

# Government Gazette

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No. 13.]

# **PERTH** : FRIDAY, 18th FEBRUARY

[1955.

# THE CITY OF PERTH. By-law No. 33.

Classifying Districts in the Central Area.

L.G. 2429/52.

IN pursuance of the powers conferred by the Municipal Corporations Act, 1906-1953, and the Town Planning Act, 1928-1953, and all other powers them enabling, the Lord Mayor and Councillors of the City of Perth make the following by-law to be numbered 33:-

#### Part 1.—Definitions.

1. Central Area.—For the purpose of this by-law the area described herein as the Central Area comprises all that part of the City of Perth Municipal Area within the boundaries described hereunder.

To the North—By Vincent Street from a point at its intersection with Oxford Street to its intersection with Beaufort Street, thence by Beaufort, Walcott and Lord Streets, thence by Guildford Road to its intersection with Stanley Street, thence by Stanley Street and Mitchell Street to its intersection with the City of Perth boundary on the right bank of the Swan River.

To the East—By the City of Perth boundary on the right bank of the Swan River from its intersection with Mitchell Street to the Causeway.

To the South—By the City of Perth boundary from the Causeway to the Narrows.

To the West—By the Eastern boundaries of King's Park from the Narrows to the intersection of King's Park Road, thence by King's Park Road to the intersection of Thomas Street, thence by Thomas Street and Oxford Street to its intersection with Vincent Street.

For the purpose of this by-law, the Central Area is divided into classified districts numbered 1-9 inclusive, and the limits and areas of the classified districts in the aforementioned Central Area are as shown and more particularly delineated, coloured, and numbered, on the Central Area Zoning Plan No. 1 of the City of Perth and comprise the whole of the land embraced within the boundaries of the Central Area, with the exception of the following:—

- (1) Land set aside, resumed, or otherwise acquired for Crown purposes.
- (2) Land set aside, resumed or otherwise acquired for parks or recreation purposes.
- 2. In this by-law, unless the context otherwise requires—
  - "dwelling" means any building or part of a building, etc., used or intended, adapted, or designed for use as a self-contained tenement for living purposes for one family;
  - "duplex house" means a building comprising two dwellings each being complete and self-contained, and so designed to have the appearance of a single dwelling;
  - "flat" means a portion of a building used or intended, adapted or designed for use as a separate tenement in a building containing two or more such tenements;

"frontage" as applied to land means the frontage of that land to a street;

"residential flat building" means a dwelling constructed or adapted for use as two or more tenements;

"surveyor" means the Building Surveyor or Acting Building Surveyor of the City of Perth.

3. For the purpose of this by-law, buildings or parts of buildings now existing or hereafter erected, altered or enlarged shall be classified as follows:—

#### Class A.-Public.

In this classification shall be included every building used for any of the purposes referred to in Classes A1-7 hereunder.

Class A1—Churches, chapels and places of public worship.

- Class A2—Public halls, libraries, and museums, concert halls, exhibition rooms and other halls used for the purpose of exposition or exhibition or instruction (other than schools), and places of public assembly not otherwise classified.
- Class A3—Theatres, opera houses and buildings constructed or adapted for the exhibition of photographic or projected pictures, whether moving or still.
- Class A4—Hospitals, sanatoria, convalescent homes, orphanages and other similar charitable institutions, baby health centres and creches and other similar social welfare institutions, but not mental or correctional institutions, or veterinary hospitals or other premises for the treatment of animals or birds.
- Class A5—Veterinary hospitals and other premises for the treatments of animals or birds.

Class A6-Schools, colleges and similar educational institutions.

Class A7—Buildings used in conjunction with and for the purpose of playing fields, recreation grounds, tennis, bowling and croquet clubs and similar activities.

#### Class B.—Residential.

In this classification shall be included every building used for any of the purposes set forth in Classes B1-5.

Class B1—Dwellings designed for occupation in a single tenancy but including such dwelling to which a doctor's or a dentist's professional rooms are attached.

Class B2—Residential flat buildings.

Class B3—Clubs where sleeping accommodation is provided for six or more persons and lodging and boarding houses as defined in the Health Act, 1911-1952, provided the same are licensed under that Act and provided that no stoves or cooking appliances are installed or used in any rooms let to lodgers or boarders therein.

Class B4—Buildings licensed under a publican's general license or a hotel license.

Class B5—Garages and outhouses appurtenant to and in fact used in conjunction with any of the preceding Class B buildings, provided that no business or industry is carried on therein.

Class B6-Duplex dwellings.

#### Class C.-Business.

In this classification shall be included every building used for any of the purposes set forth in Classes C1-9 hereunder.

Class C1—Offices or premises in which business or professional services are rendered, and clubs where sleeping accommodation is provided for less than six persons.

Class C2—Departmental stores or shops used for the sale at retail of goods and other articles of general merchandise.

Class C3—Electric sub-stations and similar public utility buildings to which no store-yard or depot is attached.

Class C4—Fire-stations, police-stations, post offices and similar public utility buildings.

Class C5-Petrol selling and service stations, and motor repair shops.

Class C6—Depots for the sale or distribution of coal, coke or cut firewood in which no power-driven saw is used.

Class C7—Buildings with rooms with or without display windows for the sale and display of machinery and goods or articles as distinct from window display of goods.

Class C8—Warehouses for wholesale trade purposes or buildings for the storage and sale of goods in bulk.

Class C9—Premises in which professional services are rendered, including offices and laboratories appurtenant and in fact used in conjunction therewith.

#### Class D.-Light Industrial.

In this classification shall be included every building used for any of the purposes set forth in Classes D1 and D2 hereunder.

- Class D1—Industrial manufacturing and processing purposes which do not create a high noise level or cause the emission of dust, smoke or noxious fumes.
- Class D2—Industries for light metal or other material, fabricating and manufacturing shops and workrooms which do not create a high noise level and which do not require or include scrap iron or steel storage yards or breaking down areas, foundries, coal-fired boiler installations, blacksmithing shops, smelting furnaces or any such similar installations or appliances, nor cause the emission of fumes, dust or smoke, and containing no noxious trade.

## Part 2.-Classification of Districts.

- 4. No. 1 Districts for purposes described in Schedule No. 1.
  - No. 2 Districts for purposes described in Schedule No. 2.
  - No. 3 Districts for purposes described in Schedule No. 3.
  - No. 4 Districts for purposes described in Schedule No. 4.
  - No. 5 Districts for purposes described in Schedule No. 5.
  - No. 6 Districts for purposes described in Schedule No. 6.
  - No. 7 Districts for purposes described in Schedule No. 7.
  - No. 8 Districts for purposes described in Schedule No. 8.
  - No. 9 Districts for Governmental, institutional, educational, cultural and university purposes.

5. Except as provided in clause 6 of this by-law, no building shall hereafter be erected or altered and no building or land shall hereafter be used or adapted to be used for any purpose other than a purpose permitted by this by-law in the district in which such building or land is situated.

6. If at the time when this by-law shall come into operation any building is being used for a purpose other than is permitted by this by-law (hereinafter called "a non-conforming use") such building may continue to be used for such non-conforming use and the Council may in its discretion, subject to conformity with the building by-laws, permit such building to be added to or altered so as to cover so much of the block on which it stands and/or any adjoining land as may be otherwise lawfully built upon which may be owned by the proprietor of such building at the time when this by-law shall come into operation.

When a non-conforming use has been discontinued or changed to a conforming one, such non-conforming use shall not thereafter be recommenced.

No building which has been damaged by fire, by act of God or other casualty to the extent of 75 per cent. or more of its cubic extent, shall be repaired or rebuilt except in conformity with the provisions of this by-law, unless by special permission of the Council.

7. The following shall be deemed to be noxious trades for the purpose of this by-law:—

(1) Abattoirs and slaughter houses.

- (2) Bone mills and bone manure depots.
- (3) Chemical works and dye works.
- (4) Fellmongeries, tanneries, and wool scouring works.
- (5) Flock factories.
- (6) Glue factories.

- (7) Manure works.
- (8) Piggeries.
- (9) Places for storing, drying and processing bones, hides, hoofs or skins.
- (10) Soap and candle works or factories.
- (11) Tripe boiling establishments.
- (12) Fat rendering, gut-cleaning, gut scraping, gut drying and gut spinning works, except work of this description which may be carried out as an accessory and in fact in conjunction with butchers' shops.
- (13) Works for boiling down meat, blood, bone or offal.
- (14) Manufacture and storage of explosives.
- (15) Petroleum refining.
- (16) Sugar refining.
- (17) Acetylene gas manufacture.
- (18) Celluloid manufacture.
- (19) Detonating and explosive powder manufacture.
- (20) Manufacture of substances liable to a sudden explosion, inflammation or ignition.
- (22) Manufacture of turpentine, vitriol, naptha, varnish, fireworks and oil cloths and any other manufactures liable by reason of the nature or quantity of the materials employed therein to cause sudden fire or explosion.

8. No building of any class shall be erected unless means of access be provided for the removal of rubbish and servicing to every separate tenement and/or shop within the building. Such means of servicing shall be provided in such a manner that every separate tenement or shop can be serviced without passing through the front entrance thereof or through any other shop or tenement.

#### Part 3.—Miscellaneous.

9. Any person committing a breach of any of the provisions of this by-law shall be liable on conviction for every such offence to a penalty not exceeding  $\pounds 20$ .

10. The time limited for the making of claims in respect of injurious affection of land or property by reason of the operation of this by-law is six months from the date of the coming into operation of this by-law.

# Schedule No. 1.

#### No. 1 Districts.

#### PRIVATE SINGLE TENEMENT DWELLINGS, ETC.

The limits and areas of the above Districts are as shown and numbered 1 on the Central Area Zoning Plan of the City of Perth in the office of the Perth City Council. The land shown and numbered as Districts No. 1 may be used for the following purposes and no other:—

Private Single Tenement Dwellings (Class B1) and-

(1) Buildings of-

Class	A1.
Class	A2.
Class	A6.
Class	A7.
Class	B5.

- Class B6.
- Class C3.
- (2) Private gardens and nurseries.
- (3) Parks, playing fields, recreation grounds.
- (4) Tennis, bowling and croquet clubs and similar uses.

# Schedule No. 2.

# No. 2 Districts.

#### RESIDENTIAL FLATS, ETC.

The limits and areas of the above Districts are as shown and numbered No. 2 on the Central Area Zoning Plan of the City of Perth in the office of the Perth City Council.

The land shown and numbered as Districts No. 2 may be used for the following purposes and no other:—

Residential Flat Buildings (Class B2) and-

(1) Buildings of—

- Class A1. Class A2. Class A6.
- Class A7.

(2) Buildings of-

- Class B1.
- Class B3.
- Class B5.
- Class B6.

(3) Buildings of-

Class C3.

Class C4.

#### Schedule No. 3.

No. 3 Districts.

#### RESIDENTIAL FLAT BUILDINGS AND BUILDINGS FOR PROFESSIONAL CHAMBERS, ETC.

The limits and areas of the above Districts are as shown and numbered No. 3 on the Central Area Zoning Plan of the City of Perth in the office of the Perth City Council.

The land shown and numbered as Districts No. 3 may be used for the following purposes and no other:—

Residential Flat Buildings (Class B2) and Professional Chambers (Class C9) and—

(1) Buildings of—

Class A1.

Class A2.

Class A4.

- Class A6.
- Class A7.

(2) Buildings of-

- Class B1.
- Class B3.
- Class B5.
- Class B6.

(3) Buildings of—

Class C3.

Class C4.

#### Schedule No. 4.

#### No. 4 Districts.

#### OFFICE BUILDINGS, ETC.

The limits and areas of the above Districts are as shown and numbered No. 4 on the Central Area Zoning Plan of the City of Perth in the office of the Perth City Council.

The land shown and numbered as No. 4 Districts may be used for the following purposes and no other:-

Office Buildings (Class C1) and-

(1) Buildings of-

Class A2.

Class A3.

- Class B4.
- Class B5.
- Class C3.
- Class C4.
- Class C9.
- (2) Buildings whose primary and principal use is for Class C9 and/or C1 purposes with buildings of Class C2 and/or C7 purposes included therein as a subsidiary or secondary use.

Schedule No. 5.

No. 5 Districts.

#### SHOPS, ETC.

The limits and areas of the above Districts are as shown and numbered No. 5 on the Central Area Zoning Plan of the City of Perth in the office of the Perth City Council.

The land shown and numbered as No. 5 Districts may be used for the following purposes and no other:—

Buildings for Shops (Class C2) and-

(1) Buildings of-

Class	B4.
Class	B5.
Class	C3.

- Class C4.
- (2) Buildings whose primary and principal use is for Class C2 purposes with buildings of Class C1, C7 and/or C9 purposes included therein as a subsidiary or secondary use.

# Schedule No. 6.

# No. 6 Districts.

#### SHOWROOMS.

The limits and areas of the above Districts are as shown and numbered No. 6 on the Central Area Zoning Plan of the City of Perth in the office of the Perth City Council.

The land shown and numbered as No. 6 Districts may be used for the following purposes and no other:-

Buildings for Showrooms (Class C7) and-

(1) Buildings of-

Class	B4.

- Class B5.
- Class C3.
- Class C4.
- (2) Buildings whose primary and principal use is for Class C7 purpose with buildings of Class C1, C2, C8 and/or C9 purposes included therein as a subsidiary or secondary use.

# Schedule No. 7.

# No. 7 Districts.

#### WHOLESALE WAREHOUSING, ETC.

The limits and areas of the above Districts are as shown and numbered No. 7 on the Central Area Zoning Plan of the City of Perth in the office of the Perth City Council.

The land shown and numbered as No. 7 Districts may be used for the following purposes and no other:—

Buildings for Wholesale Warehouses (Class C8) and-

(1) Buildings of—

Class	B4.
Class	B5.
Class	C3.

Class C4.

(2) Buildings whose primary and principal use is for Class C8 purposes with buildings of Class C1, C2, C7 and/or C9 purposes included therein as a subsidiary or secondary use.

#### Schedule No. 8.

#### No. 8 Districts.

#### LIGHT INDUSTRIAL, ETC.

The limits and areas of the above Districts are as shown and numbered No. 8 on the Central Area Zoning Plan of the City of Perth in the office of the Perth City Council.

The land shown and numbered No. 8 Districts may be used for the following purposes and no other:—

Buildings for Light Industrial Purposes (Class D1 and Class D2) and— (1) Buildings of—

Class B4.

- Class B5.
- Class C3.
- Class Co.
- Class C4.
- Class C5.
- Class C6.

(2) Buildings whose primary and principal use is for Class D1 and/or D2 purposes with buildings of Class C1, C2, C7 and/or C8 purposes included therein as a subsidiary or secondary use.

# Schedule No. 9.

No. 9 Districts.

# GOVERNMENTAL, INSTITUTIONAL, EDUCATIONAL, CULTURAL AND UNIVERSITY PURPOSES.

The limits and areas of the above Districts are as shown and numbered No. 9 on the Central Area Zoning Plan of the City of Perth in the office of the Perth City Council.

The land shown and numbered No. 9 Districts may be used for the following purposes and no other:---

Public Buildings (Class A1 to A6 inclusive) and-

Buildings of—

Class	B4.
Class	C3.
Class	C4.

Passed by the Council of the City of Perth at the ordinary meeting of the Council held on the 25th day of October, 1954.

J. MURRAY, Lord Mayor.

W. A. McI. GREEN, Town Clerk.

Recommended-

(Sgd.) G. FRASER, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council, this 10th day of February, 1955.

(Sgd.) R. H. DOIG, Clerk of the Council.

#### MUNICIPAL CORPORATIONS ACT, 1906-1953.

#### Municipality of Bunbury.

By-law No. 69 (Buildings)—Amendment.

#### L.G. 201/53.

IN pursuance of the powers contained in the Municipal Corporations Act, 1906-1953, the Mayor and Councillors of the Municipality of Bunbury hereby order that by-law No. 69 (Buildings) be amended by adding the following clause after clause 12 (c):—

12 (d). Subject to special approval by resolution of the Council, and subject to clause 11 of this by-law regarding access to rear, and subject to all other by-laws and regulations regarding lighting and ventilation, car ports or car shelters of the pergola type comprising a roof or top supported by posts of timber, steel, brickwork, concrete or masonry but without walls may be erected with posts not less than 18 inches from the side or rear boundary of the containing lot; provided that the space between posts shall not be less than 4 feet and shall not be filled or walled in with any material. And provided also that water from the roof shall not be permitted to discharge onto adjoining land not in the same possession.

Passed by the Council of the Municipality of Bunbury at a properly convened meeting held on the 10th day of January, 1955.

F. J. WITHERS, Mayor.

R. HOUGHTON, Town Clerk.

Recommended-

(Sgd.) G. FRASER, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 9th day of February, 1955.

(Sgd.) R. H. DOIG, Clerk of the Council.

# ROAD DISTRICTS ACT, 1919-1951. Marble Bar Road Board.

#### Amendment to General By-laws.

L.G. 1903/52.

THE amendment to general by-law No. 10 published in the *Government Gazette* of the 28th August, 1953, at page 1615 is hereby further amended by deleting the word "second" in the fifth line and inserting the word "third" in lieu thereof.

Passed by the Marble Bar Road Board at a meeting of the Board held on the 11th day of December, 1954.

T. E. JENSEN, Secretary.

J. C. GREENE,

Chairman.

Recommended-

(Sgd.) G. FRASER, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council, this 10th day of February, 1955.

(Sgd.) R. H. DOIG, Clerk of the Council.

## PLANT DISEASES ACT, 1914-1954.

Department of Agriculture, Perth, 9th February, 1955.

Ex. Co. No. 182.

HIS Excellency the Governor in Executive Council, under the provisions of the Plant Diseases Act, 1914-1954, has been pleased to make the regulations set forth in the Schedule hereunder.

G. K. BARON HAY, Director of Agriculture.

# Schedule.

1. These regulations may be cited as the "Orchard Registration Regulations, 1954."

2. All previous regulations relating to registration of orchards published in *Government Gazettes* of the 20th December, 1935; 23rd February, 1940; 5th June, 1942; 14th June, 1946; 22nd May, 1953, and 25th June, 1954, are hereby revoked.

3. In these regulations the expressions "one acre" and "nursery" have the same meanings respectively as in subsection (3) of section 4 of the Plant Diseases (Registration Fees) Act, 1941-1952, and the expression "orchard" includes part of an orchard where in accordance with section 4 of that Act a part of an orchard is required to be treated as a separate and distinct orchard.

4. An owner or occupier of an orchard in which one or more fruit trees or one or more fruit vines are growing shall, on or before the first day of July in each year, apply, in accordance with Form 1 in the First Appendix to these regulations, to the Director of Agriculture for registration of the orchard, and shall at the same time pay the appropriate fee prescribed in the Second Appendix.

5. These regulations do not apply to an orchard situated within that part of the State which is North of the 28th parallel of South latitude and is East of the 122nd meridian of longitude.

6. Where an orchard is situated on land belonging to the Crown and either used for public purposes or unoccupied, no fee is payable on the registration of the orchard.

7. Where an orchard is registered, the Director of Agriculture shall issue to the applicant a Certificate of Registration in Form 2 in the First Appendix.

8. The holder of a Certificate of Registration of an orchard shall produce it for inspection whenever requested to do so by an Inspector.

## First Appendix.

Form 1.

Address of Orchard.....

#### Plant Diseases (Registration Fees) Act, 1941, as amended and the Plant Diseases Act, 1914, as amended.

195.....

# APPLICATION FOR REGISTRATION OF ORCHARD.

# (Regulation 4.)

# To the Director of Agriculture, Perth:

Please register the above orchard\* for the year ending 30th June, 195...... The registration fee of.....as computed on the reverse side of this card, accompanies this application.

Full name .....

(Surname in block letters.)

Full address

State name of occupier year 195.....

I hereby certify that the information supplied herein is true and correct to the best of my knowledge and belief.

\* Note.—One or more fruit trees or fruit vines is an orchard for the purposes of the Act.

Signature.....

Date.....

Where required fee is not more than 2s., a Revenue Duty Stamp may be attached in space opposite. This is not a post card and must be enclosed with remittance in a stamped envelope.

Particulars of Orchard.

Acres. £ s. d. t

Total Fee

# Definition of "One Acre."

Where compact or continuous formation of fruit trees and/or fruit vines exists, "acre" is defined by measurement. If not in compact order or formation, one acre equals 100 trees or 400 vines. If trees and vines are mixed, count four vines equal to one tree. Under the regulations the fees are as follows:—

(a) Where orchard is a nursery or is under one acre, or where the age of the trees or vines is under four years, the fee is 2s.

(b) Where area is not less than one acre as defined above, 2s. per acre. Registration Certificate No.

.....

Date...., 195.....

..... Director of Agriculture.

# Form 2.

Plant Diseases (Registration Fees) Act, 1941, as amended, and the Plant Diseases Act, 1914, as amended.

Certificate (a).

# CERTIFICATE OF REGISTRATION OF AN ORCHARD. (Regulation .....)

This is to certify that the orchard situated at..... in the name of \_\_\_\_\_\_\_, has this day been registered until the 30th June, 195....., whose address is , who is the owner/occupier thereof.

#### ..... Director of Agriculture.

*per*.....

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

Registration Fee £.....

Date...., 19.....

(a) Note.—This Certificate must be produced for inspection when requested by an Inspector. Orchards must be registered yearly (July to June), on or before 1st July each year.

## Second Appendix.

The fees payable for registration of an orchard shall be as follows:--s. d.

- (a) A nursery of any area .... 2 0 .... .... (b) Where the area of the orchard (not being a nursery) is less than one acre .... 2 0 . . . . (c) Where the area of the orchard (not being a nursery) is not less than one acre and *all* the fruit trees or fruit vines planted therein are less than four years old and will not become four years old during the year of registrees.
- 2 0 tration .... ....
- (d) Where the area of the orchard (not being a nursery) is not less than one acre and in which the fruit trees or fruit vines planted therein become or will become during the year of registration four years old or more-per acre 2 0

Provided that, where an orchard in respect of which the registration fee of two shillings per acre is payable consists of grape vines only and the fruit thereof is used only for the manufacture of wine, the aggregate amount of the registration fee payable in respect of such orchard for any year of regis-tration shall not in any event exceed the sum of three pounds.

Approved by His Excellency the Governor in Executive Council, 9th February, 1955.

R. H. DOIG. Clerk of the Council.

# HEALTH ACT, 1911-1952.

# Amendment of Model By-laws.

#### Department of Public Health, Perth, 9th February, 1954.

#### P.H.D. 384/53, Ex. Co. No. 228.

HIS Excellency the Governor in Executive Council, under the provisions of the Health Act, 1911-1952, has been pleased to amend, in the manner mentioned in the Schedule hereunder, the Model By-laws Series A prepared under the Act, and reprinted with amendments to date in the Government Gazette on the 4th day of December, 1944, and further amended by notices published in the Government Gazette on the 26th day of January, 1945; the 30th day of November, 1945; the 20th day of December, 1946; the 24th day of October, 1947; the 23rd day of December, 1949; the 10th day of February, 1950; the 24th day of March, 1950; the 29th day of December, 1950; the 22nd day of June, 1951; the 17th day of August, 1951; the 2nd day of November, 1952; the 31st day of December, 1952; the 6th day of February, 1953; the 20th day of March, 1953; the 21st day of August, 1954.

#### LINLEY HENZELL, Commissioner of Public Health.

#### Schedule.

Part VII of the abovementioned by-laws is amended by inserting after by-law 15 a new by-law 15A, as follows:—

15A. (1) A person shall not sell or permit to be sold any food in or from a shop, store, or vehicle if the food is intended to be carried away from the shop, store or vehicle, unless the food is completely wrapped or packed in clean material or otherwise protected as far as practicable from contamination.

(2) Except as provided for in paragraph (3) of this by-law, where paper is used for wrapping or packing food in accordance with paragraph (1) of this by-law, only clean paper which shall have no writing or printing thereon excepting upon the surface of the paper which forms the outside of the package which contains the food. The paper shall not be impregnated or coloured with any substance which may contaminate food.

(3) Where the food to be wrapped or packed consists wholly of vegetables they may be wrapped or packed in clean newspaper obtained direct from the publisher thereof and not previously sold or used for any purposes.

Approved by His Excellency the Governor in Executive Council, 9th February, 1955.

(Sgd.) R. H. DOIG, Clerk of the Council.