

NORMAN MOORE MLC, Minister for Mines.

#### NORTHAMPTON MINERAL FIELD

66/31—Australian Metallic Resources NL

66/32—Australian Metallic Resources NL

66/34—Australian Metallic Resources NL

66/36—Australian Metallic Resources NL

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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 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 Fourth Session of the Thirty-Fifth Parliament.

Short Title of Bill	Date of Assent	Act No.
Workers' Compensation and Rehabilitation Amendment Bill 2000	November 17, 2000	44 of 2000
Criminal Code Amendment (Home Invasion) Bill 2000	November 17, 2000	45 of 2000
Offenders (Legal Action) Bill 2000	November 17, 2000	46 of 2000
Mount Yokine Land Acquisition Repeal Bill 2000	November 17, 2000	47 of 2000
Medical Amendment Bill 2000	November 17, 2000	48 of 2000

L. B. MARQUET, Clerk of the Parliaments.

November 20, 2000.

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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 FREMANTLE

#### TOWN PLANNING SCHEME No. 3—AMENDMENT No. 51

Ref: 853/2/5/6 Pt 51

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Fremantle Town Planning Scheme Amendment on 14 November 2000 for the purpose of—

- amending clause 52(f) of the Scheme Text by deleting those words that are shown ~~struck through~~ and inserting those words that are shown as **bold** as follows—
  - ~~a contribution has been~~ **the Council requires a contribution to be** made to a Trust Account of the Council for the provision of public parking space in a locality where the development will generate the need for such parking space, or
- inserting the following at the end of clause 52(f)—
  - the Council requires a contribution to be made to a Trust Account of the Council—
    - for the provision of transport infrastructure (which includes, but is not limited to, infrastructure for cyclists, pedestrians and public transport uses and users) in accordance with an adopted transport infrastructure strategy; and
    - where that infrastructure will permit or encourage a reduction in the use or demand for parking facilities in the Scheme Area which use or demand may be generated by the development.

- (ii) in an amount determined by the Council and which is equivalent to the amount of the contribution required to be made under clause 52(f) and any policy which has been made with respect to that clause, as if clause 52(f) applied to the development.
3. inserting the following words at the end of clause 77(m)—  
or for provision of transport infrastructure in accordance with clause 52(g).

R. UTTING, Mayor.  
R. GLICKMAN, Chief Executive Officer.

**PD402\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
TOWN PLANNING SCHEME AVAILABLE FOR INSPECTION  
*CITY OF PERTH*  
TOWN PLANNING SCHEME No. 24  
131-137 ADELAIDE TERRACE

Ref: 853/2/10/32

Notice is hereby given that the local government of the City of Perth has prepared the abovementioned Town Planning Scheme for the purpose of facilitating—

- (a) the development of the Land area indicated on the Scheme Map as a whole in a co-ordinated manner;
- (b) the adequate provision of landscaped areas and green space offering attractive areas for pedestrians and residents; and
- (c) the co-ordination of vehicular access to the Scheme Area from Terrace Road.

Plans and documents setting out and explaining the Town Planning Scheme have been deposited at Council Offices, Council House, 27 St Georges Terrace, Perth and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 22 December 2000.

Submissions on the Town Planning Scheme may be made in writing on Form No. 4 and lodged with the undersigned on or before 22 December 2000.

G. W. DUNNE, Acting Chief Executive Officer.

**PD403\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME  
*SHIRE OF DALWALLINU*  
TOWN PLANNING SCHEME No. 1  
CONSOLIDATED SCHEME

Ref: 853/3/5/1

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 Dalwallinu Town Planning Scheme No. 1 on 9 November 2000 the Scheme Text of which is published as a Schedule annexed hereto.

R. T. ALLAN, President.  
W. T. ATKINSON, Chief Executive Officer.

Schedule

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
*SHIRE OF DALWALLINU*  
TOWN PLANNING SCHEME No. 1 (DISTRICT SCHEME)  
TABLE OF CONTENTS  
**PART I—PRELIMINARY**

- 1.1 Citation  
1.2 Responsible Authority

- 1.3 Scheme Area
- 1.4 Contents of Scheme
- 1.5 Arrangement of Scheme Text
- 1.6 Scheme Objectives
- 1.7 General Obligations
- 1.8 Relationship of the Scheme to By-Laws
- 1.9 Interpretation
- 1.10 Revocation of Existing Schemes

#### **PART II—LOCAL RESERVES**

- 2.1 Local Authority Scheme Reserves
- 2.2 Matters to be Considered by the Council
- 2.3 Objectives
- 2.4 Compensation

#### **PART III—ZONES**

- 3.1 Zones
- 3.2 Objectives
- 3.3 Zoning Table
- 3.4 Additional Uses
- 3.5 Special Use Zone

#### **PART IV—NON-CONFORMING USES**

- 4.1 Non-Conforming Use Rights
- 4.2 Extension of Non-Conforming Use
- 4.3 Change of Non-Conforming Use
- 4.4 Discontinuance of Non-Conforming Use
- 4.5 Destruction of Buildings

#### **PART V—DEVELOPMENT REQUIREMENTS**

- 5.1 Development of Land
- 5.2 Special Design Areas
- 5.3 Development of Land Subject to Dampness or Flooding
- 5.4 Development Table
- 5.5 Development of Land Subject to Non-Conforming Use Rights
- 5.6 Discretion to Modify Development Standards
- 5.7 Residential Development
- 5.8 Development of Land abutting a Residential Zone
- 5.9 Commercial Development
- 5.10 Industrial Development
- 5.11 Special Use Development
- 5.12 Rural Development
- 5.13 Development of Other Structures
- 5.14 Car Parking
- 5.15 Conservation of Buildings and Places of Heritage Significance
- 5.16 Control of Advertising

#### **PART VI—PLANNING CONSENT**

- 6.1 Application for Planning Consent
- 6.2 Advertising of Applications
- 6.3 Determination of Applications
- 6.4 Deemed Refusal

#### **PART VII—ADMINISTRATION**

- 7.1 Powers of the Scheme
- 7.2 Offences
- 7.3 Notices
- 7.4 Claims for Compensation
- 7.5 Appeals
- 7.6 Power to Make Policies

#### **SCHEDULES**

SCHEDULE I—Interpretation

SCHEDULE II—Schedule of Uses in Special Use Zone

SCHEDULE III—

- (a) Application for Planning Consent
- (b) Notice of Application for Planning Consent
- (c) Determination of Planning Consent

SCHEDULE IV—Car Parking

SCHEDULE V—Additional Uses

SCHEDULE VI—Exempted Advertisements Pursuant to Clause 5.16

**TOWN PLANNING AND DEVELOPMENT ACT 1928***SHIRE OF DALWALLINU***TOWN PLANNING SCHEME No. 1 (DISTRICT SCHEME)**

The Dalwallinu 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.

**PART I—PRELIMINARY****1.1 CITATION**

This Town Planning Scheme may be cited as the *Shire of Dalwallinu Scheme No. 1* hereinafter called 'the Scheme' and shall come into operation on the publication of the notice of the Minister's final approval thereof in the *Government Gazette*.

**1.2 RESPONSIBLE AUTHORITY**

The Authority responsible for implementing the Scheme is the Council of the Shire of Dalwallinu, hereinafter called 'the Council'.

**1.3 SCHEME AREA**

The Scheme applies to the whole of the District of the Shire of Dalwallinu, as delineated on the Scheme Map by the broken black border.

**1.4 CONTENTS OF SCHEME**

The Scheme comprises—

- (a) this Scheme Text;
- (b) the Scheme Maps.

**1.5 ARRANGEMENT OF SCHEME TEXT**

The Scheme Text is divided into the following parts—

PART I	PRELIMINARY
PART II	LOCAL RESERVES
PART III	ZONES
PART IV	NON-CONFORMING USES
PART V	DEVELOPMENT REQUIREMENTS
PART VI	PLANNING CONSENT
PART VII	ADMINISTRATION

**1.6 SCHEME OBJECTIVES**

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

**1.7 GENERAL OBLIGATIONS**

Subject to the provisions of the Town Planning and Development Act, 1928 (as amended) and all regulations made thereunder, and to the provisions of this Scheme, no person shall depart or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person use or permit the use of any land or building or undertake or permit any new work if the use, new work, reconstruction, alteration or modification does not conform with the Scheme or would tend to delay the effective operation of the Scheme.

**1.8 RELATIONSHIP OF THE SCHEME TO BY-LAWS**

The provisions of the Scheme shall have effect, notwithstanding any by-law for the time being in force in the area and, where the provisions of the Scheme are at variance with the provisions of any by-law, the provisions of the Scheme shall prevail.

**1.9 INTERPRETATION**

1.9.1 Except as provided in Schedule 1 or Clause 1.9.2 the words and expression of the Scheme have their normal and common meaning.

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

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

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

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

These local reserves are set out hereunder—

- (a) Recreation

- (b) Public Purposes
- (c) Civic and Cultural

## **2.2 MATTERS TO BE CONSIDERED BY THE 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;

and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.

## **2.3 OBJECTIVES**

2.3.1 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.

2.3.2 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.

2.3.3 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 COMPENSATION**

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

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

2.4.3 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) Commercial
- (iii) Industrial
- (iv) Special Use
- (v) Townsite
- (vi) 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) The zone shall be predominantly residential.
- (b) Non-residential uses shall be compatible in character, scale and operation with the predominant residential use.
- (c) A non-residential use shall only be permitted if the use does not detract from the amenity of the area.
- (d) Notwithstanding the requirements set out in Table 1—Zoning Table, the Council may permit uses on land included in Policy Area No. A subject to the Council being satisfied that the uses are consistent with the policy objectives for the area.

3.2.2 Commercial Zone

- (a) To provide a variety of service functions, predominantly commercial, service, and administrative 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 storage 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, for all new buildings in term 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 centre functions.
- (i) To reduce uses attracting large volumes of truck traffic other than to service retail outlets.
- (j) To provide for residential uses only where the uses are combined with a commercial use, e.g. hotel, or where the residential uses occupy a floor level where it is impractical or inappropriate to establish a shop or office.

### 3.2.3 Industrial Zone

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

- (a) To provide a location for light and service industries which operates as an integral part of the function of a town centre;
- (b) To provide a location for outlets that provide a service to the community and are compatible with the scale and operation of the town centre and surrounding areas.
- (c) To provide a location for diverse industries that would otherwise have a detrimental impact on the other uses in the town.
- (d) To provide a location where separate vehicular access is provided.
- (e) To provide a location for depots, warehouses, and large vehicle parking and servicing areas.

### 3.2.4 Special Use Zone

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

- (a) To provide areas where special uses can be operated under the specific control of the Council in order to maintain the safety, health and welfare of surrounding users.
- (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 this Scheme.

### 3.2.5 Townsite Zone

The Townsite Zone is shown diagrammatically on the Scheme Map. The zone shall deem to apply to all the land within the Townsite Boundary of the town indicated.

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

- (a) To maintain a small town atmosphere.
- (b) To maintain the *status quo* of uses within the zone.
- (c) To allow a variety of uses necessary to service the normal functions of a small townsite.

### 3.2.6 Rural Zone

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

- (a) The zone shall consist of predominantly rural uses.
- (b) To protect land from urban uses that may jeopardise the future use of that land for other planned purposes which are compatible with the zoning.
- (c) To protect the land from closer development which would detract from the rural character and amenity of the area.
- (d) To prevent any development which may affect the viability of a holding.

## 3.3 ZONING TABLE

3.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme Area in the various zones, such uses being determined by cross reference between the list of the use classes on the left hand side of the 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 Council may, at its discretion, permit the use.

'SA' means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with Clause 6.2.

'IP' means that a use is not permitted unless it is determined by the Council to be incidental to the predominant use.

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 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 that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or
- (b) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedure of Clause 6.2 in considering an Application for Planning Consent.

**3.4 ADDITIONAL USES**

Notwithstanding anything contained within the Zoning Table the land specified in Schedule V 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 is 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 II and subject to compliance with any conditions specified in the Schedule, or in a Town Planning Scheme Policy, with respect to the land.

**TABLE I—ZONING TABLE****KEY TO COLUMNS—**

1 RESIDENTIAL	4 SPECIAL USE
2 COMMERCIAL	5 TOWNSITE
3 INDUSTRIAL	6 RURAL

Zones	1	2	3	4	5	6
<b>RESIDENTIAL</b>						
Aged or Dependent Persons Dwelling	SA	SA		*	SA	
Caretaker's Dwelling	IP	IP	SA	*	IP	IP
Home Occupation	AA	AA	AA	*	AA	AA
Institutional Building			SA	*	AA	
Lodging House	SA	AA		*	AA	SA
Residential—						
— Single House	P			*	P	P
— Grouped Dwelling	P	AA		*	AA	AA
— Multiple Dwelling	AA	AA		*	AA	
<b>TOURIST AND ENTERTAINMENT</b>						
Amusement Parlour		P		*	SA	
Amusement and Recreation	SA	SA	SA	*	SA	SA
Bed and Breakfast	SA	IP		*	AA	AA
Camping Area				*	AA	SA
Caravan Park				*		
Holiday Accommodation	SA			*	SA	SA
Hotel		P		*	SA	
Motel		P		*	SA	
Private Recreation	SA	AA		*	SA	
Tavern		P		*	SA	
<b>COMMERCE</b>						
Betting Agency		SA		*	SA	
Convenience Store	SA	P		*	AA	
Dry Cleaning Premises		AA	AA	*	AA	
Fast Food Outlet		P		*	AA	
Garden Centre		P	AA	*	AA	
Kiosk	SA	P	AA	*	AA	
Liquor Store		AA		*	AA	
Market		P		*	AA	
Medical Centre		AA		*	AA	
Medical Clinic		AA		*	AA	
Office		P	IP	*	AA	IP
Plant Nursery			AA	*	AA	SA
Professional Office		P		*	AA	
Reception Centre		AA		*	AA	SA
Restaurant		P		*	AA	SA
Restricted Premises		SA		*	AA	
Shop		P	IP	*	AA	
Service Station		AA	AA	*	AA	
Showroom		P	IP	*	AA	
Trade Display		AA	IP	*	AA	
Transport Depot			P	*	AA	
Vehicle Hire Station		AA	P	*	AA	
Vehicle Sales Premises		AA	AA	*	AA	
Wineshop		AA		*	AA	

**TABLE I—ZONING TABLE—continued**

Zones	1	2	3	4	5	6
<b>INDUSTRY</b>						
Cottage Industry	SA	AA	P	*	AA	SA
Extractive Industry				*		SA
Factoryettes			P	*	AA	
General Industry			P	*	AA	
Hazardous Industry			SA	*		SA
Light Industry		SA	P	*	AA	
Motor Vehicle Repair Station		SA	P	*	AA	
Noxious Industry			SA	*		SA
Rural Industry			SA	*	AA	P
Service Industry		SA	P	*	AA	
Warehouse		AA	P	*	AA	
<b>CIVIC AND COMMUNITY</b>						
Civic Use		AA		*	AA	
Community Use	SA	SA		*	AA	
Day Care Centre	SA	AA		*	AA	
Educational Establishment		AA		*	AA	SA
Kindergarten	SA	AA		*	AA	
Place of Worship		SA		*	AA	
<b>RURAL</b>						
Rural Pursuit			SA	*	AA	P
Stockyard			SA	*		AA
Wayside Stall				*		AA
Stables	SA		SA	*	SA	P
<b>OTHER</b>						
Animal Boarding House			AA	*	AA	SA
Funeral Parlour		SA	P	*	AA	
Plant Nursery		AA	AA	*	AA	
Public Utility	AA	AA	AA	*	AA	AA
Radio and TV Installation		SA	P	*	AA	SA
Veterinary Consulting Rooms		SA	P	*	SA	
Veterinary Hospital			P	*	SA	

\* means Uses as determined by the Council as per Schedule II and the Scheme Map.

#### **PART IV—NON-CONFORMING USES**

##### **4.1 NON-CONFORMING USE RIGHTS**

No provision of the Scheme shall prevent—

- 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
- the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.

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

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

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

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

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

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

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

##### **4.5 DESTRUCTION OF BUILDINGS**

If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75% or more of its value, the land on which the building is built



shall not thereafter be used otherwise than in conformity with the Scheme, and the 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 V—DEVELOPMENT STANDARDS**

### **5.1 DEVELOPMENT OF LAND**

5.1.1 Subject to Clause 5.1.2 a person shall not commence or carry out development of any land zoned or reserved under the Scheme without first having applied for and obtained the planning consent of the Council under the Scheme.

5.1.2 The planning consent of the Council is not required for the following development of land—

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

### **5.2 SPECIAL DESIGN AREAS**

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

The Council shall prepare a Design Plan for the Area. The plan should satisfy the following objectives;

- (a) To cater for convenient, shaded and safe pedestrian areas.
- (b) To ensure that town centre traffic and vehicular parking is adequately catered for.
- (c) To provide adequate landscaping to both enhance the visual amenity of the town centre and to provide for suitably shaded areas for traveller and residents.
- (d) To provide for the necessary tourist information and other facilities considered necessary by the Council.
- (e) To provide adequate land for the continued railway activities, and suitable screening of such areas.

### **5.3 DEVELOPMENT ON LAND SUBJECT TO DAMPNESS OR FLOODING**

5.3.1 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.

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

### **5.4 DEVELOPMENT TABLE**

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

#### **5.4.1 Development Requirements**

Where requirements for a particular use are not set out in this Scheme, the development shall conform to the provisions for the predominant use of the zone in which it is situated, as determined by the Council, or where such provisions are inappropriate, to such requirements as the Council shall determine.

For the purpose of this Clause, the predominant uses in zones and local reserves shall be deemed to be as outlined in their respective objectives.

#### **5.4.2 Combined Uses**

Where two or more uses are combined in a single development, the development shall conform to the requirements for each use respectively, or where such requirements are inappropriate, to such requirements as the Council shall determine.

## 5.5 Development of Land Subject to Non-Conforming Use Rights

5.5.1 Except where otherwise provided, development of non-conforming uses shall be in conformity with the provisions of the Scheme relevant to that use. In a particular case, the Council may require that a non-conforming use comply with the setbacks and other provisions set out for the predominant use of that zone.

**TABLE II—DEVELOPMENT TABLE**

Use Class	Controls	Minimum Boundary Setback (Metres)			Maximum Plot Ratio	Maximum Landscaped Area (%)	Car Parking Requirements (See Clause 5.14)
		Front	Rear (Average)	Sides			
Club		*	*	*	0.5	*	*
Consulting Rooms		*	*	*	0.4 in Res. Zone 0.5 elsewhere	30 in Res. Zone	*
Day Care Centre		7.5	7.5	*	*	*	*
Educational Establishment		9.0	7.5	5.0	*	30	*
Funeral Parlour		*	*	*	*	10	*
Hall		*	*	*	*	10	*
Hospital		9.0	7.5	5.0	0.4 in Res. Zone 0.5 elsewhere	20	*
Hostel		7.5	7.5	*	*	30	*
Hotel/Tavern		*	*	*	*	10	*
Industrial—Service		7.5	7.5	*	*	10	*
Industrial—Light		7.5	7.5	*	*	10	*
Industrial—General		7.5	7.5	*	*	15	*
Motel		9.0	7.5	3.0 per storey	1.0	30	*
Office		*	*	*	*	*	*
Professional Office		*	*	*	0.5	*	*
Restaurant		*	*	*	*	*	*
Service Station		7.5	7.5	*	*	5	*
Shop		*	*	*	*	*	*
Showroom		*	*	*	*	10	*
Vehicle Sales		*	*	*	*	5	*

### NOTES—

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

5.5.2 Any change of use or development shall be in accordance with Table II provided that the Council may permit—

- (i) minor repairs or maintenance necessary to ensure the safety and health of the public and users of the property;  
(ii) an extension of the buildings subject to the non-conforming use by up to 20% of the floor area of the building existing at the time of gazettal of the Scheme, or by such greater proportion which the Council considers will not prejudice the objectives of this Scheme, provided always that such extension is within the limits of the setbacks in this Scheme.

## 5.6 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

If a development, other than a residential development, the subject of an application for planning consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

The power conferred by this Clause may only be exercised if the Council is satisfied that—

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

## 5.7 RESIDENTIAL DEVELOPMENT

5.7.1 Residential Development in the Residential Zone shall comply with the objectives for those Zones as outlined in Part III and the Residential Planning Codes.

- 5.7.2 (a) For the purpose of the Scheme 'Residential Planning Codes' means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto.  
(b) A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.  
(c) Unless otherwise provided for in the Scheme, development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.

- 5.7.3 (a) The Residential Planning Code for land zoned Residential and Commercial shall be R10/R30.  
(b) Residential development shall be permitted at the R10 density, however, the Council may approve developments up to the R30 density as an 'AA' use.

- (c) Any development proposed at a density greater than R10, subject to clause (b) above, 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. If this cannot be provided, development of residential use shall be permitted to the R10 code.
- (d) Notwithstanding the right to develop a single house on an existing lot, residential development in the 'Rural' Zone shall comply with the specific requirements of the Council, however these shall not be lesser than those specified for the Residential Planning Code 'R2'.
- (e) The Residential Planning Codes for land zoned Townsite shall be R10. The Townsite Zone includes the Townsites of Wubin, Pithara and Buntine.

#### **5.8 DEVELOPMENT ON LAND ABUTTING A RESIDENTIAL ZONE**

Any non-residential development on land abutting a Residential Zone shall conform to such standards as the Council determines. These standards shall be assessed on the basis of the potential nuisance of the proposed development on the residential area.

#### **5.9 COMMERCIAL DEVELOPMENT**

5.9.1 Commercial development in the Commercial Zone shall comply with the requirements of Table II and the objectives for that Zone as outlined in Part III.

5.9.2 Loading docks and access ways shall be provided sufficient in size to wholly contain delivery vehicles on site or within the building and to permit the passage of vehicles from and to the street without backing.

5.9.3 Where the Council considers it appropriate, rear access shall be provided to each tenement, in order to avoid using the front entrance, another tenement or an arcade for service deliveries.

#### **5.10 INDUSTRIAL DEVELOPMENT**

5.10.1 Industrial development in the Industrial Zone shall comply with the requirements of Table II and the objectives for the Zone as outlined in Part III.

5.10.2 The front setback area may be used only for the purpose 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 of vehicles. No material or product may be stored within the front setback area.

5.10.3 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.

5.10.4 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 development with landscaped open space or screened to the approval of the Council.

5.10.5 Loading docks and access ways shall be provided sufficient in size to wholly contain delivery vehicles on site or within the building and to permit the passage of vehicles from and to the street without backing.

5.10.6 Where the Council considers it appropriate, rear access shall be provided to each tenement, in order to avoid using the front entrance, another tenement or an arcade for service deliveries.

5.10.7 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.

#### **5.11 SPECIAL USE DEVELOPMENT**

5.11.1 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.

5.11.2 Schedule II outlines the restricted uses allowed in the Special Use Zone.

5.11.3 Development in a Special Use Zone shall be permitted in accordance with the requirements of Table II for the use specified on the Scheme Map and outlined in Schedule II, and with any other requirements specified by the Council.

#### **5.12 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 shall see fit relative to the proposed use.

#### **5.13 DEVELOPMENT OF OTHER STRUCTURES**

Development standards, including the height, area, setbacks and construction materials, for the following structures shall be determined by the Council; an out-building; carport or garage; pergola; shadehouse or conservatory; shed or workshop; any accommodation designed to house livestock, including a kennel, stable, aviary, fowlhouse and pigeon loft.

#### **5.14 CAR PARKING**

5.14.1 Car Parking requirements shall be determined by the Council in each individual case. The requirements shall be laid out and constructed in accordance with the layouts or parking bays and manoeuvring aisles shown in Schedule IV—Car Parking Layouts, except that where the angles or car parking vary from those shown, Council may determine the width of the manoeuvring aisle which in no case shall be less than four metres. Car Parking bays shall be capable of use independently of each other.

All driveways and parking areas shall be—

- (a) constructed and surfaced to the Council's satisfaction with appropriate measures for drainage and the disposal of surface water, and,
- (b) provided at the time of the development and thereafter maintained to the satisfaction of the Council.

5.14.2 Where the Council so decides, it may accept cash payments in lieu of the provision of paved parking spaces but only subject to the following requirements being satisfied—

- (a) the cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the Scheme, plus the value, as estimated by Council of that area of his land which would have been occupied by the parking space.
- (b) Payments made under this Clause shall be paid into a special fund to be used for the provision of public car parking facilities and the Council may use this Fund to provide public parking facilities anywhere within the proximity of the site in respect of which a cash-in-lieu arrangement is made.
- (c) If an owner or developer shall object to the amount or the costs or values determined by Council pursuant to sub-clause (a), the matter may be referred to arbitration.

## **5.15 CONSERVATION OF BUILDINGS AND PLACES OF HERITAGE SIGNIFICANCE**

### **5.15.1 Purpose and Intent**

The purpose and intent of the heritage provisions are to;

- (a) ensure the conservation of any place, area, building, object or structure 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 the 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.

### **5.15.2 Heritage List**

5.15.2.1 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.

5.15.2.2 For the purpose of this part, the Heritage List means the Heritage 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.

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

### **5.15.3 Designation of Heritage Precincts**

5.15.3.1 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.

5.15.3.2 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.

5.15.3.3 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.

5.15.3.4 The Council before designating a heritage precinct shall—

- (a) advertise notice of Council's intention in a newspaper circulating in the district and by the erection of a sign in a predominant 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;
- (b) invite submissions on the Council's intention within 28 days of the date specified in the notice in (a) above;
- (c) carry out such other consultations as it thinks fit;
- (d) consider any submissions made and resolve to designate the heritage precinct with or without modification or reject the proposal;
- (e) forward notice of its decision to the Heritage Council of WA and Western Australian Planning Commission.

5.15.3.5 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 5.15.3.4 above.

### **5.15.4 Applications for Planning Consent**

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

- 5.15.4.2 The Council may, in considering any application that may affect a heritage precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA, the Australia Heritage Commission, the National Trust of Australia (WA) and those of any other relevant bodies, and take those views into account when determining the application.
- 5.15.4.3 Notwithstanding any existing assessment on record, the Council may require a heritage assessment to be carried out prior to the approval for any development proposed in a Heritage Precinct or individual entry listed on the Heritage List.
- 5.15.4.4 Notwithstanding any other provision of the Scheme, no person shall commence or carry out any development affecting the buildings, object, structure or place listed in the Inventory or contained within a Heritage Precinct without first having applied for and obtained the Planning Consent of the Council pursuant to the provisions of Part 5.15.5 of the Scheme.

#### 5.15.5 Formalities of Application

- 5.15.5.1 In addition to the application formalities prescribed in paragraph 5.15.4 and any formalities or requirements associated with application 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 evaluations 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 of 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 and subject to the application, and the location, type and height of all existing structures and of all existing vegetation exceeding two 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 material and colours of the proposed development, and unless the Council exempts the applicant from the requirement or any part of it, also 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.

#### 5.15.6 Power to Determine Application

- 5.15.6.1 Without affecting the generality of any other provision of the Scheme specifying the manner in which the Council is obliged or permitted to deal with an application for Planning Consent, the Council in dealing with any application for Planning Consent, may, for reasons related to the conservation of a place of cultural heritage significant or a heritage precinct;
  - (a) refuse approval;
  - (b) grant approval without conditions; or
  - (c) grant approval with conditions including conditions aimed at the conservation of the place or precinct.

#### 5.15.7 Variations to Scheme provisions

- 5.15.7.1 The Council may approve any development which involves the conservation of the whole or part of any place of cultural heritage significance of heritage precinct or its replacement if accidentally destroyed, notwithstanding the proposed works do not comply with the Residential Planning Codes or any provision, standard or requirement of the Scheme.

#### 5.16 Control of Advertising

##### 5.16.1 Power to Control Advertising

- (i) For the purpose of this Scheme, the erection, placement and display, and, subject to the provisions of Clause s. 16, the continuance of advertisements is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Such an approval to planning consent is required in addition to any licence pursuant to the Council's Signs and Hoarding and Bill Posting Bylaws.
- (ii) Applications for the Council's planning consent pursuant to this part shall be submitted in accordance with the provisions of Clause 5.1 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Schedule VI giving details of the advertisement(s) to be erected, placed or displayed on the land.

##### 5.16.2 Existing Advertisements

Advertisements which—

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

### 5.16.3 Considerations 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, the Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed.

### 5.16.4 Exemptions from the Requirements to Obtain Planning Consent

Subject to the Provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 5.16.1, the Council's prior planning consent is not required in respect of those advertisements listed in Schedule VI which for the purpose of this Part are referred to as 'exempted advertisements'.

### 5.16.5 Discontinuance

Notwithstanding the Scheme objectives and Clause 5.16.4, where in the opinion of the Council, an exempted or existing advertisement so seriously conflicts with the objectives of this Part, it may by notice in writing require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement.

### 5.16.6 Derelict or Poorly Maintained Signs

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

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

### 5.16.7 Notices

- (i) 'The advertiser' shall be interpreted as any one or any group comprised of the owner, occupier, licensee or other person having interest in or drawing benefit from the display of the advertisement concerned.
- (ii) Any notice served pursuant to Clauses 5.16.5 and 5.16.6 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 28 days, within which the action specified shall be completed by the advertiser.
- (iii) Any person upon whom a notice is served pursuant to this Part may within a period of 28 days from the date of the notice appeal to the Hon. Minister for Planning or the Town Planning Appeal Tribunal in accordance with Part V of the Act, and whereby any such appeal is lodged the effect of the notice shall be suspended until a decision on the appeal is known and shall thereafter have effect according to that decision.

### 5.16.8 Scheme to Prevail

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

### 5.16.9 Enforcement and Penalties

Any advertiser who—

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

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

## **PART VI—PLANNING CONSENT**

### **6.1 APPLICATION FOR PLANNING CONSENT**

6.1.1 Every Application for Planning Consent shall be made in the form prescribed in Schedule III(a) to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

6.1.2 Unless Council waives any particular requirements every Application for Planning Consent shall be accompanied by—

- (a) A plan or plans to a scale of not less than 1:500 showing—
  - (i) Street names, lot number(s), north point, and the dimensions of the site.
  - (ii) The location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the site.
  - (iii) The existing and proposed means of access for pedestrians and vehicles to and from the site.
  - (iv) The location, number, dimensions and layout of all car parking spaces intended to be provided.
  - (v) The location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas.

- (vi) The location, dimensions and design of any landscaped, open storage or trade display area and particular of the manner in which it is proposed to development the same;
- (b) Plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- (c) Any other plan or information that the Council may reasonably require to enable the Application to be determined.

## **6.2 ADVERTISING OF APPLICATIONS**

6.2.1 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 in this Clause.

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

6.2.3 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.

6.2.4 The notice referred to in Clause 6.2.3(a) and (b) shall be in the form contained in Schedule III(b) with such modifications as circumstances require.

6.2.5 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.

## **6.3 DETERMINATION OF APPLICATIONS**

6.3.1 In determining an Application for Planning Consent the Council may consult with any authority which, in the circumstances, it thinks appropriate.

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

6.3.3 The Council shall issue its decision in respect of an Application for Planning Consent in the form prescribed in Schedule III(c) to the Scheme.

6.3.4 Where the Council approves an Application for Planning Consent under this Scheme the Council may limit the time for which that consent remains valid.

## **6.4 DEEMED REFUSAL**

6.4.1 Where the Council has not within sixty days of the receipt by it of an Application for Planning Consent either conveyed its decision to the applicant or given notice of the Application in accordance with Clause 6.2 the Application may be deemed to have been refused.

6.4.2 Where the Council has given notice of an Application for Planning Consent in accordance with Clause 6.2 and where the Council has not within ninety days of receipt by it of the Application conveyed its decision to the applicant, the Application may be deemed to have been refused.

6.4.3 Notwithstanding that an Application for Planning Consent may be deemed to have been refused under Clause 6.4.1 or 6.4.2 the Council may issue a decision in respect of the Application at any time after the expiry of the sixty day or ninety day period specified in those Clauses, as the case may be.

## **PART VII—ADMINISTRATION**

### **7.1 POWERS OF THE SCHEME**

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

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

## 7.2 OFFENCES

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

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

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

## 7.3 NOTICES

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

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

## 7.4 CLAIMS FOR COMPENSATION

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

## 7.5 APPEALS

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

## 7.6 POWER TO MAKE POLICIES

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

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

- (a) The Council having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the Draft Policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.
- (b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy.
- (c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme Documents for inspection during normal office hours.

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

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

7.6.4 A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.

## SCHEDULE I—INTERPRETATIONS

**“Absolute Majority”**—means a total majority of the members for the time being of the Council whether present and voting or not;

**“Act”**—means the Town Planning and Development Act, 1928 (as amended);

**“Advertisement”**—means the erection or display of signs or hoardings giving public notice but does not include—

- (a) a sign relating to the carrying out of building or similar work on the land on which it is displayed;
- (b) a sign relating to the scale or letting of the land on which it is displayed; or
- (c) directional signs, street signs or other like signs erected by a public authority;

**“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 land and buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use;

**“Amusement Machine”**—means a machine, device or games table, mechanically or electronically powered, that releases or makes available balls, discs or other items for projection in or on the machine by the use of springs, flippers, paddles or cues, or electronic devices which are controlled or partly controlled by computer associated with the electronic screen(s) operated by one or more players for amusement or recreation;

**“Amusement Parlour”**—means land and buildings, 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;

**“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;

**“Bed and Breakfast Accommodation”**—means short stay residential accommodation offering overnight lodgings, with or without breakfast, in a domestic environment;

**“Betting Agency”**—means a totaliser agency established and operated in accordance with the Totaliser Agency Board Act 1960;

**“Building Line”**—means the line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act;

**“Building Setback”**—means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected;

**“Builders Yard”**—means land or land and a building or buildings used for the storage, assembly or dismantling of building materials;

**“Camping Area”**—means land set aside for the erection of tents and other similar structures for temporary accommodation;

**“Car Park”**—means land or a building or buildings used primarily for parking private cars whether open to the public or not but does not include any part of a public road or any land or building on or in which vehicles are displayed for sale;

**“Caravan Park”**—means an area of land set aside for the parking of caravans when used or available for use as a temporary habitation or for dwelling or sleeping purposes, whether or not any portion of the land is set aside or used as a camping area or for chalets;

**“Caretaker’s Dwelling”**—means a building used as a residence by the proprietor or manager of an industry, business, office building or recreation area existing upon the same site and occupied by a person having the care of the building, plant, equipment or grounds thereof;

**“Church”**—means land or buildings used for the religious activities of a church but does not include an institution for primary, secondary or higher education, or a residential institution.

**“Civic Use”**—means land and buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose;

**“Commission”**—means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act, 1985;

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

**“Consulting Room”**—means a building or part of a building (other than a hospital or medical centre) used in the practice of his profession by no more than one practitioner who is a legally qualified medical practitioner, dentist, physiotherapist, chiropractor, masseur, or a person ordinarily associated with a medical practitioner in the prevention investigation or treatment of physical or mental injuries or ailments.

**“Convenience Store”**—means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but not 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 200m<sup>2</sup> gross leasable area;

**“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 aesthetics, historic, scientific or social significance, for the present community and future generations.

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

**“Development”**—has the meaning assigned to it by the Act which is as follows—

“development means the use or development of any land and includes the erection, construction, alteration or carrying out, as the case may be, of any building, excavation or other works on any land”, 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—

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

**“District”**—means the District of the Shire of Dalwallinu;

**“Drycleaning Premises”**—means land and 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, or a lecture hall, but does not include a reformatory institution;

**“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;

**“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;

**“Frontage”**—means the boundary line or lines between a site and the street or streets upon which the site abuts;

**“Funeral Parlour”**—means land and buildings occupied by undertakers, where bodies may be stored and prepared for burial or cremation;

**“Garden Centre”**—means land and 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 or prefabricated garden buildings;

**“Gazettal Date”**—means the date of which notice of the approval of the Minister to this Scheme is published in the *Government Gazette*;

**“Gross Floor Area (or the abbreviation gfa)”**—means in relation to a building, the floor area of each storey measured over the enclosing walls, if any, and includes the portion of any party walls forming part of the building;

**“Hall”**—means a building or part of a building used for public assembly or other public purposes.

**“Heritage List”**—means a 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 on with the written permission of the Council within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant;

**“Hospital”**—means any building or part of a building, whether permanent or otherwise, in which persons are received and lodged for medical treatment or care, and includes a maternity hospital.

**“Hotel”**—means land and a building or buildings the subject of a hotel licence or a limited hotel licence granted under the provisions of the Liquor Act, 1970;

**“Industry: Cottage”**—means an industry which produces arts and craft goods which cannot be carried out under the provisions relating to a ‘home occupation’ and that—

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid waste or waste products;
- (b) where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier’s family normally resident on the land;
- (c) is conducted in an outbuilding which is compatible to the zone and its amenity and does not occupy an area in excess of 55m<sup>2</sup>;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and
- (e) does not display a sign exceeding 0.2m<sup>2</sup> in area;

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

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

**“Industry: General”**—means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry;

**“Industry: Hazardous”**—means an industry which by reason of the processes involved or the method of manufacture or the nature of the materials used or produced requires isolation, due to danger or risk, from other activities or buildings;

**“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 project service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services;

**“Industry: Noxious”**—means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911—1979 (as amended), but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, piggery or poultry farm.

**“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;
- (c) a hospital for treatment or care of the mentally sick;

**“Kindergarten”**—means land and buildings used as a school for developing the intelligence of young children by object lessons, toys, games, singing and similar methods;

**“Kiosk”**—means the use of land or buildings which is incidental to the predominant use and which complements that use for the display and sale of souvenirs and/or refreshments to patrons of the predominant use.

**“Liquor Store”**—means premises in respect of which a store licence has been granted under the Liquor Act, 1970;

**“Lodging House”**—shall have the same meaning as is given to it in and for the purpose of the Health Act, 1911—1979 (as amended);

**“Lot”**—has the meaning to it by the Act;

**“Market”**—means land and buildings used for a fair, a farmer’s or producer’s market, or a swapmeet 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;

**“Medical Clinic”**—means premises in which facilities are provided for two or more of the following— a medical practitioner, a dental practitioner, physiotherapist, chiropractor, masseur;

**“Minister”**—means the Minister for Planning or other member of the Executive Council for the time being charged by the Governor with the administration of the Act;

**“Motel”**—means land and a building or buildings used or intended to be used to accommodate patrons, including holiday makers and travellers, for temporary period in a manner similar to a hotel but with separate bathing and toilet facilities for each suite and in which special provision is made for the accommodation of patrons with motor vehicles and includes holiday flats and chalets;

**“Mobile Home”**—means any vehicle or similar relocatable structure having been manufactured with wheels (whether or not such wheels have been removed) and having no footings other than wheels, jacks or skirtings, and so designed or constructed as to permit independent occupancy for continuous dwelling purposes incorporating its own facilities including bathroom and toilet facilities;

**“Mobile Home Park”**—means land upon which two or more mobile homes, occupied for dwelling purposes, are located regardless of whether or not a charge is made for such accommodation;

**“Net Lettable Area”**—means the area of all floors confined within the internal finished surfaces of permanent walls but excluding the following cases;

- (i) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (ii) lobbies between lifts facing other lifts serving the same floor;

- (iii) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (iv) 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.

In the case of subdivided floors, the measurement of the net lettable area is taken to the centre line of any walls or partitions between tenancies.

**“Non-Conforming Use”**—means a use of land which, though lawful immediately prior to the coming into operation of this Scheme, is not in conformity with the Scheme.

**“Office”**—means a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature;

**“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”**—when used in relation to land includes the Crown and every person who, jointly and 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 in possession; or
- (c) is a lessee 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;

**“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 conservation of those works or buildings; and
- (c) as much of the land beneath the place as is required for the purpose of its conservation.

**“Place of Natural Beauty”**—means the natural beauties of the area including rivers, lakes & other inland waters, banks or rivers, foreshores of harbours and other parts of the sea, hill slopes and summits and valleys;

**“Places 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 the growing of trees, plants, shrubs or flowers, for replanting in domestic, commercial or industrial gardens;

**“Port Installations”**—means land and buildings used for and incidental to the purposes of loading, unloading and maintaining ships and other water craft;

**“Primary Produce”**—means—

- (a) produce resulting directly from the cultivation of land;
- (b) fresh meat, poultry, fish and their bodily produce; but with the exception of the processing required to prepare fresh meat, poultry and fish for sale, shall not include any goods that have undergone any secondary process;

**“Private Hotel”**—means land and buildings used for the residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Act, 1970 (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.

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

Professional Person has a corresponding interpretation.

**“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 TV Installation”**—means land, buildings, devices or structures for the transmission or receiving of signals or pictures or both but does not include domestic radio and television receivers;

**“Reception Centre”**—means land and buildings used by parties for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes;

**“Residential Planning Codes”**—means the Residential Planning Codes adopted as a policy by the State Planning Commission and Gazetted on 13 December, 1991, together with all amendments or additions thereto or any code, by-laws or regulations replacing them and applying or being applicable within the district;

**“Restaurant”**—means a building or portion of a building wherein food is prepared solely for sale and consumption within the building or portion thereof and the expression shall include a licensed restaurant, cafe or nightclub, and also includes a restaurant at which food for consumption outside the building, or portion thereof, is sold where the Council is of the opinion that it forms a minor part of the business only;

**“Restricted Premises”**—means any premises, part of parts thereof, used or designed to be used primarily for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—

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

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

**“Roadhouse”**—means the use of land or buildings for the servicing of vehicles and their occupants. 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 growing of vegetables, fruit, cereals or food crops;
- (b) the rearing or agistment of poultry, sheep, cattle or beasts of burden;
- (c) the stabling, agistment or training of horses;
- (d) the sale of produce grown solely on the lot;

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

- (i) the keeping of pigs;
- (ii) the processing, treatment or packing of produce; and
- (iii) the breeding, rearing or boarding of domestic pets;

**“Schedule”**—means a schedule to the Scheme;

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

**“Shop”**—means land and a building or portion of a building wherein goods are kept, exposed or offered for sale by retail, and includes a convenience store or an establishment by any name retailing convenience goods but does not include a bank, fuel depot, a wholesale market, service station, milk depot, marine store, timber yard or land or buildings used for the sale of vehicles or for any purpose falling within the definition of industry and does not include a warehouse;

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

**“Stable”**—means a premises used for the keeping, breeding, agistment and rearing of horses and ponies and may include the use of associated buildings, corrals, and compounds.

**“Stockyards”**—means land, buildings and other structures for the holding or sale or both of livestock;

**“Tavern”**—means land and a building or buildings the subject to a tavern licence granted under the provision of the Liquor Act, 1970;

**“Trade Display”**—means land and buildings used for the display of trade goods and equipment for the purposes of advertisement;

**“Transport Depot”**—means land or a building or buildings used for the parking or garaging of road motor vehicles (including taxis) which are used or intended to be used for the carriage of passengers or goods, or land or a building or buildings used for the transfer of goods from one such motor vehicle to another of such motor vehicles and includes the maintenance or repair of such vehicles;

**“Vehicles Hire Station”**—means 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 land and buildings used for the mechanical repair and overhaul of motors of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis re-shaping;

**“Vehicle Sales Premises”**—means 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;

**“Veterinary Consulting Rooms”**—means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight;

**“Veterinary Hospital”**—means land and a building or buildings used for or in connection with the treatment of sick animals and includes the accommodation of such animals whether or not the building or buildings are used as a veterinary clinic;

**“Warehouse”**—means—

- (a) 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; or
- (b) a bulk store or depot;

**“Wayside Stall”**—means a stall located adjacent to a street in which only fruit, vegetables and artefacts 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 consumers of those goods by a person of 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);

**“Wineshop”**—means premises in respect of which a winehouse licence has been granted under the Liquor Act, 1970.

**“Zone”**—means a portion of the Scheme Area shown on the Scheme Map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or the use of land, but does not include reserved land.

#### SCHEDULE II—SCHEDULE OF USES IN SPECIAL USE ZONE

	LOT DESCRIPTION	PERMITTED SPECIAL USE	SCHEME MAP DESIGNATION
1	Reserve 29295 Clinch Road, DALWALLINU	Caravan Park	CP
2	Lots 11, 12, 13 and 102 Sawyer Avenue, DALWALLINU	Church	Ch
3	Lots 241 and 242 Johnston Street, DALWALLINU	Church	Ch
4	Lots 139 and 140 McNeill Street, DALWALLINU	Church	Ch
5	Lots 12 and 13 McNeill Street, DALWALLINU	Church	Ch
6	Lot 130 McNeill Street, DALWALLINU	Church	Ch
7	Lot 138 McNeill Street, DALWALLINU	Church	Ch
8	Lot 1 McNeill Street, DALWALLINU	Hall	H
9	Lot 112 Annetts Road, DALWALLINU	Church	Ch
10	Lot 570 Wasley Street, DALWALLINU	Church	Ch
11	Lot 317 Johnston Street, DALWALLINU	Road House	RH
12	Reserve 37258 Hazlett Street, KALANNIE	Church	Ch
13	Lot 27 Locke Street, KALANNIE	Church	Ch
14	Reserve 27084 Roche Street, KALANNIE	Church	Ch
15	Reserve 42409 (Lot 150) cnr Roche Street and Hathway Drive, KALANNIE	Caravan Park	CP

	LOT DESCRIPTION	PERMITTED SPECIAL USE	SCHEME MAP DESIGNATION
16	Lots 1,2 and 176 Garland Street, Lots 3, 171 and 172 Deacon Street, Lots 5, 176 and 173 Harris Street, DALWALLINU	Mixed Residential—Uses permitted as indicated below, where not mentioned, uses shall not be permitted Residential P Home Occupation AA Garden Centre AA Plant Nursery AA Transport Depot SA Cottage Industry P Factoryette SA General Industry SA Light Industry SA Motor Vehicle Repair Station AA Rural Industry SA Service Industry AA Warehouse AA Rural Pursuit SA Public Utility AA	MR
17	Ptn Lot 405 McNeill St, DALWALLINU	Church Hall	CH
18	Lot 95 Rolinson Drive, KALANNIE	Church Hall	CH

**SCHEDULE III(a)—FORM 1**

*Shire of Dalwallinu*

TOWN PLANNING SCHEME NO. 1

**APPLICATION FOR PLANNING CONSENT**

Name of Owner of Land ) Surname.....  
 )  
 on which development ) Christian Names.....  
 )  
 proposed ) Address in Full.....

Submitted by .....

Address for Correspondence .....

Locality of Development .....

Titles Office Description of Land:

Lot No ..... Street ..... Loc No.....

Plan or Diagram ..... Certificate of Title Vol ..... Fol.....

The type of development and the nature of the proposed buildings are as follows—

The approximate cost of proposed development is .....

The estimated time of completion is .....

The approximate number of persons to be employed when the development is completed is .....

Three copies of the Site Plan and other necessary plans of the proposals are submitted with this application.

Signed by the Owner of the Land .....

*NOTE: A separate application is required by submitted to the Council for a building licence (where applicable).*

**SCHEDULE III(b)**

*Shire of Dalwallinu*

**TOWN PLANNING SCHEME NO.1**

**NOTICE OF APPLICATION FOR PLANNING CONSENT**

TO THE OCCUPIER/OWNER

IN ACCORDANCE with the provisions of this Scheme the Council of the Shire of Dalwallinu hereby gives you notice that an Application for Planning Consent has been received as detailed below. The Council invites submissions from interested parties concerning the proposal within twenty-one (21) days of the service of this notice. The Council will duly consider such submissions prior to determining the Application.

Application submitted by .....

Location of proposal .....

.....

.....

The type of development and the nature of the proposed buildings are as follows:

.....

.....

.....

.....

.....

.....

The estimated time of completion is .....

The approximate number of persons to be employed when the development is completed is .....

Interested parties may request further details from the Council office Dalwallinu.

Submissions shall be received within 21 days from the date indicated below.

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

**SCHEDULE III(c)**

*Shire of Dalwallinu*

**TOWN PLANNING SCHEME NO. 1**

PLANNING APPROVAL\*

REFUSAL OF PLANNING APPROVAL\*

Application Dated:                      Owner of Land:

Applicant: .....

.....

.....

.....

.....

Details of Land:

Lot No ..... Street ..... Loc No .....

Certificate of Title Volume ..... Folio .....

Conditions of Approval (where applicable):

.....

.....

.....

.....

.....

.....

Signed .....

CHIEF EXECUTIVE OFFICER                      DATE

This Approval is valid for a period of ..... months only.

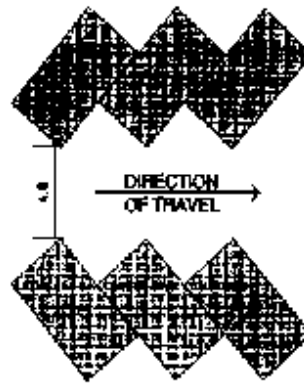
\* Delete as applicable



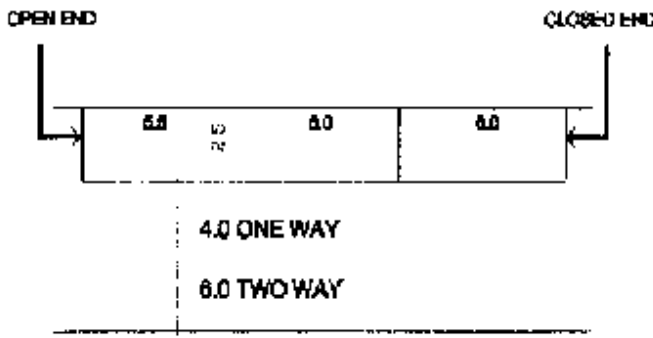
**SCHEDULE IV—CAR PARKING LAYOUTS**



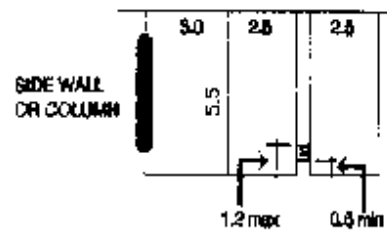
**90° PARKING**



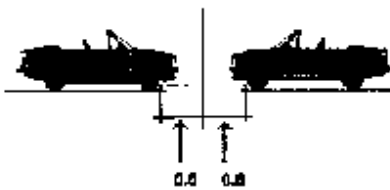
**45° PARKING**



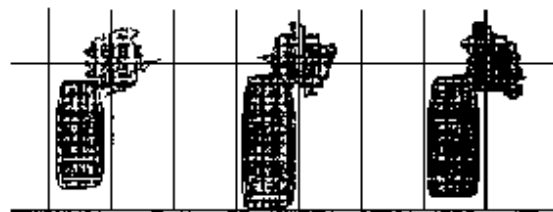
**PARALLEL PARKING**



**OBSTRUCTIONS**



**WHEEL STOP MODIFICATIONS**  
Not to affect drainage



**SHADE TREE LANDSCAPING**  
Kerb ring not to exceed 900 mm diam

90° & 45° Parking - 5.5m x 2.5m  
Parallel Parking - 6.0m x 2.5m  
or 5.5m x 2.5m where open ended

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

**SCHEDULE V—ADDITIONAL USES**

No Location  
1 Dalwallinu Kalannie Road

Additional Uses  
Tourist Accommodation

Special Conditions

**SCHEDULE VI—EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 5.16**

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (Includes the change of Posters or Poster Signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
Dwellings	One professional name-plate as appropriate	0.2m <sup>2</sup>
Home Occupation	One advertisement describing the nature of the home occupation	0.2m <sup>2</sup>
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned	0.2m <sup>2</sup>
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 the 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 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 or upon a railway station	No sign shall exceed 2m <sup>2</sup> in area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings	Not Applicable
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof	0.2m <sup>2</sup>
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 (I) above	5m <sup>2</sup>

**SCHEDULE VI—EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 5.16—continued**

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (Includes the change of Posters or Poster Signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
(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 building	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 the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed	Each sign shall not exceed an area of 2m <sup>2</sup>
(b) Multiple Dwellings, Shops, Commercial and Industrial 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, building 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>
Display Homes -	(i) One sign for each dwelling on display	2m <sup>2</sup>
Advertisement signs displayed for the period over which homes are on display for public inspection	(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>

**ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL**

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

1. Name of Advertiser (if different from owner):

.....

2. Address in full:

.....  
.....

3. Description of Property upon which advertisement is to be displayed including full details of its proposed position within that property:

.....  
.....

4. Details of Proposed Sign:

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

Colours to be used: .....

Height above ground level (to top of Advertisement) .....: (to underside): .....

Materials to be used: .....

Illuminated Yes/No If yes;

—state whether steady, moving, flashing, alternating, digital, animated or scintillating etc:

.....  
.....

—state intensity of light source: .....

5. State period of time for which advertisement is required: .....

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

.....  
.....

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

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

—————  
**ADOPTION**

Adopted by Resolution of the Council of the Shire of Dalwallinu at the Ordinary meeting of the Council held on the 20<sup>th</sup> day of August 1999.

R. T. ALLAN JP, President.

Dated: 30 September 1999.

W. T. ATKINSON, Chief Executive Officer.

Dated: 30 September 1999.

—————  
**FINAL APPROVAL**

1. Adopted by Resolution of the Council of the Shire of Dalwallinu at the Ordinary meeting of the Council held on the 22<sup>nd</sup> day of February, 2000 and the seal of the Municipality was pursuant to that Resolution hereto affixed in the presence of—

R. T. ALLAN JP, President.

Dated: 15 March 2000.

W. T. ATKINSON, Chief Executive Officer.

Dated: 15 March 2000.

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

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

EUGENE FERRARO, for Chairman.

Dated: 10 July 2000.

3. Final approval granted.

Hon G. KIERATH, Minister for Planning.

Dated: 9 November 2000.

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**RACING, GAMING AND LIQUOR**

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**RA401**

**LIQUOR LICENSING ACT 1988**

**SUMMARY OF LIQUOR LICENSING APPLICATIONS**

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

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
8045	Eurest (Australia) Pty Ltd	Application for the grant of a Special Facility Licence in respect of premises situated in East Perth and known as Eurest (Australia) Pty Ltd	17/12/00
8041	Bouverie Nominees Pty Ltd	Application for the grant of a Producer— Wine Licence in respect of premises situated in Denbarker and known as Bouverie	24/12/00
8027	Angelo Terzo & Maria Maddalena Logiudice	Application for the grant of a Producer— Wine Licence in respect of premises situated in Kirup and known as Paradise Heights Winery	20/12/00

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE— <i>continued</i>			
8016	Australian Wine Exchange Pty Ltd	Application for the grant of a Wholesaler's Licence in respect of premises situated in Subiaco and known as Australian Wine Exchange	17/12/00
APPLICATIONS FOR THE REMOVAL OF A LICENCE			
116635	Michele Gina Ferrara & Pirosano Pty Ltd	Application for the removal of a Special Facility—Other Licence from premises situated in Perth and known as Ferrara Karaoke Bar	14/12/00
APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
5883	Victoria Hotel (WA) Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Collie and known as Victoria Hotel	21/12/00

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

HUGH HIGHMAN, Director of Liquor Licensing.

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## TREASURY

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### TY401

#### FINANCIAL ADMINISTRATION AND AUDIT ACT 1985

The Treasury,  
Perth, 24/11/2000.

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

Treasurer's Instruction	Paragraph	Topic
319	1-3	Act of Grace Payments
822	1-2	Borrowings

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## PUBLIC NOTICES

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### ZZ101

#### TRUSTEES ACT 1962

##### NOTICE TO CREDITORS AND CLAIMANTS

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 25th December 2000, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bickle, Vera Marion, late of Canning Lodge, 6 Caprice Place, Willetton, died 16/9/00 (DEC 330071DG4).

Burkett, Ronald Richard, late of Lakeside Nursing Home, 68 Lyall Street, Redcliffe, died 29/10/00 (DEC 330274DS4).

D'Alton, Michael Kenneth, late of 11B Rainbow View, Ocean Reef, died 4/11/00 (DEC 330265DC2).

Ejbuszyc, Louisa Matilda, late of 114/130 Cresswell Road, Dianella, died 31/10/00 (DEC 330283DG4).

Fuhlmarck, Albi Edward, late of 5 94/96 Mill Point Road, South Perth, died 22/6/00 (DEC 329927DG4).

Hallam, Eric, late of Jacaranda Lodge, 55 Belgrade Road, Wanneroo, died 15/11/00 (DEC 330318DC3).

Jay, Thelma Irene, late of Warwick Village Lodge, 98 Ellersdale Avenue, Warwick, died 10/10/00 (DEC329965DC4).

Jenkins, Anne Gwendoline, late of Craigville Nursing Home, corner Stock and French Roads, Melville, formerly of 3 Malsbury Street, Bicton, died 14/11/00 (DEC 330317DS2).

McQueen, Alicia Neale Maud, late of Peter Arney Home, 1 Cloisters Avenue, Como, died 11/10/00 (DEC 329742DG4).

Parkin, Sydney Lawrence Bedford, late of Bassendean Nursing Home, 27 Hamilton Street, Bassendean, formerly of 25 Deakin Street, Bassendean, died 11/10/00 (DEC 330048DL3).

Penrose, Dorothy Rose Feltham, late of Joondanna Village Lodge, Osborne Street, Joondanna, formerly of 24 Axon Street, Subiaco, died 15/9/00 (DEC 329747DS4).

Plich, Irena Josefa, late of 5 Tamarisk Avenue, Wanneroo, died 21/11/00 (DEC 330258DA2).

Riach, Mabel Aideen, late of Rowethorpe Nuring Centre, Hillview Terrace, Bentley, died 7/9/00 (DEC 329957DL4).

Sanders, Bertha, late of 109 Altone Road, Lockridge, died 2/11/00 (DEC 330279DG2).

Straszinszky, Katalin, late of 50 Merrifield Street, Kelmscott, died 7/11/00 (DEC 330246DC4).

Teague, Gladys, late of Regents Garden Aged Care, 2 Amur Place, Bateman, formerly of Southern Cross Nursing Home, 59 Leach Highway, Bateman, died 9/11/00 (DEC 330203DL3).

Wilson, Natsuko, late of 38 Eudanda Place, Cannington, died 3/11/00 (DEC 330282DA3).

ANTONINA ROSE McLAREN, Public Trustee,  
Public Trust Office, 565 Hay Street, Perth WA 6000.  
Telephone 9222 6777.

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

## NOTICE TO CREDITORS AND CLAIMANTS

Creditors and other persons having claims in respect of the Estate of the late Frank Bruce Michael who died on Monday 6 November 2000 at St John of God Hospital, Subiaco are requested to send particulars of their claims to the Executor Peter James Michael, c/- Michael, Whyte & Co, Barristers & Solicitors, Level 1, 41-43 Ord Street, West Perth 6005 within one (1) month from the date of this notice after which date the Executor may distribute the assets having regard only to the claims of which they have then had notice and the said Executor shall not be liable to any person of whose claim they have had no notice at any time of administration or distribution.

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WESTERN AUSTRALIA

**BOTANIC GARDENS AND PARKS  
AUTHORITY ACT 1998**

**Price: \$7.65 Counter Sales  
Plus Postage on 100 grams**

\*Prices subject to change on addition of amendments.

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WESTERN AUSTRALIA

**FISH RESOURCES MANAGEMENT  
ACT 1994**

**Price: \$19.45 Counter Sales  
Plus Postage on 360 grams**

\*Prices subject to change on addition of amendments.



# SafetyLine

Workplace Safety on the Internet

**I**nformation on solutions to work safety and health challenges has been delivered to your workplace.

**G**o to the World Wide Web on the Internet on your computer and contact <http://www.safetyline.wa.gov.au>

**H**elp yourself to the information WorkSafe Western Australia has put there to help you.

*For further information call (08) 9327 8777.*

**Go on-line to SafetyLine**



CUSTOMER  
FOCUS  
WESTERN AUSTRALIA

## 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.

### STATE LAW PUBLISHER SUBSCRIPTION CHARGES 2001

All subscriptions are for the period from 1 January to 31 December 2001. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include postage by surface mail unless stated otherwise.

#### GOVERNMENT GAZETTE

General *Government Gazettes* are published on Tuesday and Friday of each week, unless disrupted by public holidays or unforeseen circumstances.

Special *Government Gazettes* are published periodically.

<b>All Gazettes</b>	\$
Within WA .....	728.20
Interstate .....	754.60
Overseas (airmail) .....	1,031.00
<b>Bound Volumes of full year</b>	983.40

#### Electronic Gazette Online

(includes all Gazettes from Jan 1998)

Existing hard copy subscriber .....	168.30
Electronic Subscription only .....	561.00
<i>2000 Gazettes on CD ROM</i> .....	673.20
<i>1999 Gazettes on CD ROM</i> .....	673.20
<i>1998 Gazettes on CD ROM</i> .....	673.20

#### INDUSTRIAL GAZETTE

Industrial Gazette is published monthly.

	\$
Within WA .....	292.60
Interstate .....	348.70
Overseas (airmail) .....	443.00
<i>1999 Gazettes on CD ROM</i> .....	291.50
<i>1998 Gazettes on CD ROM</i> .....	291.50

#### HANSARD

Hansard is printed and distributed weekly during parliamentary sessions.

	\$
Within WA .....	466.40
Interstate .....	576.40
Overseas (airmail) .....	568.00
<b>Bound Volumes of Hansard</b>	
Within WA .....	563.20
Interstate .....	599.50
<i>1999 Hansards on CD ROM</i> .....	561.00

#### STATUTES

##### Bound Statutes

Bound volumes are posted during March of the following year.

	\$
Within WA .....	250.80
Interstate .....	277.20
Overseas .....	257.00
Half Calf Bound Statutes .....	689.70

<i>1999 Bound Volumes on CD ROM</i> .....	249.70
<i>1998 Bound Volumes on CD ROM</i> .....	249.70

##### Loose Statutes

Statutes are posted weekly as they become available

	\$
Within WA .....	268.40
Interstate .....	277.20
Overseas (airmail) .....	361.00

##### Sessional Bills

Bills are posted weekly as they become available

	\$
Within WA .....	369.60
Interstate .....	386.10
Overseas (airmail) .....	525.00

##### Electronic Statutes Online

Includes all Acts, Regulations, Bills, Acts by year, Index to Statutes, Hansard, etc

	\$
1 <sup>st</sup> user .....	660
Between 2 and 10 users .....	330
More than 10 users .....	165

Data on CD's is fully indexed and is searchable. Other CD ROM products with legislation or other statutory information can be packaged to individual requirements. Prices are available on request.

