

WESTERN AUSTRALIAN GOVERNMENT Gazette



PERTH, TUESDAY, 27 JULY 1993 No. 104

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(As from 1 July 1992)

	\$
Government Gazette—(General)	1.80
Government Gazette—(Special)	
Up to 2 pages	1.80
Over 2 pages	3.60
Hansard	11.00
Industrial Gazette	9.80
Bound Volumes of Statutes	187.00

IMPORTANT NOTICE

Periodically notices are published indicating a variation in normal publishing arrangements:

- Easter or Christmas editions etc—these notices appear approximately 4 weeks prior to any change.
- Extraordinary gazettes not circulated to all subscribers—these notices appear in the following general edition of the gazette.

In all cases notices are published on page 2 and readers are urged to check accordingly prior to contacting State Print.

G. L. DUFFIELD, Director.

EDUCATION**ED301****MURDOCH UNIVERSITY ACT 1973**Office of the Minister for Education,
Perth 1993.

It is hereby notified that the Governor in Executive Council, acting under the provision of section 25 of the Murdoch University Act 1973, has approved the amendments to Statute No. 4 (Degrees, Diplomas and Certificates) and Statute No. 5 (Academic Council) as set out in the attached schedule.

NORMAN MOORE, Minister for Education.

D. G. BLIGHT, Clerk of the Council.

Schedule**Amendments to Statute No. 4—Degrees, Diplomas and Certificates**

Section 4 is amended—

- (i) by deleting s.1(b)(xi) and inserting the following as 1 (c) (xii): Postgraduate Diploma in Public Policy (PgradDipPubPol)
- (ii) by replacing “of” with “in” in s.1 (b) (xvi), 1 (b) (xvii), 1 (b) (xviii), 1 (c) (viii), 1 (c) (viii), 1 (c) (ix), 1 (c) (x) and 1 (c) (xi)
- (iii) by deleting from the Statute of reference to the PgDipHortSc.

Amendment to Statute No. 5—Academic Council

Statute No. 5—Academic Council be amended by inserting “Chair of the Board of Research” in place of “Chair of the Board of Research and Postgraduate Studies”.

Murdoch University

The proposed amendments to Statute No. 4—Degrees, Diplomas and Certificates and Statute No. 5—Academic Council as set out in the Schedule have been approved and ratified by an absolute majority of the members of the Senate in accordance with section 25 (1) of the Murdoch University Act 1973.

The official seal of Murdoch University was hereto affixed in accordance with Senate Resolution 60/93.

P. J. BOYCE, Vice-Chancellor.

R. N. MacWILLIAM, Secretary.

ED401**MURDOCH UNIVERSITY ACT 1973**Office of Minister for Education,
Perth 1993.

It is hereby notified for general information that the Governor in Executive Council has, in accordance with section 12 (1) (G) of the Murdoch University Act 1973, approved the appointment of Dr Bryon Micke, of PO Box 127, Mosman Park, for a term expiring on 24 July 1996; and Mr David Wordsworth, of Dempster Street, Esperance, for a term expiring on 6 July 1996, as members of the Murdoch University Senate.

NORMAN MOORE, Minister for Education.

D. G. BLIGHT, Clerk of the Council.

ED402

MURDOCH UNIVERSITY ACT 1973Office of the Minister for Education,
Perth 1993.

It is hereby notified for general information that the Governor in Executive Council has, in accordance with section 12 (1) (G) of the Murdoch University Act 1973, approved the re-appointment of Mr Justice Michael Murray, C/- Barrack Street, Perth, for a term expiring on 28 June 1996, as a member of Murdoch University Senate.

NORMAN MOORE, Minister for Education.
D. G. BLIGHT, Clerk of the Council.

ED403

UNIVERSITY OF WESTERN AUSTRALIA ACT 1978Office of Minister for Education,
Perth 1993.

It is hereby notified for general information that the Governor in Executive Council has, in accordance with section 10 (a) of the University of Western Australia Act 1978, approved the appointment of Mr Phillip King, C/- Hay Street, Perth, for a term expiring on 16 July 1999, as a member of the University of Western Australia Senate.

NORMAN MOORE, Minister for Education.
D. G. BLIGHT, Clerk of the Council.

LAND ADMINISTRATION

LB701

File No. 1978/1992
Ex. Co. No. 1149**LOCAL GOVERNMENT ACT 1960****PUBLIC WORKS ACT 1902****LAND RESUMPTION**

Road Widenings—Young Road—City of Rockingham

Notice is hereby given, and it is hereby declared, that pursuant to a resolution of the City of Rockingham passed at a meeting of the Council held on or about August 25, 1992 the several pieces or parcels of land described in the Schedule hereto, being all in the Cockburn Sound District have, in pursuance of the written approval and consent of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 20th day of July 1993, been set apart, taken or resumed for the purpose of the following public work, namely: Road Widenings—Young Road—City of Rockingham.

And further notice is hereby given that the said pieces or parcels of land so set apart, taken, or resumed are marked off and more particularly described on Department of Land Administration Diagram 91095 which may be inspected at the Department of Land Administration, Perth. The additional information contained in the Schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description. And it is hereby directed that the said lands shall vest in Her Majesty for an estate in fee simple in possession for the public work herein expressed, freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way or other easements whatsoever.

Schedule

Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
Norbert Jausel and Elizabeth Jausel	N. and E. Jausel	Portion of Peel Estate Lot 977 being part of the land contained in Certificate of Title Volume 259 Folio 3'A'.	72 m ²
Colin John Foster and Virgine Mique Foster	C. J. and V. M. Foster	Portion of Peel Estate Lot 973 being part of the land contained in Certificate of Title Volume 1822 Folio 708.	16 m ²
Charles Albert de Brincat and Carmen de Brincat	C. A. and C de Brincat	Portion of Peel Estate Lot 980 being part of the land contained in Certificate of Title Volume 1822 Folio 709.	291 m ²
Allen Thomas King and Ida Merle King	A. T. and I. M. King	Portion of Peel Estate Lot 981 being part of the land contained in Certificate of Title Volume 1471 Folio 866.	37 m ²

Certified correct this 9th day of July 1993.

GEORGE CASH, Minister for Lands.

Dated this 20th day of July 1993.

FRANCIS BURT, Governor in Executive Council.

LB702

File No. 1275/1990
Ex. Co. No. 1152

LOCAL GOVERNMENT ACT 1960
PUBLIC WORKS ACT 1902
LAND RESUMPTION

Road Extension—Kloppers Mill Road—Shire of Bridgetown-Greenbushes

Notice is hereby given, and it is hereby declared, that pursuant to a resolution of the Shire of Bridgetown-Greenbushes passed at a meeting of the Council held on or about 24 May, 1991 the several pieces or parcels of land described in the Schedule hereto, being all in the Nelson District have, in pursuance of the written approval and consent of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 20th day of July 1993, been set apart, taken or resumed for the purpose of the following public work, namely: Road Extension—Kloppers Mill Road—Shire of Bridgetown-Greenbushes.

And further notice is hereby given that the said pieces or parcels of land so set apart, taken, or resumed are marked off and more particularly described on Department of Land Administration Diagram 89861 which may be inspected at the Department of Land Administration, Perth. The additional information contained in the Schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description. And it is hereby directed that the said lands shall vest in Her Majesty for the public work herein expressed, freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way or other easements whatsoever.

Schedule

Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
Crown	Lands and Forest Commission	Portion of State Forest No. 30.	3.495 8 ha

Certified correct this 1st day of July 1993.

GEORGE CASH, Minister for Lands.

Dated this 20th day of July 1993.

FRANCIS BURT, Governor in Executive Council.

LB703

File No. 2582/1992
Ex. Co. No. 1153

LOCAL GOVERNMENT ACT 1960
PUBLIC WORKS ACT 1902
LAND RESUMPTION

Road Widening—Raszyk Road—Shire of Esperance

Notice is hereby given, and it is hereby declared, that pursuant to a resolution of the Shire of Esperance passed at a meeting of the Council held on or about 24 November, 1992 the several pieces or parcels of land described in the Schedule hereto, being all in the Esperance District have, in pursuance of the written approval and consent of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 20th day of July 1993, been set apart, taken or resumed for the purpose of the following public work, namely: Road Widening—Raszyk Road—Shire of Esperance.

And further notice is hereby given that the said pieces or parcels of land so set apart, taken, or resumed are marked off and more particularly described on Department of Land Administration Diagram 91203 which may be inspected at the Department of Land Administration, Perth. The additional information contained in the Schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description. And it is hereby directed that the said lands shall vest in Her Majesty for an estate in fee simple in possession for the public work herein expressed, freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way or other easements whatsoever.

Schedule

Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
Echo Pastoral Company Pty Ltd	Echo Pastoral Company Pty Ltd	Portion of Esperance Location 540 being part of the land contained in Certificate of Title Volume 1790 Folio 91.	6 004 m ²

Certified correct this 1st day of July 1993.

GEORGE CASH, Minister for Lands.

Dated this 20th day of July 1993.

FRANCIS BURT, Governor in Executive Council.

LB704

File No. 3392/1989
Ex. Co. No. 1151

LOCAL GOVERNMENT ACT 1960

PUBLIC WORKS ACT 1902

LAND RESUMPTION

Road Deviation and Road Widening—Hay Flat Road—Shire of Chittering

Notice is hereby given, and it is hereby declared, that pursuant to a resolution of the Shire of Chittering passed at a meeting of the Council held on or about 28 January 1993 the several pieces or parcels of land described in the Schedule hereto, being all in the Swan District have, in pursuance of the written approval and consent of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 20th day of July 1993, been set apart, taken or resumed for the purpose of the following public work, namely: Road Deviation and Road Widening—Hay Flat Road—Shire of Chittering.

And further notice is hereby given that the said pieces or parcels of land so set apart, taken, or resumed are marked off and more particularly described on Department of Land Administration Diagrams 90759 and 90760 which may be inspected at the Department of Land Administration, Perth. The additional information contained in the Schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description. And it is hereby directed that the said lands shall vest in Her Majesty for an estate in fee simple in possession for the public work herein expressed, freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way or other easements whatsoever.

Schedule

Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
Malcolm Charles Taylor	M. C. Taylor	Portion of Swan Location 1433 being part of the land contained in Certificate of Title Volume 1133 Folio 839.	1.076 7 ha
Renzo Francesco Berti and Doris Berti	R. F. & D. Berti	Portion of Swan Location 2336 being part of the land contained in Certificate of Title Volume 1750 Folio 666. (Land Coloured Brown on Diagrams 90759 and 90760)	1.074 7 ha

Certified correct this 1st day of July 1993.

GEORGE CASH, Minister for Lands.

Dated this 20th day of July 1993.

FRANCIS BURT, Governor in Executive Council.

LB705

File No. 1193/1991
Ex. Co. No. 1154

LOCAL GOVERNMENT ACT 1960
PUBLIC WORKS ACT 1902
LAND RESUMPTION

Road Deviation—Johnson Road—Town of Kwinana

Notice is hereby given, and it is hereby declared, that pursuant to a resolution of the Town of Kwinana passed at a meeting of the Council held on or about June 1990 the several pieces or parcels of land described in the Schedule hereto, being all in the Cockburn Sound District have, in pursuance of the written approval and consent of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 20th day of July 1993, been set apart, taken or resumed for the purpose of the following public work, namely: Road Deviation—Johnson Road—Town of Kwinana.

And further notice is hereby given that the said pieces or parcels of land so set apart, taken, or resumed are marked off and more particularly described and shaded brown on Department of Land Administration Diagram 90371 which may be inspected at the Department of Land Administration, Perth. The additional information contained in the Schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description. And it is hereby directed that the said lands shall vest in Her Majesty for an estate in fee simple in possession for the public work herein expressed, freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way or other easements whatsoever.

Schedule

Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
State Planning Commission	State Planning Commission	Portion of Peel Estate Lot 1295 being part of the land contained in Certificate of Title Volume 69 Folio 100A.	3 638 m ²
State Planning Commission	State Planning Commission	Portion of Peel Estate Lot 1190 being part of the land contained in Certificate of Title Volume 1957 Folio 310.	729 m ²

Certified correct this 1st day of July 1993.

GEORGE CASH, Minister for Lands.

Dated this 20th day of July 1993.

FRANCIS BURT, Governor in Executive Council.

LB706

File No. 1461/1992
Ex. Co. No. 1150

LOCAL GOVERNMENT ACT 1960
PUBLIC WORKS ACT 1902
LAND RESUMPTION

Road Extension—Pasquini Road—Shire of Donnybrook-Balingup

Notice is hereby given, and it is hereby declared, that pursuant to a resolution of the Shire of Donnybrook-Balingup passed at a meeting of the Council held on or about May 20, 1992 the piece or parcel of land described in the Schedule hereto, being all in the Wellington District have, in pursuance of the written approval and consent of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 20th day of July 1993, been set apart, taken or resumed for the purpose of the following public work, namely: Road Extension—Pasquini Road—Shire of Donnybrook-Balingup.

And further notice is hereby given that the said pieces or parcels of land so set apart, taken, or resumed are marked off and more particularly described on Department of Land Administration Diagram 90969 which may be inspected at the Department of Land Administration, Perth. The additional information contained in the Schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description. And it is hereby directed that the said lands shall vest in Her Majesty for the public work herein expressed, freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way or other easements whatsoever.

Schedule

Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
Crown	Lands and Forest Commission	Portion of State Forest No. 11.	1,244 4 ha

Certified correct this 1st day of July 1993.

GEORGE CASH, Minister for Lands.

Dated this 20th day of July 1993.

FRANCIS BURT, Governor in Executive Council.

Road Dedication

It is hereby notified that the Minister for Lands has approved, pursuant to section 288 of the Local Government Act, the dedication as public street the roads in the various Municipalities as described in the abovementioned resumption notices.

By Order of the Minister for Lands.

Dated this 27th day of July 1993.

A. SKINNER, Chief Executive.

LOCAL GOVERNMENT

LG401

SHIRE OF WYNDHAM-EAST KIMBERLEY

Public Notice

Authorised Persons

It is hereby notified for public information that pursuant to Councils By-law No. 7, "Removal and Disposal of Obstructing Animals or Vehicles", Council resolved on 15th July 1993, to Appoint the persons named below as authorised persons to seize and impound animals.

Roune Merri-Lynne De Masson
Harry Layton
Jocelyn Layton

M. G. CHEVERTON, Shire Clerk.

LG402

SHIRE OF WYNDHAM-EAST KIMBERLEY

Public Notice

Pound Keepers

It is hereby notified for the information of the public that Mrs Vivienne McMicking has been appointed Honorary Pound Keeper to the Shire of Wyndham-East Kimberley.

M. G. CHEVERTON, Shire Clerk.

LG403

LOCAL GOVERNMENT ACT 1960

Shire of Brookton

Schedule of Fees and Charges

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the abovementioned Municipality resolved at a meeting held on July 20, 1993 that the following fees and charges apply during the 1993/94 financial year in respect of facilities under the control of Council.

MEMORIAL HALL (ENTIRE BUILDING)	1993/94
Concerts, Weddings, Cabarets—	\$
Day	93
Night	102
Exhibitions, Social Events (No admit)—	
Day	58
Night	63
School Concerts, Religious Groups—	
Day	48
Night	52

	1993/94
	\$
Rehearsals	25
Meetings	25
Badminton, Volleyball—	
Day	21
Night	33
Children's Entertainment, Tuition	25
MEMORIAL HALL (MAIN HALL)	
Concerts, Cabarets, Weddings—	
Day	51
Night	56
Exhibitions, Social Events (No admit)—	
Day	32
Night	35
School Concerts, Religious Groups—	
Day	27
Night	29
Rehearsals	14
Meetings	14
Badminton, Volleyball—	
Day	12
Night	18
Children's Entertainment, Tuition	14
Kitchen Extra	12
W B EVA PAVILLION—CHARGES AS FOR ENTIRE BUILDING MEMORIAL HALL	
RECREATION GROUND—OVAL	
Sporting Function—	
Day	22
Night	42
24 Hours	50
Non Sporting—	
Day	26
Night	50
24 Hours	65
Kitchen Only	10
HARDCOURTS	
Sporting Function—	
Day	14
Night	26
24 Hours	34
Kitchen Only	10
CARAVAN PARK RENTAL	
PER VAN (2 PERSON)	
Daily	12
Weekly	70
Additional Person—	
Daily	4
Weekly	17
Camping—	
Per Night per Person	3
CEMETERY	
Interment	100.00
Land	25.00
Permission to erect a headstone	20.00
Reservation	5.00
NICHE WALL	
Internment (single) includes plaque	140.00
Internment (double) includes plaque (\$140 per internment)	280.00
Reservation	5.00

ALL NICHE WALL PLAQUES TO BE ORDERED THROUGH THE SHIRE OFFICE
AND TO BE OF A STANDARD FORMAT.

	1993/94 \$
SPORTING CLUBS FEES	
Football Club	2 960.00
Cricket Club (x3)	370.00
Hockey Club	150.00
Netball Club	150.00
Basketball Club	232.00
Volleyball Club	150.00
PRIVATE WORKS (RATE PER HOUR)	
Cat Grader	70.00
Mitsubishi Tip Truck	65.00
Chamberlain Tractor	45.00
Daihatsu Tip Truck	35.00
Pacific Roller	45.00
Isuzu Tip Truck	65.00
Cat Front End Loader	65.00
Cherry Picker (Includes Operator Costs)	40.00
Labourer	25.00

LG501**LOCAL GOVERNMENT ACT 1960***Shire of Bridgetown-Greenbushes*

Memorandum of Imposing Rates

To whom it may concern:

At a Meeting of the Bridgetown-Greenbushes Shire Council held on the 22 July 1993, it was resolved that the rates and charges specified hereunder should be imposed on all rateable property within the district of the Municipality of the Shire of Bridgetown-Greenbushes in accordance with the provisions of the Local Government Act 1960 (as amended).

Dated this twenty second day of July 1993.

S. L. GRANT, President.

K. L. HILL, Shire Clerk.

Schedule of Rates and Charges Levied

General Rate—

6.85 cents in the dollar on Gross Rental Value

0.61 cents in the dollar on Unimproved Values

0.488 cents in the dollar on Urban Farmland

6.85 cents in the dollar on Mining Rates

Minimum rate for Greenbushes, North Greenbushes and Hester townsites per assessment \$220.00

Minimum rate for Bridgetown townsite and all Rural properties per assessment—\$230.00

Rubbish Removal Charges—

Domestic—\$80 per annum 1 bin removed weekly

Commercial—\$80 per annum 1 bin removed weekly

Commercial—\$160 per annum 2-3 bins removed weekly

Commercial—\$240 per annum 4-6 bins removed weekly

Commercial—\$300 per annum 7-10 bins removed weekly

Casual service per bin removed—\$2.20

LG502

LOCAL GOVERNMENT ACT 1960
HEALTH ACT 1911
City of Subiaco

Memorandum of Imposing Rates

To Whom It May Concern:

At a special meeting of the City of Subiaco held on the 16th day of July 1993, it was resolved that the rates specified hereunder should be imposed on all rateable properties within the district of the City of Subiaco, in accordance with the Local Government Act 1960 and the Health Act 1911 for the year ending 30th June 1994.

Schedule of Rates

1. The General Rate be 6.69 cents in the dollar on Gross Rental Valuation.
2. In accordance with Section 550(2) of the Local Government Act 1960-1993, a discount of 10.0% will be allowed on current rates paid in full and receipted at Council or any branch of the Commonwealth Bank on or before 4pm, Tuesday, 24 August 1993.
3. A 10.0% penalty will be levied against rates outstanding as at 31st day of January 1994. (Pensioners rates being excluded)
4. A minimum rate of \$235.00 per assessment.
5. A separate annual rubbish service charge of \$95.00 per service will be imposed against all properties utilising the Council's refuse collection service. Eligible pensioners registered with the Council will be entitled to a 50% reduction on their rubbish service charge.

Dated 19th day of July 1993.

H. E. PASSMORE, Mayor.

PATRICK WALKER, Chief Executive/Town Clerk.

LG503

LOCAL GOVERNMENT ACT 1960
HEALTH ACT 1911
Shire of Westonia

Memorandum of Imposing Rates and Charges

To Whom It May Concern:

At a meeting of the Westonia Shire Council held on 15th July 1993, it was resolved that the rates and charges specified hereunder should be imposed on all rateable property within the district of the Shire of Westonia, in accordance with provisions of the above-mentioned Acts.

A. W. DAY, President.

C. P. STRUGNELL, Shire Clerk.

Schedule of Rates and Charges Levied

General Rates—

Unimproved Values—3.970 cents in the dollar

Gross Rental Values—10.00 cents in the dollar

Minimum Rates—

Gross Rental Value Properties—

Westonia Townsite—

Vacant \$30 per lot or location

Other \$75 per lot or location

Walgoolan and Carrabin Townsite—\$20 per lot or location

Unimproved Value Properties—

Mining Tenements—\$75 per tenement

Other Townsites—\$10 per lot or location

Other Property—\$40 per lot or location

Discount—Seven and a half (7/5) per cent discount will be allowed on current rates paid in full within 14 days of assessment service date, and five (5) per cent discount after the fourteenth day and up to the close of business on the thirtieth day.

Penalty—Ten (10) per cent on all rates remaining unpaid after 31 January 1994.

Rubbish Charges—\$54 per annum for one standard (two bins) service per week for each property situated within the Westonia townsite.

T.V. Retransmission Levy—\$220 per annum for each property situated within the designated area.

LG504**LOCAL GOVERNMENT ACT 1960****HEALTH ACT 1911***Shire of Esperance*

Memorandum of Imposing Rates

To whom it may concern:

At a meeting of the Esperance Shire Council held 16th July, 1993 it was resolved that the rates and charges specified hereunder should be imposed on all rateable property within the district of the Shire of Esperance in accordance with the provisions of the Local Government Act 1960 and Health Act 1911.

Dated the 21st day of July, 1993.

D. A. PATERSON, President.

R. T. SCOBLE, Shire Clerk.

Scheduled Rates and Charges Levied

General Rate: 2.2758 cents in the dollar on Unimproved Values except Urban Farmlands.

Specified Area Rate:

- (a) 2.5028 cents in the dollar on Unimproved Values on prescribed areas. (ref. *Government Gazette* 22 June 1979) Cascade Hall.
- (b) 2.3288 cents in the dollar on Unimproved Values on prescribed areas. (ref. *Government Gazette* 27 September 1985) Scaddan Hall.
- (c) 2.4028 cents in the dollar on Unimproved Values on prescribed areas. (ref. *Government Gazette* 14 May 1993) Condingup Community Centre.

Urban Farm Land Rates: 1.5172 cents in the dollar on Unimproved Values on land so specified.

Minimum Rate:

General Minimum Rate \$195.00 per serviced lot.

Prescribed Area Minimum Rate \$97.50 per unserviced lot.

Prescribed Areas:

Unserviced lots within locations 19, 49, 57, 58, 59, 60, 61, 62, 80 and 93 within the Esperance townsite.

Townsites of Cascade, Condingup, Coomalbidgup, Gibson, Grass Patch, Scaddan, Salmon Gums and Shark Lake.

Discount: A discount of 7.5 percent will also be allowed on current rates if payment is made in full within 35 days of the issue date of assessment.

Penalty: A penalty of 10 percent will apply from 31st January, 1994 on all rates due and payable at 31st October, 1993.

Rubbish Charges:

Residential \$90.00 per annum for the clearance of one 240 litre mobile bin per week and \$90.00 per annum for each additional service per week; such charges to be payable by the property owner.

Aged or Invalid Pensioners actually occupying their own property - \$45.00 per annum for the clearance of one 240 litre mobile bin per week and \$90.00 per annum for each additional service per week.

Commercial/Industrial \$100.00 per annum for the clearance of one 240 litre mobile bin per week and \$100.00 per annum for each additional bin removed or service provided, with a minimum commercial/industrial charge of \$100.00 per annum for each tenanted premises on a lot payable by the property owner, or such other minimum service as determined in accordance with Council by-laws.

\$520.00 per annum for the clearance of one 1100 litre mobile bin per week and \$520.00 per annum for each additional bin or service provided, payable by the property owner.

LG505

LOCAL GOVERNMENT ACT 1960
HEALTH ACT 1911
Shire of Roebourne

Memorandum of Imposing Rates for Financial year 1 July 1993 to 30 June 1994

At a meeting of the Roebourne Shire Council, held on 14th July 1993, it was resolved that the rates and charges specified hereunder should be imposed on all rateable property within the district of the Municipality, in accordance with the provisions of the Local Government Act 1960 and the Health Act 1911.

R. MUNDY, President.
F. J. GOW, Shire Clerk.

Schedule of Rates and Charges

General Rate—

10.48 cents in the dollar on the gross rental value of rateable property.

5.95 cents in the dollar on the unimproved value of rateable property.

(A) Minimum Rates—Gross Rental Valuations

1. General

\$660.00 on any lot or location within the townsites of Dampier, Karratha, Roebourne, Wickham, Whim Creek and Point Samson and urban locations excluding vacant land.

2. Vacant Land

\$460.00 on any vacant lot or location within the townsites of Dampier, Karratha, Roebourne, Wickham, Whim Creek and Point Samson and urban locations.

3. Cossack

\$10.00 on any lot or location within the townsite of Cossack.

(B) Minimum Rates—Unimproved Valuations

1. General

\$150.00 on any assessment using unimproved valuations excluding prospecting licences.

2. Prospecting Licences

\$75.00 on any prospecting licence.

Rate Penalty: A penalty of 10 per cent will be charged on rates outstanding as at 5.00 pm on 31st January 1994.

Rubbish Charges: The following charges are prescribed for the removal of house and trade refuse and other rubbish from premises situated within the aforesaid parts of the said districts of the Shire of Roebourne, namely—

(a) Premises within Townsites which are not permitted to be rated—

(1) \$3.00 for each daily emptying by the Shire of Roebourne of a receptacle by an occupier in accordance with By-law 12 hereof.

(2) \$17.00 per cubic metre for the removal by the Shire of Roebourne of other trade refuse.

(b) Special areas not rateable under the gross rental value system as prescribed by the Local Government Act.

(1) A charge set by the Shire taking into account the time taken for travelling, collecting and tip maintenance.

LG506

LOCAL GOVERNMENT ACT 1960
Shire of Menzies
MEMORANDUM OF IMPOSING RATES

To Whom It May Concern

At a meeting of the Menzies Shire Council held on Monday, 19th July 1993, it was resolved that the rates as specified hereunder should be imposed on all rateable property within the district of the municipality of the Shire of Menzies, in accordance with the provisions of the Local Government Act 1960, for the year ending 30th June 1994.

Dated this 20th day of July, 1993.

J. E. FINLAYSON, President.
P. J. RODGERS, Shire Clerk.

Schedule of Rates Levied

General Rates—

Gross rental values—\$0.04c in the \$

Unimproved values—\$0.09c in the \$

Minimum rate charge—\$100 per assessment

Discount: 10% discount allowed on current rates paid within 35 days of issue of notice.

Penalty: A penalty of 10% will be charged on all rates outstanding as at 31st January 1994.

LG507

HEALTH ACT 1911*Shire of Brookton*

Memorandum of Imposing Rates for Financial Year 1993/94

To whom it may concern:

At a meeting of the Shire of Brookton held on 20th July, 1993 it was resolved that the rates specified hereunder should be imposed on the rateable property within the municipality of the Shire of Brookton in accordance with the provisions of the Local Government Act 1960 and the Health Act 1911.

Dated 21st July, 1993.

G. C. MATTHEWS, President.

IAN CURLEY, Shire Clerk

Schedule of Rates Levied

West Ward and East Ward: 2.3997 cents in the dollar on Unimproved Values.

Central Ward: 2.3997 cents in the dollar on Unimproved Values.

Central Ward: 12.1135 cents in the dollar on Gross Rental Values.

Minimum Rate: \$182.00 per assessment on rateable land within the district.

Discount: A discount of 10% on current rates if all rates and charges are received in full within 35 days from the date of service on the rate notice.

Penalty: A penalty rate of 10% will apply to all rates, other than pensioners deferred, in arrears as at 31st January, 1994.

Sewerage Rate:

Central Ward: Specified Area 9.73 cents in the dollar on Gross Rental Values.

Non-Rateable Properties Connected to Sewer

Class 1—An annual charge of \$108.60 for the first and \$47.75 for each additional fixture that discharges waste into the sewer.

Class 2—\$604.00

Class 3—\$604.00

Minimum Sewerage Rate:

Residential: \$120.00 per assessment on rateable land within the specified area.

Commercial: \$300.00 per assessment on rateable land within the specified area.

Vacant Land: \$82.50 per assessment on rateable land within the specified area.

Rubbish Charge: \$98.35 per annum weekly removal of one 240 litre bin.

MINERALS AND ENERGY

MN401

MINING ACT 1978Department of Minerals and Energy,
Perth WA 6000.

In accordance with section 97 (3) of the Mining Act 1978, I hereby cancel the forfeiture of the undermentioned Mining Lease, previously declared forfeited for non-payment of royalties and published in the *Government Gazette* of 11th June 1993 and reinstate the lessee as of his former estate.

GEORGE CASH, Minister for Mines.

Number	Holder	Mineral Field
	Mining Lease	
31/104	Western Australian Gem Explorers Pty Ltd	North Coolgardie

MN402

MINING ACT 1978

Instrument of Cancellation of Exemption of Crown Land

The Minister for Mines pursuant to the powers conferred on him by section 19 of the Mining Act 1978, hereby gives notice of the Cancellation of the Instrument of Exemption of Crown land dated 11 June 1993 and published in the *Government Gazette* on 18 June 1993 which exempted all areas of Crown land described hereunder from the Divisions 1-5 of Part IV of the Mining Act 1978.

Schedule

North Coolgardie—

Datum peg is South West corner of late Mineral Claim 1^R.Boundaries thence identical to late surveyed Mineral Claim 1^R.

Area = 121.5 ha Public Plan: Boyce Creek 1:50 000

GEORGE CASH, Minister for Mines.

PLANNING AND URBAN DEVELOPMENT

PD401

STATE PLANNING COMMISSION ACT 1985

Cancellation of Delegation

File No: 970-1-1-3

Notice is hereby given that the State Planning Commission has resolved to cancel the delegation of powers and functions of the State Planning Commission to various eligible persons and bodies details of which were—

- (i) published in the *Government Gazette* (No. 59 of 1991) on 26th April 1991;
- (ii) modified and extended by further notice published in the *Government Gazette* (No. 19 of 1992) on 7th February 1992, and
- (iii) further modified by notice published in the *Government Gazette* (No. 160 of 1992) on 17th November 1992.

GORDON G. SMITH, Secretary,
State Planning Commission.

STATE PLANNING COMMISSION ACT 1985

NOTICE OF DELEGATION

File No: 970-1-1-3

Notice is hereby given that the State Planning Commission ("the Commission") acting pursuant to the provisions of section 20 of the State Planning Commission Act 1985 (as amended) ("the Act") has resolved to delegate its powers and functions set out in—

- (a) Schedule 1, to those eligible persons and bodies set out in Schedule 2
- (b) Schedule 3, to those eligible persons and bodies set out in Schedule 4
- (c) Schedule 5, to those eligible persons and bodies set out in Schedule 6
- (d) Schedule 7, to those eligible persons set out in Schedule 8, and
- (e) Schedule 9, to that eligible person set out in Schedule 10.

SCHEDULE 1—POWERS DELEGATED

1. All powers and functions of the Commission set out in—

- (i) paragraphs (i), (ii), (iv) and (v) of subsection (1)(e) of section 18 of the Act;
- (ii) the Metropolitan Region Town Planning Scheme Act 1959 (as amended), and
- (iii) the Metropolitan Region Scheme.

2. Power to determine applications for approval to commence and carry out development lodged with or referred to the Commission pursuant to the provisions of the Metropolitan Region Scheme.

3. Power to determine all applications for approval to commence and carry out development lodged with or referred to the Commission pursuant to the provisions of the Metropolitan Region Scheme but only where those determinations will not be significantly at variance with the recommendations made by the relevant local government authority.

4. Powers to issue Clause 42 Certificates pursuant to the provisions of the Metropolitan Region Scheme.

SCHEDULE 2—APPLICATION OF DELEGATION

The delegation of powers and functions set out in—

1. Schedule 1 apply to the Metropolitan Planning Council established under section 24 of the Act.
2. Paragraph 2 of Schedule 1 apply to the Committee for Statutory Procedures being a Committee by that name established by the Commission under section 19 of the Act.
3. Paragraph 3 of Schedule 1 apply to the officers of the Department of Planning and Urban Development for the time being exercising the duties of the offices of Director: Planning Services and Co-ordinator: Metropolitan.
4. Paragraph 4 of Schedule 1 apply to those officers of the Department of Planning and Urban Development for the time being exercising the duties of the offices of Secretary and Co-ordinator (Mapping).

SCHEDULE 3—POWERS DELEGATED

All powers and functions of the Commission as set out in—

- (i) Section 7B, 19, 20, 20C, 21, 24 and 25 of the Town Planning and Development Act 1928 (as amended).
- (ii) Town Planning Regulations 1967 (as amended).
- (iii) State Planning Commission Regulations 1962 (as amended).
- (iv) Strata Titles Act 1985 (as amended).
- (v) Strata Titles General Regulations 1985 (as amended).
- (vi) Section 295 (2a) and Section 297A (6) (a) of the Local Government Act.
- (vii) Section 18 (1) (a), (c) and (e) (iii) of the State Planning Commission Act 1985 (as amended).
- (viii) Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part V of the Town Planning and Development Act and to defend or otherwise deal with appeals lodged with the Town Planning Appeal Tribunal.
- (ix) Power to prepare and submit for approval Statements of Planning Policy pursuant to Section 5AA of the Town Planning and Development Act and to prepare and promulgate, subject to the prior approval of the Minister for Planning, other Policy Statements relating to planning matters and/or the functions of the Commission.

SCHEDULE 4—APPLICATION OF DELEGATION

1. Except insofar as concerns matters affecting land within that area of the State of Western Australia comprised in the South West Region as defined in Schedule 1 to the Act, but excluding the Shire of Waroona, the delegation of the powers and functions set out in Schedule 3 apply to the Committee for Statutory Procedures being a Committee by that name established by the Commission under section 19 of the Act.

2. With respect to matters affecting land within the South West Region of the State as defined in Schedule 1 to the Act, but excluding the Shire of Waroona, the delegation of the powers and functions set out in Schedule 3 apply to the South West Region Planning Committee being a Committee by that name established by the Commission under Section 19 of the Act but subject to the following exception and condition—

- (i) Section 18 (i) (a) and (e) (iii) of the State Planning Commission Act do not apply.
- (ii) The exercise of the powers and functions under this clause shall comply in each case with published Commission policy.

SCHEDULE 5—POWERS DELEGATED

1. Powers to recommend to the Minister for Planning that approval be granted or withheld with respect to Interim Development Orders and extensions thereto made or extended pursuant to section 7B of the Town Planning and Development Act (as amended).

2. Powers to determine all applications to the Commission under section 20 of the Town Planning and Development Act (as amended) where such determination is in accordance with predetermined policies (if any) of the Commission.

3. Powers, with respect to applications to the Commission under section 20 of the Town Planning and Development Act (as amended) determined by or on behalf of the Commission to accept revised plans of subdivision in substitution for those previously approved in circumstances where the acceptance of the revised plans does not materially affect the decision given by or on behalf of the Commission.

4. Power pursuant to subsection (6) of section 24 of the Town Planning and Development Act (as amended) to determine the requests for reconsideration made pursuant to subsection (5) of that section.

5. Power to give or withhold consent, pursuant to section 295 (2) of the Local Government Act 1960, to the setting out and construction within a subdivision approved in accordance with section 20 of the Town Planning and Development Act of street or streets the width or widths of which are less than 20 metres; such power having been delegated pursuant to section 295 (2a) of the first mentioned Act by instrument in writing dated 9 December 1986 by the Minister for Planning and the power being limited by the provision of section 295 (2b) of that Act.

6. Power to determine requests for variations to plans of subdivision where Commission approval is required pursuant to the provisions of an approved town planning scheme.
7. Power to provide responses to the Minister for Planning on appeals arising from decisions related to the subdivision of land pursuant to Part III of the Town Planning and Development Act, to the development of land pursuant to the provisions of the Metropolitan Region Scheme and local authority town planning schemes and to strata schemes pursuant to the provisions of the Strata Titles Act 1985 and power to defend or take any other relevant action in the Town Planning Appeal Tribunal in respect of any such appeals lodged with that body.
8. Power to determine applications and other matters lodged with the Commission for decision under the provisions of the Strata Titles Act 1985 (as amended by the State Planning Commission Act 1985) where any such determination is in accordance with predetermined policies (if any) of the Commission.
9. Power to give consent to advertise amendments to Local Authority Town Planning Schemes in cases where such determination rests with the Commission under the provisions of the Town Planning Regulations 1967 (as amended) and to determine the periods for which those amendments are advertised where variations to the 42 day period prescribed by regulation 25 (fa) are justified.
10. Power to recommend to the Minister for Planning as to whether or not requests for extensions of time for the consideration of submissions be granted pursuant to regulations 17 (1) and 25 (b) of the Town Planning Regulations.
11. Power to recommend to the Minister for Planning that amendments to Local Authority Town Planning Schemes be given Final Approval where no submissions were made during the advertising period, or where that recommendation accords with Council's determination of any submissions received, under the provisions of regulations 20 (4) and 25 of the Town Planning Regulations 1967 (as amended).
12. Power to comment to the Town Planning Appeal Committee on submissions made pursuant to the provisions of section 33A of the Metropolitan Region Town Planning Scheme Act 1959 (as amended).

SCHEDULE 6—APPLICATION OF DELEGATION

The delegation of powers and functions set out in Schedule 5 apply to the following eligible persons being officers of the Department of Planning and Urban Development for the time being exercising the duties of the offices designated below but subject to the conditions specified—

Director—Planning Services

Director—Country Planning

Co-ordinator—Metropolitan

- but confined to those matters related to land within the Perth Metropolitan Region.

Co-ordinator—Perth Branch of the Country Planning Division

- but confined to those matters related to land outside the Perth Metropolitan Region, but excluding that area comprised in the South West Region of the State excepting the Shire of Waroona.

Regional Manager—Albany Branch Office

- but confined to those matters related to land within the Great Southern Region of the State.

Co-Ordinator—South West Branch office

Manager: Local Planning—South West Branch Office

- but confined to those matters related to land within the South West Region of the State but with the exception of the Shire of Waroona.

Regional Manager—Geraldton Branch Office

- but confined to those matters related to land within the Northern and Murchison Regions of the State.

Regional Manager—Mandurah Branch office

- but confined to those matters related to land within the City of Mandurah and the Shires of Boddington, Murray and Waroona.

SCHEDULE 7—POWERS DELEGATED

1. Powers to endorse approvals granted pursuant to Part III of the Town Planning and Development Act 1928 (as amended)—

- (i) diagrams and plans of survey involving the subdivisions or amalgamation of land,
- (ii) any other documents relating to leases, licences, transfers, conveyances and mortgages, and other dealings in land

submitted for formal endorsement, subject to prior compliance with all conditions (if any) imposed with respect to any matter in respect of which this delegated power is exercised.

2. Powers pursuant to Regulation 22 of the Town Planning Regulations 1967 (as amended) to endorse town planning scheme and town planning scheme amendment documents for submission to the Minister for Planning.

SCHEDULE 8—APPLICATION OF DELEGATION

The delegation of powers and functions set out in Schedule 7 apply to the officers of the Department of Planning and Urban Development for the time being exercising the duties of the offices of—

- (i) the Director: Planning Services
- (ii) the Director: Country Planning
- (iii) the Secretary.

SCHEDULE 9—POWERS DELEGATED

1. Power to manage the administrative and financial obligations and functions of the Commission.
2. Such of the powers and functions listed in paragraph 1 of Schedule 1 as may be necessary for:
 - (i) the acquisition, management and, in accordance with the provisions of the Metropolitan Region Town Planning Scheme Act, the sale, return, lease, exchange or disposal of land for the purposes of the Metropolitan Region Scheme.
 - (ii) the implementation of any Improvement Plan approved by the Governor under S37A of the Metropolitan Region Town Planning Scheme Act, and
 - (iii) any action required to safeguard situations for which a Planning Control Area has with the approval of the Minister, been declared pursuant to Part IVA of the Metropolitan Region Town Planning Scheme Act.

SCHEDULE 10—APPLICATION OF DELEGATION

The powers and functions set out in Schedule 9 apply to the person appointed for the time being to, and exercising the duties of the position of Chief Executive Officer of the Department of Planning and Urban Development or the nominee of that person.

Dated 29 June 1993.

GORDON G. SMITH, Secretary.

PD402

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

City of Fremantle

Town Planning Scheme No. 3—Amendment No. 29

Ref: 853/2/5/6, Pt. 29.

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

1. exempting all land classified in the "Central Business" zone from the provisions of the Residential Planning Codes;
2. amending the Scheme Map accordingly; and
3. deleting from the Scheme Text, the existing Clause 64 and replacing it with a new clause.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 8 William Street, Fremantle and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including September 7, 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before September 7, 1993.

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

M. J. CAROSELLA, Town Clerk.

PD403

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

City of Kalgoorlie-Boulder

Joint Town Planning Scheme—Amendment No. 88

Ref: 853/11/3/2, Pt. 88.

Notice is hereby given that the City of Kalgoorlie-Boulder has prepared the abovementioned scheme amendment for the purpose of rezoning Somerville Lots 48 and 49 and 50 from "Extensive Development" to "Industry".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Davidson Street, Kalgoorlie, and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including September 7, 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before September 7, 1993.

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

L. P. STRUGNELL, Town Clerk.

PD404

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

City of Perth

City Planning Scheme—Amendment No. 45

Ref: 853/2/10/9, Pt. 45.

Notice is hereby given that the City of Perth has prepared the abovementioned scheme amendment for the purpose of amending the Scheme map as follows:

- (1) adjusting the boundary delineating the Smith's Lake Town Planning Scheme No. 1 to exclude lot 12 of Perthshire lot 115, Emmerson Street, North Perth;
- (ii) reserving lot 12 of Perthshire lot 115 as a City of Perth Scheme Reserve for Parks and Recreation.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 27-29 St George's Terrace, Perth, and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including September 7, 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before September 7, 1993.

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

R. F. DAWSON, Town Clerk.

PD405

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Augusta-Margaret River

Town Planning Scheme No. 11—Amendment No. 68

Ref: 853/6/3/8, Pt. 68.

Notice is hereby given that the Shire of Augusta-Margaret River has prepared the abovementioned scheme amendment for the purpose of rezoning Sussex Location 727 Rockbora Road, Margaret River from "Rural Zone" to "Special Rural Zone".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Town View Terrace, Margaret River, and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including September 7, 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before September 7, 1993.

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

L. J. CALNEGGIA, Shire Clerk.

PD701

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME

Shire of Pingelly

Town Planning Scheme No. 2

Ref: 853/4/25/2.

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 Shire of Pingelly Town Planning Scheme No. 2 on June 28, 1993, the Scheme Text of which is published as a Schedule annexed hereto.

R. F. O'BRIEN, President.
N. MITCHELL, Shire Clerk.

Schedule

Shire of Pingelly

TOWN PLANNING SCHEME No. 2

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

SCHEME TEXT

Contents

Part 1—Preliminary

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

Part 2—Reserves

- 2.1 Scheme Reserves
- 2.2 Matters to be Considered by Council
- 2.3 Compensation

Part 3—Zones

- 3.1 Zones
- 3.2 Zoning Table
- 3.3 Additional Use
- 3.4 Rural Residential Zone

Part 4—Development Requirements

- 4.1 Development of Land
- 4.2 Discretion to Modify Development Standards
- 4.3 Development Limited by Liquid Waste Disposal
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- 4.5 Special Application of Residential Planning Codes
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Part 5—Non-conforming Uses

- 5.1 Non-conforming Use Rights
- 5.2 Extension of Non-conforming Use
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- 5.4 Discontinuance of Non-conforming Use
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Part 6—Planning Consent

- 6.1 Application for Planning Consent
- 6.2 Advertising of Applications
- 6.3 Determination of Application
- 6.4 Deemed Refusal
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- 7.1 Powers of the Scheme
- 7.2 Offences
- 7.3 Act—Removal of Certain Buildings etc.
- 7.4 Claims for Compensation
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- 7.6 Power to Make Policies

SCHEDULES

1. Interpretation
2. Additional Use
3. Rural Residential Zone

PART 1—PRELIMINARY

1.1 Citation: This Town Planning Scheme may be cited as the Shire of Pingelly Town Planning Scheme No. 2 hereinafter called "the Scheme" and shall come into operation on the publication of the Scheme in the *Government Gazette*.

1.2 Responsible Authority: The Authority responsible for implementing the Scheme is the Council of the Shire of Pingelly hereinafter called "the Council".

1.3 Scheme Area: The Scheme applies to the whole of the land within the Municipal District of the Shire of Pingelly hereinafter called "the Scheme Area".

1.4 Revocation: The Shire of Pingelly Town Planning Scheme No. 1 published in the *Government Gazette* of 7 June 1968 and all amendments thereto is hereby revoked.

1.5 Contents of Scheme: The Scheme comprises:

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

1.6 Arrangement of Scheme Text: The Scheme Text is divided into the following parts:

PART 1—PRELIMINARY
PART 2—RESERVES
PART 3—ZONES
PART 4—DEVELOPMENT REQUIREMENTS
PART 5—NON-CONFORMING USES
PART 6—PLANNING CONSENT
PART 7—ADMINISTRATION

1.7 Scheme Objectives: The objectives of the Scheme are:

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

1.8 Interpretation:

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

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

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

PART 2—RESERVES

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

COMMUNITY
RECREATION AND OPEN SPACE
RAILWAY

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

2.3 Compensation:

2.3.1 Where the Council refuses planning consent for the development of a 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.

2.3.2 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.

2.3.3 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 3—ZONES

3.1 Zones:

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

RESIDENTIAL
RURAL RESIDENTIAL
TOWN CENTRE
INDUSTRIAL
FARMING

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

3.2 Zoning Table:

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

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

“P” means that the use is permitted 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 the application has been given in accordance with Clause 6.2.

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

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

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

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

3.2.6 Notwithstanding that the use of land is not permitted in a zone in the Zoning Table, the Council may with the prior written authority of the Minister and subject to following the advertising procedures of Clause 6.2, approve of the use of the land for that purpose if the Council is satisfied by absolute majority that:

- (a) the proposed development will be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality; and
- (b) the use of the land for that purpose will not have any adverse effect upon the occupiers or users of the development or upon property in or the inhabitants of the locality or the likely future development of the locality.

3.3 Additional Use:

3.3.1 The portions of the Scheme Area specified in Schedule 2 are the subject of an Additional Use.

3.3.2 Notwithstanding that land the subject of an Additional Use is within a zone the land or any building thereon may be used for the purpose set against that land in Schedule 2 in addition to the other uses permitted in the zone in which the land is situated unless any of these uses is excluded or modified by a condition specified in Schedule 2. The use of the land is also subject to any other conditions considered appropriate by the Council and stated opposite the parcel in Schedule 2.

TABLE 1
Zoning Table

USES	R E S I D E N T I A L	R E S I D E N T I A L L	T O W N C E N T R E	I N D U S T R I A L	F A R M I N G
1 abattoir					SA
2 aged or dependent persons dwelling	AA				
3 aquaculture		SA			AA
4 caretaker's dwelling		AA	AA	AA	AA
5 civic building			P	AA	
6 club premises			AA		AA
7 consulting rooms	SA		P		
8 educational establishment			AA		
9 fuel depot				AA	
10 grouped dwelling	P				
11 home occupation	AA	AA			AA
12 hotel			P		
13 industry—cottage	AA	AA			AA
14 industry—extractive					AA
15 industry—general				AA	
16 industry—light				P	
17 industry—noxious				SA	SA
18 motel			AA		
19 motor vehicle sales premises			AA	AA	
20 motor vehicle repair station			SA	P	
21 office			P	AA	
22 professional office	SA	SA			
23 public utility	AA	AA	AA	AA	AA
24 public worship—place of	AA		AA		
25 residential building	AA				
26 restaurant			P		
27 rural pursuit		SA			P
28 service station			AA	AA	AA
29 shop			P		
30 single house	P	P			P
31 transport depot				P	
32 veterinary hospital		AA			AA

3.4 Rural Residential Zone: The following provisions shall apply to all land included in a Rural Residential Zone in addition to any provisions which are more generally applicable to such land under the Scheme:

- (a) the objective of the Rural Residential Zone is to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats, and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.
- (b) before making provision for a Rural Residential Zone, the Council will require the owner(s) of the land to prepare a submission supporting the creation of the Rural Residential Zone and such submission shall include:
 - (i) a statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area the subject of the proposed zone;
 - (ii) a plan or plans showing contours at such intervals as to adequately depict the land form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, creeks, wells and significant improvements;
 - (iii) information regarding the method whereby it is proposed to provide a potable water supply to each lot;
- (c) the Scheme provisions for a specific Rural Residential Zone shall include a plan of subdivision showing, amongst other things:
 - (i) the proposed ultimate subdivision including lot sizes and dimensions;

- (ii) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities, etc. as may be considered appropriate;
- (iii) those physical features it is intended to conserve;
- (iv) the proposed staging of the subdivision where relevant;
- (d) in addition to the plan of subdivision, the Scheme provisions for a specific Rural Residential Zone shall specify:
 - (i) any facilities which the purchasers of the lots will be required to provide (eg their own potable water supply, liquid or solid waste disposal, etc);
 - (ii) proposals for the control of land uses and development which will ensure that the purpose of intent of the zone and the rural environment and amenities are not impaired;
 - (iii) any special provisions appropriate to secure the objectives of the zone;
- (e) the provisions for controlling subdivision and development in specific Rural Residential Zones shall be as laid down in Schedule 3 and future subdivision will generally accord with the plan of subdivision for the specified area referred to in Schedule 3 and such plan of subdivision shall show the minimum lot size for subdivision and shall form part of the Scheme.

PART 4—DEVELOPMENT REQUIREMENTS

4.1 Development of Land:

4.1.1 Subject to Clause 4.1.2 a person shall not commence or carry out development of any land zoned under the Scheme without first having applied for and obtained the planning consent of the Council under the Scheme.

4.1.2 The planning consent of the Council is not required for the following development of land:

- (a) the use of land in a reserve, where such land is held by the Council or vested in a public authority:
 - (i) for the purpose for which the land is reserved under the Scheme; or
 - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;
- (b) the erection of a boundary fence except as otherwise required by the Scheme;
- (c) the erection on a lot of a single house including ancillary outbuildings in the Farming Zone except where the development is on a lot which does not have frontage to a constructed road;
- (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; or
- (f) the carrying out of works urgently necessary for public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

4.2 Discretion to Modify Development Standards: If a development, other than a residential development or a development on a lot which does not have frontage to a constructed road, 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.

4.3 Development Limited by Liquid Waste Disposal:

4.3.1 Notwithstanding anything elsewhere appearing in the Scheme, development in the Residential Zone with R25 Code, in the Town Centre Zone, and in the Industrial Zone shall be connected to a comprehensive sewerage system. However where such a connection is not available and cannot reasonably be made available the development may be assessed by the responsible authorities in accordance with the regulations made pursuant to the Health Act 1911 (as amended) and the responsible authorities may recommend to the Council that a variation from the sewerage requirement is warranted.

4.3.2 No lot within any area designated on the Scheme Map by the R Code "R10/12.5" shall be developed such that the total number of dwellings on the lot exceeds that permitted by the R Code R10 unless all dwellings on the lot are connected to reticulated sewerage.

4.3.3 The Council may refuse to issue planning consent for any development if in the opinion of the Council adequate provision is not made or cannot reasonably be made for the disposal of liquid wastes from that development.

4.4 Residential Development: Residential Planning Codes:

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

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

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

4.4.4 The R Code density applicable to land within the residential zone shall be determined by reference to the R Code density numbers superimposed on the areas within that zone shown in the Scheme Map as being contained within the outer edges of the black borders or, where such an area abuts on another area having an R Code density, as being contained within the centrelines of those borders.

4.5 Special Application of Residential Planning Codes:

4.5.1 Notwithstanding anything elsewhere contained in the Scheme, the Council may consider an application to develop a single house on a lot existing at the gazettal date and which does not comply with the requirements of minimum area of land per dwelling and may grant approval with or without conditions, or may refuse the application.

4.5.2 In considering application for planning consent for a proposed development (including additions and alterations to existing development) Council shall have regard to the following:

- (a) the colour and texture of external building materials;
- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;
- (d) architectural style and design details of the building;
- (e) relationship to surrounding development; and
- (f) other characteristics considered by the Council to be relevant.

4.6 Rural Residential Zone:

4.6.1 Development in a Rural Residential Zone shall comply with the requirements of the following:

- (a) in addition to a building licence, the Council's prior approval to commence development is required for all development including a single house and such application shall be made in writing to the Council and be subject to the provisions of Clause 6.1 of the Scheme;
- (b) not more than one dwelling per lot shall be erected;
- (c) in order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorized by the Council;
- (d) in order to enhance the rural amenity of the land in areas Council considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the Council;
- (e) any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent dust pollution and soil erosion to the satisfaction of the Council. Where in the opinion of the Council the continued presence of animals is likely to contribute or is contributing to dust pollution or soil erosion, notice may be served on the owner of the land requiring the removal within the period specified in the notice of those animals specified in the notice for a period specified in the notice.

4.6.2 In considering application for planning consent for a proposed development (including additions and alterations to existing development) Council shall have regard to the following:

- (a) the colour and texture of external building materials;
- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;
- (d) architectural style and design details of the building;
- (e) relationship to surrounding development; and
- (f) other characteristics considered by the Council to be relevant.

4.7 Site Requirements: The site building requirements for land in various zones shall be as set out in Table 2.

TABLE 2
Site Requirements—Minimum Setbacks from Boundaries

Zone	Street ¹	Rear	Side
Residential		As in the R Codes	
Rural Residential	15.0m	10.0m	10.0m
Town Centre	0	Council Discretion	
Industrial	7.5m	7.5m	0
Farming	15.0m	10.0m	10.0m

NOTE: ¹ Where a lot has frontage to two streets the Council may reduce the minimum setback from the lesser of those streets (as determined by the Council) to not less than 50% of the distance specified in Table 2.

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

4.9 Town Centre Design Control Area:

4.9.1 The land in the Town Centre Zone is designated as "Town Centre Design Control Area".

4.9.2 Development within the Town Centre Design Control Area shall be subject to the civic and design guidelines contained in this Clause and which are for the purpose of ensuring that such development will not affect local amenity and will enhance the character of the Town Centre Design Control Area.

4.9.3 Site requirements shall be as set out in Table 2 of the Scheme.

4.9.4 Development shall not exceed 2 storeys in height except where Council considers that particular circumstances may warrant an exception being made and provided the intentions of this Clause are not compromised.

4.9.5 In considering application for planning consent for a proposed development (including additions and alterations to existing development) in the Town Centre Design Control Area Council shall have regard to the following:

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

4.9.6 Landscaping shall complement the appearance of the proposed development and the town centre.

4.9.7 Layout of carparking shall have regard for traffic circulation in existing carparking areas and shall be integrated with any existing and adjoining carpark.

4.10 Home Occupation:

4.10.1 The Council shall not grant planning consent to a home occupation unless it is satisfied that the use:

- (a) will not prejudicially affect the amenity of the neighbourhood by way of emissions of any nature;
- (b) will not occupy an area greater than 20 square metres;
- (c) 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
- (d) is compatible with the principal uses to which land in the zone it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area.

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

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

4.10.4 An approval to conduct a home occupation is issued subject to an annual permit which may be renewed by application to the Council for planning consent.

4.11 Subdivision:

4.11.1 In the Residential Zone the Council may require preparation of an Outline Development Plan before granting and/or recommending approval to any development which involves subdivision or follows subdivision and the Outline Development Plan shall form the basis for subdivision.

- (a) the Outline Development Plan shall include:
 - (i) the topography of the area;
 - (ii) the location and width of proposed roads;
 - (iii) the location of recreation, open space, and pedestrian accessways proposed;
 - (iv) the layout of comprehensive drainage; and
 - (v) such other information as may be required by Council;
- (b) if the Council resolves to adopt the Outline Development Plan it shall circulate the Outline Development Plan to all owners of land within the area covered by the Outline Development Plan with an invitation for submissions to be lodged with Council within twenty-one days;
- (c) the Council shall consider objections, if any, to the Outline Development Plan and may, if the applicant agrees, amend the Outline Development Plan after such consideration of objections;
- (d) the Council may decide not to proceed or may submit the Outline Development Plan to the Commission together with the objections and request the Commission to adopt the plan submitted as the basis for approval of subdivision within the area covered by the plan;
- (e) any departures from or alterations to the Outline Development Plan may, subject to the approval of the Commission, be permitted if the Council considers that the proposed departure or alteration will not prejudice the progressive development of the area the subject of the Outline Development Plan.

4.11.2 In the Farming Zone there shall be a presumption against the subdivision of land unless the Council is satisfied:

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

4.12 Development of Lots Abutting Unconstructed Roads: Notwithstanding anything elsewhere appearing in the Scheme where an application for planning consent is made in respect of land abutting an unconstructed road or a lot which does not have frontage to a constructed road the Council shall either:

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

PART 5—NON-CONFORMING USES

5.1 Non-conforming Use Rights: No provision of the Scheme shall prevent:

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

5.2 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.

5.3 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 a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone.

5.4 Discontinuance of Non-conforming Use:

5.4.1 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.

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

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

PART 6—PLANNING CONSENT

6.1 Application for Planning Consent: Every application for planning consent shall be made in the form prescribed by the Council and in accordance with the directions thereon.

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 planning consent to that application unless notice of the application is first given in accordance with the provisions of 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 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 Application:

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 the land is zoned or approved for the 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 Where the Council approves an application for planning consent under the 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 Clauses 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.

6.5 Approval of Existing Development:

6.5.1 The Council may give approval of a development already commenced or carried out regardless of when it commenced or was carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring Council's approval prior to the commencement of development.

6.5.2 The application to the Council for approval under Clause 6.5.1 shall be made in accordance with the provisions of Clause 6.1.

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

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

6.6 Preservation of Buildings, Objects, or Places:

6.6.1 If the Council resolves that, in its opinion, a building, object, or place is of historical or architectural interest or of outstanding natural beauty then, within fourteen days after the passing of that resolution, the Council shall give written notice thereof to the owner of the building, object, or place. The notice shall set out the terms of this Clause, and require the owner to give written notice to the Council of any material alteration or modification proposed to be made to the building, object or place.

6.6.2 No alteration or modification to any building, object, or place which is the subject of a resolution under Clause 6.6.1 shall be commenced or carried out, by any person, without having obtained planning consent.

6.6.3 Where a development the subject of an application for planning consent involves a material alteration to, a material modification of, or the destruction (total or partial) of any building, object, or place the subject of a resolution under Clause 6.6.1, the Council, having regard to the desirability of retaining that building, object, or place, may refuse the application or approve of it subject to such conditions as the Council deems necessary to protect or preserve the building, object, or place.

6.6.4 Where the Council refuses approval for the development of land on any ground set out in Clause 6.6.3 or grants approval 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 that injurious affection in accordance with the Act.

6.6.5 Claims for compensation under this Clause shall be lodged at the offices of the Council not later than six months after the date of the decision of the Council refusing approval or granting approval subject to conditions that are unacceptable to the applicant.

6.6.6 In lieu of paying compensation the Council may purchase the land affected by the decision of the Council at a price not exceeding the value of the land at the time of refusal of approval or of the granting of approval subject to conditions that are unacceptable to the applicant.

6.7 Delegation: The Council may delegate to an officer of the Council the power to determine applications for planning consent, including the discretionary power of Council, which it is entitled to exercise by virtue of the Scheme.

PART 7—ADMINISTRATION

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

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

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

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 Act—Removal of Certain Buildings etc.

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 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 Scheme Area giving details of where the draft Policy may be inspected and where, in what form, and during what period (being not less than twenty-one days) 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 to 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 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 Scheme Area.

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

SCHEDULE 1

Interpretation

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

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

aquaculture: means to farm a fish farm as defined in the Fisheries Act 1905 (as amended).

building envelope: means an area of land within a lot marked on a plan forming part of the Scheme outside which building development is not permitted.

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

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

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

club premises: means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises are licensed under the provisions of the Liquor Act 1970 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

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

consulting rooms: means a building (other than a hospital or medical centre) used by practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors or persons ordinarily associated with a practitioner in the prevention or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.

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

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

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

gazettal date: means the date of which the Scheme is published in the *Government Gazette*.

home occupation: means a business or activity carried on with the written permission of the Council within a dwelling or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant.

hotel: means land and buildings providing accommodation for the public the subject of an Hotel Licence granted under the provisions of the Liquor Act 1970 (as amended).

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

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

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

- (i) the carrying out of agriculture;
- (ii) site work on buildings, work or land;
- (iii) in the case of edible goods the preparation of food for sale from the premises;
- (iv) panel beating, spray painting or motor vehicle wrecking.

industry—cottage: means an industry which produces arts and craft goods within a dwelling or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling to which it is appurtenant, and which cannot be carried out under the provisions relating to a "home occupation".

industry—extractive: means an industry which involves the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substances from the land, and also the storage, treatment, or manufacture of products from those materials when the manufacture is carried out on the land from which any of those materials is extracted or on land adjacent thereto.

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 from other 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, wastewater or other waste products; and
- (b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, 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 (as amended), but does not include fish shops or dry cleaning establishments.

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

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

motel: means land and buildings used or intended to be used to accommodate patrons in a manner similar to a hotel or boarding house but in which special provision is made for the accommodation of patrons with motor vehicles.

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

- * all stairs, toilets, cleaners cupboards, tea rooms and plant rooms, and other service areas;
- * areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building.
- * 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, measurement is taken to the centre line of inter-tenancy walls or partitions.

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.

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

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

potable water: means water in which the level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in "International Standards for Drinking Water—Third Edition, World Health Organization—1971".

professional office—means any building or part thereof, used for the purposes of his profession by an accountant, architect, artist, author, barrister, chiropractor, consular official, dentist, doctor, engineer, land surveyor, masseur, nurse, quantity surveyor, solicitor, teacher (other than a dancing teacher or a music teacher), town planner, or valuer or a person having in the opinion of the Council an occupation of a similar nature; and "professional person" has a corresponding interpretation.

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

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

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

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

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

restaurant: means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business.

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

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

- (a) the growing of vegetables, fruit, cereals or food crops;
- (b) the rearing or agistment of sheep, cattle, horses, goats or beasts of burden;
- (c) the growing of crops or pasture for grazing or seed production;
- (d) the sale of produce grown solely on the said land;

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

- (i) the keeping of pigs;
- (ii) poultry farming;
- (iii) the processing, treatment or packing of produce;
- (iv) 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 repair to motor vehicles, or wrecking of vehicles.

shop: means a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yard or land and buildings used for sale of vehicles or for any purpose falling within the definition of industry.

tavern: means land and buildings the subject of a Tavern License granted under the provisions of the Liquor Act 1970 (as amended).

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

veterinary hospital: means a building used in connection with the treatment of sick animals and includes the accommodation of sick animals.

zone: means a portion of the Scheme area shown on the Scheme Map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land.

SCHEDULE 2
Additional Use

Particulars of Land	Additional Use
MILTON ROAD East Pingelly CG 6310	Transport depot including the storage of grains in bulk and the garaging, maintenance, management, and repair of machinery used for the storage and/or transport of grain.

SCHEDULE 3
Rural Residential Zone

Particulars of Land	Requirements of the Zone
ALDERSYDE ROAD Avon Location 4925	1. All lots of less than 2 ha shall be connected to a reticulated public water supply as a condition of subdivision.
DATTENING TOWNSITE	1. No additional lots shall be created unless with a minimum area of 2 ha but the Council may recommend approval and the Commission may approve the adjustment of boundaries between lots or the amalgamation of lots.
MOORUMBINE TOWNSITE, AND ENVIRONS	1. All of the land in this zone shall be classified as the Moorumbine Historical Precinct and the Council may adopt a Town Planning Scheme Policy in accordance with provisions of the Scheme to guide development in the zone. 2. No additional lots shall be created unless with a minimum area of 2 ha but the Council may recommend approval and the Commission may approve the adjustment of boundaries between lots or the amalgamation of lots.
PINGELLY TOWNSITE	1. No additional lots shall be created unless with a minimum area of 1.5 ha but the Council may recommend approval and the Commission may approve the adjustment of boundaries between lots or the amalgamation of lots.

ADOPTION

Adopted by Resolution of the Council of the Shire of Pingelly at the meeting of the Council held on the 20th day of May 1993.

R. F. O'BRIEN, President.
N. MITCHELL, Shire Clerk.

FINAL APPROVAL

1. Adopted by Resolution of the Council of the Shire of Pingelly at the meeting of the Council held on the 20th day of May 1993 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of:

R. F. O'BRIEN, President.
N. MITCHELL, Shire Clerk.

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

2. RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

M. R. ALLEN, for Chairman of State Planning Commission.

Dated 21 June 1993.

3. FINAL APPROVAL GRANTED

RICHARD LEWIS, Hon Minister for Planning.

Dated 28 June 1993.

POLICE

PE401

POLICE AUCTION

The following property will be offered for sale on behalf of the Commissioner of Police on Saturday the 14th of August 1993, at the Broome Auction Centre, Clementson Street, Broome, commencing at 0900 hours.

- 1 x gents Citizen wrist watch
- 1 x ladies Unicorn wrist watch
- 1 x gold ring set with black stone
- 1 x leather clutch bag

Assorted cameras, lenses, spot light and camera bag, 2 x Motorola portable transceivers and charger

- 3 x ladies bicycles
- 8 x gents bicycles
- 1 x BMX bicycle
- 2 x 26" bicycle rims

Inspection of the abovementioned property can be made at the Broome Auction Centre situated at Lot 2096 Clementson Street, Broome. Phone 091 935 309.

PE402

POLICE AUCTION

Under the provisions of the Police Act 1982 unclaimed and stolen property will be sold by Public Auction at the premises of Rumens & Co of 95 Forrest Avenue, Bunbury on September 4, 1993 at 9.30 am.

The Auction will be conducted on behalf of Fuller Auction by David Rumens, Auctioneer.

B. BULL, Commissioner of Police.

WATER AUTHORITY

WA301

WATER AUTHORITY ACT 1984

**WATER AUTHORITY (CHARGES) AMENDMENT
BY-LAWS (NO. 3) 1993**

Made by the Water Authority of Western Australia with the approval of the Minister for Water Resources.

Citation

1. These by-laws may be cited as the *Water Authority (Charges) Amendment By-laws (No. 3) 1993*.

Schedule 1 amended

2. Schedule 1 to the *Water Authority (Charges) By-laws 1987** is amended in Division 1, Part 3, item 3 (a) by deleting "1992/93" and substituting the following —

" 1993/94 "

[* *Published in the Gazette of 14 July 1987 at pp. 2658-72.*
For amendments to 5 July 1993 see 1992 Index to Legislation of Western Australia, Table 4, pp.300-302.]

By resolution of the Board.

The Seal of the Water Authority of Western Australia was affixed hereto in the presence of—

K. C. WEBSTER, Chairman.
 W. J. COX, Managing Director.

Approved by the Minister for Water Resources—

PAUL D. OMODEI.

PUBLIC NOTICES

ZZ301

**INQUIRY AGENTS LICENSING ACT 1954
 APPLICATION FOR LICENCE IN THE FIRST INSTANCE**

To the Court of Petty Sessions at Joondalup.

I Robert John Lyne Davey, Unit One, 14 Padbury Circle, Sorrento, Perth 6020, Phone Numbers: H 448 0596 W 448 0596, occupation Motor Vehicle Accident Consultant having attained the age of twenty-one years, hereby apply on my own behalf for a licence under the abovementioned Act. The principal place of business will be a Unit One, 14 Padbury Circle, Sorrento, Perth 6020.

Dated the 22nd day of July, 1993.

R. DAVEY, Signature of Applicant.

Appointment of Hearing

I hereby appoint the 27th day of August 1993 at 9.30 o'clock in the fore noon as the time for the hearing of the foregoing application at the Court of Petty Sessions at Joondalup.

Dated the 22nd day of July 1993.

A. JAKOBSON, Clerk of Petty Sessions.

Objection to the granting of the application may be served on the applicant and the Clerk of Petty Sessions at any time prior to seven days before the date appointed for the hearing.

ZZ401

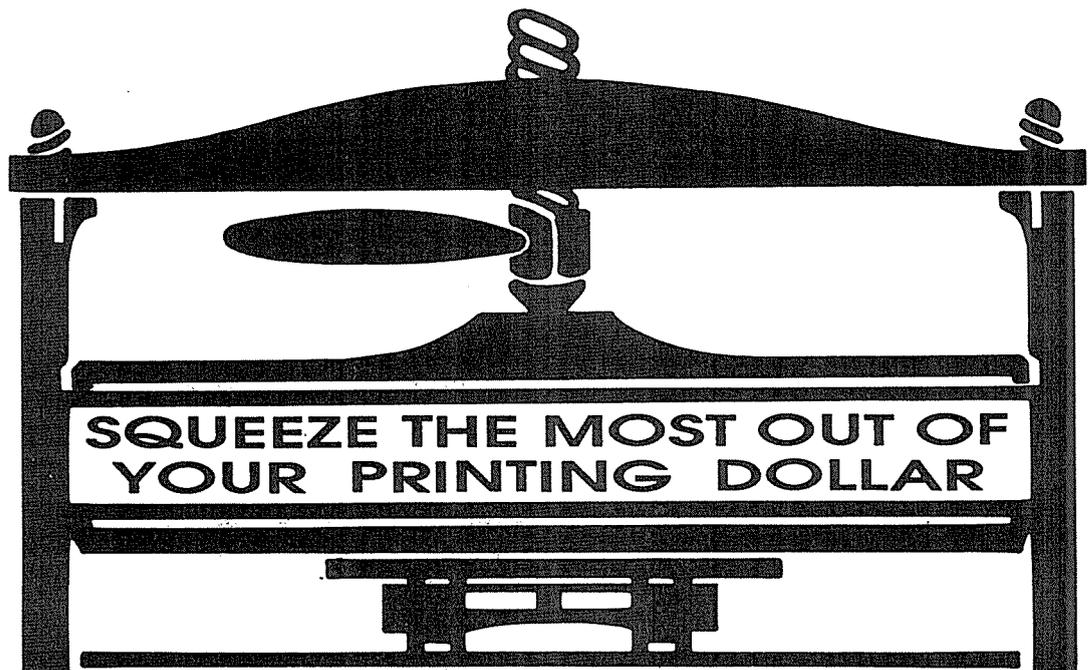
NOTICE TO CREDITORS

Re: The Quays Hot Bread Shop, Leschenault Quays Bunbury

Take notice that Natalie Helen Lamberti ceased to be a partner of The Quays Hot Bread Shop on the 29th November, 1991 and that she will not be responsible for the debts of the said business incurred after that date.

Dated the 14th day of July 1993.

NATALIE HELEN LAMBERTI.



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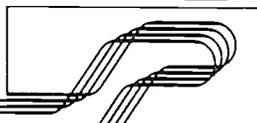
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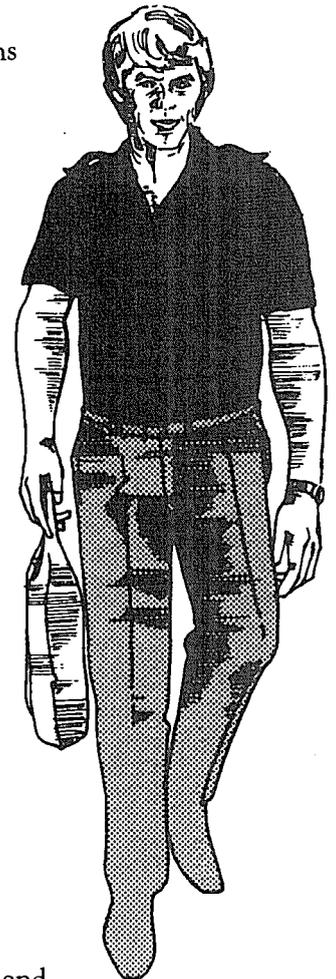
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Public Trustee Act 1941
Bulk Handling Act 1967

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Poisons Regulations 1965 (available — \$7.00)
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