



**WESTERN
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Gazette**



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JOHN A. STRIJK,
Government Printer.

PROCLAMATIONS

AA101*

TRANSFER OF LAND ACT 1893
TRANSFER OF LAND (REVESTMENT)
PROCLAMATION

WESTERN AUSTRALIA P. M. Jeffery, Governor. [L.S.]	}	By His Excellency Major General Philip Michael Jeffery, Companion of the Order of Australia, Officer of the Order of Australia (Military Division), Military Cross, Governor of the State of Western Australia.
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DOLA File: 05735-1950-25RO.

Under Section 243 of the Transfer of Land Act 1933, I, the Governor acting with the advice and consent of the Executive Council, do hereby revest in Her Majesty as of her former estate, the land described in the Schedule to this Proclamation.

DOLA File	Description of Land	Schedule	
		Volume	Folio
2522/996	Lot 154 on Diagram 92777 (now Cockburn Sound Location 4292)	2100	154
1482/995	Lot 119 on Plan 21250 (now Cockburn Sound Location 4274)	2069	155
1482/995	Lot 18 on Plan 21139 (now Cockburn Sound Location 4271)	2067	878
1482/995	Lot 19 on Plan 21139 (now Cockburn Sound Location 4270)	2067	879
1482/995	Lot 20 on Plan 21139 (now Cockburn Sound Location 4272)	2067	880
1482/995	Lot 21 on Plan 21139 (now Cockburn Sound Location 4273)	2067	881
1482/995	Lot 42 on Diagram 84689 (now Cockburn Sound Location 4166)	1971	634
1683/995	Lot 210 on Plan 14556 (now Cockburn Sound Location 4189)	1666	573
1681/995	Lot 33 on Plan 18582 (now Cockburn Sound Location 4331)	1953	293
1681/995	Lot 43 on Plan 8813 (now Cockburn Sound Location 4191)	1299	289
1517/995	Lot 79 on Plan 16751 (now Cockburn Sound Location 4157)	1832	632
1691/997	Lot 100 on Plan 21669 (now Murray Location 2074)	2096	680
1691/997	Lot 101 on Plan 21668 (now Murray Location 2075)	2096	648
1818/997	Lot 111 on Plan 21662 (now Victoria Location 12145)	2090	298
1550/979	Lot 208 on Diagram 58145 (now Kelmscott Lot 260)	1555	002

Given under my hand and the Seal of the State on 4 November 1997.

By His Excellency's Command,

D. J. SHAVE, Minister for Lands.

GOD SAVE THE QUEEN !

AA102*

TRANSFER OF LAND ACT 1893
TRANSFER OF LAND (REVESTMENT)
PROCLAMATION

WESTERN AUSTRALIA P. M. Jeffery, Governor. [L.S.]	}	By His Excellency Major General Philip Michael Jeffery, Companion of the Order of Australia, Officer of the Order of Australia (Military Division), Military Cross, Governor of the State of Western Australia.
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DOLA File: 05735-1950-26RO.

Under Section 243 of the Transfer of Land Act 1933, I, the Governor acting with the advice and consent of the Executive Council, do hereby revest in Her Majesty as of her former estate, the land described in the Schedules to this Proclamation.

DOLA File	Description of Land	Schedule I	
		Volume	Folio
2119/997	Lot 130 on Plan 22063 (now Plantagenet Location 7911)	2111	732
2082/997	Lot 127 on Plan 22063 (now Plantagenet Location 7910)	2111	731
4014/976	Lot 3 on Diagram 51778 (now Canning Location 4142)	1468	1000
2005/997	Lot 152 on Diagram 92528 (now Wellington Location 5813)	2101	794
882/996	Lot 35 on Diagram 92135 (now Wellington Location 5808)	2095	838

DOLA File	Description of Land
1716/997	Portion of Swan Location 12454 and being Lot 1305 on Plan 21829 being part of the land comprised in Certificate of Title 2095 Folio 934 (now Location 12767)
996/997	Portion of Cockburn Sound Location 334 and being part of Lot 10 on Plan 12732 and being part of the land comprised in Certificate of Title Volume 2112 Folio 423 (now Location 4320)

Given under my hand and the Seal of the State on 4 November 1997.

By His Excellency's Command,

D. J. SHAVE, Minister for Lands.

GOD SAVE THE QUEEN !

AA103*

TRANSFER OF LAND ACT 1893
TRANSFER OF LAND (REVESTMENT)
PROCLAMATION

WESTERN AUSTRALIA } By His Excellency Major General Philip Michael
P. M. Jeffery, } Jeffery, Companion of the Order of Australia, Officer
Governor. } of the Order of Australia (Military Division), Military
[L.S.] } Cross, Governor of the State of Western Australia.

DOLA File: 05735-1950-24RO.

Under Section 243 of the Transfer of Land Act 1933, I, the Governor acting with the advice and consent of the Executive Council, do hereby revest in Her Majesty as of her former estate, the land described in the Schedule to this Proclamation.

Schedule I

DOLA File	Description of Land	Certificate of Title	
		Volume	Folio
1766/997	Lot 49 on Plan 19966 (now Cockburn Sound Location 4344)	2007	418
2842/994	Boulder Lot 1438 (now Lot 4745)	284	176
2842/994	Boulder Lot 1439 (now Lot 4746)	290	136
2842/994	Boulder Lot 1442 (now Lot 4750)	255	102
2842/994	Boulder Lot 1437	267	122
4245/969	Portion of Dalwallinu Lot 536	2107	895

Given under my hand and the Seal of the State on 4 November 1997.

By His Excellency's Command,

D. J. SHAVE, Minister for Lands.

GOD SAVE THE QUEEN !

AA104*

LAND ACT 1933
CLASSIFICATION OF RESERVED LANDS
PROCLAMATION

WESTERN AUSTRALIA } By His Excellency Major General Philip Michael
P. M. Jeffery, } Jeffery, Companion of the Order of Australia, Officer
Governor. } of the Order of Australia (Military Division), Military
[L.S.] } Cross, Governor of the State of Western Australia.

DOLA File: 01482-1995-01RO.

Under Section 31 (1)(A) of the Land Act 1933, I, the Governor acting with the advice and consent of the Executive Council, hereby classify as of Class 'A' Reserve No 44986 Comprising Cockburn Sound Locations 3041, 3042, 3043, 4157, 4166, 4189, 4191, 4270, 4271, 4272, 4273, 4274 and 4331 with an area of 258.0542 hectares for the designated purpose of "Conservation of Flora and Fauna"

Local Authority—Shire of Murray.

Given under my hand and the Seal of the State on 4 November 1997.

By His Excellency's Command,

D. J. SHAVE, Minister for Lands.

GOD SAVE THE QUEEN !

BUSH FIRE SERVICE

BU401*

BUSH FIRES ACT 1954
PROHIBITED BURNING PERIOD
(Section 17.)

Bush Fire Service,
Perth.

Correspondence No. A88

PROHIBITED BURNING PERIODS

I, John Day, the Minister administering the Bush Fires Act 1954, hereby declare under Section 17 of that Act that it shall be unlawful to set fire to the bush in the Local Government of the City of Mandurah during the period indicated in the schedule below. (The respective declaration made under Section 17(1) of that Act, as published in the *Government Gazette* of 27 October 1995, is hereby revoked.)

Schedule			
<i>Local Government</i>	<i>Zone</i>	<i>Prohibited Burning Period</i>	<i>Special Comm. Date</i>
City of Mandurah	1	15 December-31 March	1 December

JOHN DAY, Minister for Emergency Services.

FAIR TRADING

FT401

ASSOCIATIONS INCORPORATION ACT 1987

Section 35

MARGARET RIVER B.M.X. AND SKATEBOARD CLUB INCORPORATED

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

Dated the 6th day of November 1997.

R. MINEIF, Assistant Commissioner for Corporate Affairs.

HEALTH

HE301

RADIATION SAFETY ACT 1975**RADIATION SAFETY (GENERAL) AMENDMENT REGULATIONS
(No. 3) 1997**

Made by the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Radiation Safety (General) Amendment Regulations (No. 3) 1997*.

Commencement

2. These regulations come into operation 3 months after the day on which they are published in the *Gazette*.

Principal regulations

3. In these regulations the *Radiation Safety (General) Regulations 1983** are referred to as the principal regulations.

[* *Reprinted as at 4 April 1995.*
For amendments to 21 October 1997 see 1996 Index to Legislation of Western Australia, Table 4, pp. 225-6 and Gazette 22 July and 19 August 1997.]

Regulation 3 amended

4. Regulation 3 (1) of the principal regulations is amended by inserting in the appropriate alphabetical positions the following definitions —

“

“**chest screening**” means plain radiography of the chest authorized under a written law for occupational or public health reasons;

“**general supervision**” means the exercise of control over radiation safety without the person exercising such control necessarily being present at the registered premises or field site;

“**image receptor**” means x-ray film, fluorescent screen, image intensifier input phosphor or electronic device in or from which an image is created following exposure to x-rays;

“licensed”, in relation to a person, means that the person is the holder of a relevant licence under the Act;

“low powered irradiating apparatus” means irradiating apparatus registered for the purpose of medical radiography (other than mammography or dental radiography) that has a maximum rating of 100 kV(peak) at 100 mA or 100 kV(peak) and 1 microfarad;

“mammography screening” means mammography conducted without a referral from a medical practitioner;

“personal supervision” means the exercise of control over radiation safety by the person exercising such control being present on the registered premises or field site;

“plain radiography” means an x-ray examination during the course of which —

- (a) the x-ray tube and film remain stationary; and
- (b) no contrast medium is introduced into the patient;

“podiatrist” means podiatrist as defined by section 3 of the *Podiatrists Registration Act 1984*;

“radiation oncologist” means a medical practitioner with qualifications in radiation oncology that are recognized by the Royal Australasian College of Radiologists;

“radiation therapist” means a person with qualifications in the application of radiation for therapeutic purposes that are recognized by the Australian Institute of Radiography or are approved;

“radiographer” means a person with qualifications in diagnostic radiography that are recognized by the Australian Institute of Radiography or are approved;

“radiologist” means a medical practitioner with qualifications in diagnostic radiology that are recognized by the Royal Australasian College of Radiologists;

“x-ray operator” means a person who has attended an approved course of training and has passed an examination in radiation safety and radiographic techniques for plain radiography of the chest and extremities;

Regulation 34 repealed and a regulation substituted

5. Regulation 34 of the principal regulations is repealed and the following regulation is substituted —

“

Exemption from licensing in relation to irradiating apparatus

34. (1) The following persons are exempt for the purposes of sections 25 and 27 of the Act —

- (a) a dentist or other person authorized by regulation 38(1) operating or using irradiating apparatus registered for dental radiography;
- (b) a physiotherapist who refers a patient to a radiologist at approved premises for plain radiography of the spine, pelvic girdle, hip joints, sacro-iliac joints, chest, shoulder or extremities;
- (c) a podiatrist who refers a patient to a radiologist at approved premises for plain radiography of the foot or ankle; and

- (d) a person operating or using irradiating apparatus in respect of which there is an exemption from registration under the Act.

Regulation 38 repealed and a regulation substituted

6. Regulation 38 of the principal regulations is repealed and the following regulation is substituted —

“

Restrictions on use of irradiating apparatus

38. (1) A person shall not use irradiating apparatus for dental radiography unless the person is —

- (a) a dentist;
- (b) a radiographer acting on the instructions of a dentist or a medical practitioner;
- (c) a person with dental ancillary qualifications using the irradiating apparatus on the instructions of a dentist for —
 - (i) radiography of the teeth using an intra-oral image receptor, working under the general supervision of a dentist or a radiographer;
 - (ii) lateral oblique radiography of the jaws, working under the general supervision of a dentist or radiographer; or
 - (iii) panoramic or cephalometric radiography, working under the personal supervision of a dentist or radiographer;

or

- (d) a person training for qualifications as a dentist or radiographer, or enrolled in a course of training for dental ancillary qualifications, using the irradiating apparatus on the instructions of a dentist and working under the personal supervision of a dentist or a radiographer.
- (2) A person shall not use irradiating apparatus for medical radiography unless the person is —
- (a) a licensed radiologist;
 - (b) a radiographer working under the direction and general supervision of a licensed radiologist;
 - (c) a radiation therapist working under the direction and general supervision of a licensed radiation oncologist and using the apparatus for purposes related to the planning of therapeutic treatments for patients;
 - (d) an x-ray operator, whose proficiency has been assessed by an approved radiographer within the previous 12 months, working under the direction and general supervision of a licensed medical practitioner and using low powered irradiating apparatus —
 - (i) for plain radiography of the chest, clavicle, scapula, shoulder, the upper extremity distal to the shoulder, the knee including the lower third of the femur, and lower extremity distal to the knee; or
 - (ii) for radiography, other than radiography described in subparagraph (i), that is performed outside the metropolitan region (as defined in

section 6 of the *Metropolitan Region Town Planning Scheme Act 1959*), and is, in the opinion of the medical practitioner referring the patient, essential for the immediate medical care of the patient;

- (e) a medical practitioner training for qualifications in diagnostic radiology working under the direction and general supervision of a licensed radiologist; or
 - (f) a person enrolled in a course of training in diagnostic radiography or radiation therapy that is recognized by the Australian Institute of Radiography and working under —
 - (i) the direction and general supervision of a licensed radiologist or a licensed radiation oncologist; and
 - (ii) the personal supervision of a radiographer or a radiation therapist.
- (3) Notwithstanding subregulation (2), a person shall not use irradiating apparatus for mammography screening unless —
- (a) the person is a radiographer who holds a Certificate of Clinical Proficiency in Mammography issued by the Australian Institute of Radiography or can provide evidence of equivalent training or experience; and
 - (b) the person is working under the direction and general supervision of a licensed radiologist.
- (4) Notwithstanding subregulation (2), a person shall not use irradiating apparatus for chest screening unless the person is a radiographer, or an x-ray operator, working under the direction and general supervision of a licensed medical practitioner.
- (5) A person shall not use fluoroscopic irradiating apparatus on human beings unless the person is —
- (a) a licensed radiologist or a licensed radiation oncologist;
 - (b) a medical practitioner training for qualifications in diagnostic radiology or radiation oncology and working under the direction and general supervision of a licensed radiologist or licensed radiation oncologist;
 - (c) a licensed medical practitioner with specialist qualifications (other than a person to whom paragraph (a) or (b) applies) who is using the apparatus —
 - (i) for a purpose relevant to those qualifications; and
 - (ii) in the presence of a radiographer who has responsibility for positioning and manipulating the apparatus, minimizing patient and personnel radiation exposure and maintaining the records required by the conditions of the registration;
 - (d) a medical practitioner training for specialist qualifications (other than a person to whom paragraph (b) applies) who —
 - (i) has attended an approved course of training and has passed an examination in radiation safety;
 - (ii) is using the apparatus under the direction and general supervision of a licensed medical practitioner; and

- (iii) is using the apparatus for a purpose relevant to those qualifications in the presence of a radiographer who has responsibility for positioning and manipulating the apparatus, minimizing patient and personnel radiation exposure and maintaining the records required by the conditions of the registration;
 - (e) a radiographer using the apparatus as part of a procedure while working under the direction and personal supervision of a licensed radiologist or a licensed radiation oncologist who is responsible for that procedure; or
 - (f) a radiographer or a radiation therapist using the apparatus as part of a procedure where —
 - (i) conventional radiography is inadequate; and
 - (ii) the licensed radiologist or licensed radiation oncologist responsible for that procedure has given permission for such use.
- (6) A person shall not use irradiating apparatus for chiropractic radiography unless the person is —
- (a) a licensed chiropractor; or
 - (b) a radiographer working under the direction and general supervision of a licensed chiropractor or a licensed radiologist.
- (7) A person shall not use therapeutic irradiating apparatus for the treatment of human beings unless the person is —
- (a) a licensed medical practitioner;
 - (b) a radiation therapist working under the direction and general supervision of a licensed medical practitioner;
 - (c) a medical practitioner training for qualifications in radiation oncology working under the direction and general supervision of a licensed radiation oncologist; or
 - (d) a person enrolled in a course of training for radiation therapy that is recognized by the Australian Institute of Radiography and working under the direction and general supervision of a licensed radiation oncologist and under the personal supervision of a radiation therapist.
- (8) A person shall not use irradiating apparatus for veterinary radiography unless the person is —
- (a) a licensed veterinary surgeon;
 - (b) a veterinary surgeon working under the direction and personal supervision of a licensed veterinary surgeon;
 - (c) a radiographer working under the direction and general supervision of a licensed veterinary surgeon;
 - (d) a licensed radiographer acting on the instructions of a veterinary surgeon;
 - (e) a person training for qualifications as a veterinary surgeon and working under the direction and personal supervision of a licensed veterinary surgeon or under the personal supervision of a radiographer; or
 - (f) a person who holds or is training for qualifications in veterinary nursing practice recognized by the Council

and is working under the direction and personal supervision of a licensed veterinary surgeon.

(9) A person shall not use irradiating apparatus for veterinary fluoroscopy unless the person is —

- (a) a licensed veterinary surgeon;
- (b) a veterinary surgeon training for qualifications in veterinary radiology and working under the general supervision of a licensed veterinary surgeon or licensed radiologist; or
- (c) a radiographer using the apparatus as part of a procedure under the direction and personal supervision of the licensed veterinary surgeon responsible for that procedure.

(10) A person shall not use irradiating apparatus for the therapeutic treatment of animals unless the person is —

- (a) a licensed veterinary surgeon;
- (b) a licensed medical practitioner performing the treatment at the request of a veterinary surgeon;
- (c) a veterinary surgeon training for qualifications in veterinary radiotherapy and working under the direction and general supervision of a licensed veterinary surgeon or licensed medical practitioner; or
- (d) a radiation therapist performing the treatment at the request of a licensed veterinary surgeon and working under the direction and general supervision of a licensed veterinary surgeon or a licensed medical practitioner.

(11) A person shall not use irradiating apparatus for radiography or fluoroscopy on human remains unless the person is —

- (a) a licensed radiologist; or
- (b) a radiographer, or a mortuary or research worker who has attended an approved course of training, who —
 - (i) has the written approval of the registrant to perform approved procedures for researchers nominated by the registrant; and
 - (ii) is working under the direction and general supervision of a licensed medical practitioner.

(12) A person shall not use irradiating apparatus for radiography or fluoroscopy on animals for the purposes of research unless the person is —

- (a) a licensed radiologist, a licensed veterinary surgeon or a licensed research worker; or
- (b) a radiographer, or a research worker who has attended an approved course of training, who —
 - (i) has the written approval of the registrant to perform approved procedures for researchers nominated by the registrant; and
 - (ii) is working under the direction and general supervision of a licensed radiologist, a licensed veterinary surgeon or a licensed research worker.

(13) A person who is permitted by the Act and these regulations to operate or use irradiating apparatus shall do so in accordance with the requirements set out in Schedule XI.

HE302**POISONS ACT 1964****POISONS (AUTHORIZED POSSESSION OF SUBSTANCES) ORDER (No. 4) 1997**

Made by the Governor in Executive Council under section 41 of the Act.

Citation

1. This order may be cited as the *Poisons (Authorized Possession of Substances) Order (No. 4) 1997*.

Commencement

2. This order comes into operation on 1 December 1997.

Interpretation

3. In this order—

“**specified place**” means the premises occupied by the Perth Pathology Service at 243 Great Eastern Highway, Midland;

“**specified substances**” means the amount of the substances included in Schedule 9 to the Act, possession of which is authorized under clause 4.

Possession of certain substance authorized

4. Subject to clause 5, the people listed in the table to this clause are authorized to together possess at the specified place, for analytical chemical analysis, not more than—

- (a) 2mg of 5-Methoxy-3,4-Methylenedioxyamphetamine (MMDA);
- (b) 2mg of 4-Methoxy-a-Methyphenylethylamine (PMA);
- (c) 2mg of 3,4-Methylenedioxy-N, a-Dimethylphenylethylamine (MDMA);
- (d) 4mg of Phencyclidine (PCP); and
- (e) 2mg of Tetrahydrocannabinols.

Table

Kitty-Kay George, Quality Control Manager, Perth Pathology Service, 243 Great Eastern Highway, Midland

John Alexander Bonar, Head of Chemistry Department, Perth Pathology Service, 243 Great Eastern Highway, Midland

Andrew Webster, Scientist, Toxicology Department, Perth Pathology Service, 243 Great Eastern Highway, Midland

Terry Chilvers, Scientist Pathology Department, Perth Pathology Service, 243 Great Eastern Highway, Midland

Conditions of authorized possession

5. The possession authorized under clause 4 is subject to the conditions that—

- (a) the specified substances, when not required for the purposes referred to in clause 4, are stored by the specified person at the specified place in a secure manner, as directed by the Commissioner of Health;
- (b) written records relating to the specified substances are maintained by the specified person at the specified place, as directed by the Commissioner; and
- (c) if requested by the Commissioner of Health, any oral information or written report relating to the specified substances is given by the specified person to the Commissioner.

Expiry

6. This order expires on 30 November 1999.

By Command of the Governor,

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

JUSTICE**JM301****CRIMINAL LAW (MENTALLY IMPAIRED DEFENDANTS) ACT 1996****CRIMINAL LAW (MENTALLY IMPAIRED DEFENDANTS)
REGULATIONS 1997**

Made by the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Criminal Law (Mentally Impaired Defendants) Regulations 1997*.

Commencement

2. These regulations come into operation on the day on which the *Criminal Law (Mentally Impaired Defendants) Act 1996* comes into operation.

Court to provide documents to Board (s. 25)

3. (1) When a court makes a custody order the Registrar or clerk of the court is to —

- (a) immediately notify the Board that the order has been made; and
- (b) within 2 working days after the order is made give to the Board copies of the documents listed in subsection (2).

(2) The documents to be provided to the Board are —

- (a) the custody order;
- (b) the complaint or indictment;
- (c) either —
 - (i) the statement of facts by the prosecutor;
 - (ii) if there is no statement of facts, a copy of the relevant parts of the transcript of proceedings; or
 - (iii) if there is no transcript or it will not be available in time, a written summary of the facts prepared by the judicial officer who made the order;
- (d) the offender's criminal record (if tendered to the court);
- (e) any pre-sentence reports;
- (f) any other reports considered by the court when making the custody order; and
- (g) either —
 - (i) the written reasons for making the custody order;
 - (ii) if written reasons are not given or they will not be available in time, a copy of the relevant parts of the transcript of proceedings; or
 - (iii) if there is no transcript or it will not be available in time, a written summary of the reasons prepared by the judicial officer who made the order.

Absence without leave — prescribed persons (s. 31)

4. A person is qualified for the purposes of section 31 (3) of the Act if the person is a mental health practitioner as defined in the *Mental Health Act 1996*.

Forms

5. (1) The forms set out in Schedule 1 are prescribed in relation to the matters specified in those forms.

(2) Subject to section 74 of the *Interpretation Act 1984*, if a form is prescribed in relation to a matter, the matter is to be done, effected or set out in that form.

SCHEDULE 1 — FORMS

Form 1 — Arrest Warrant

WESTERN AUSTRALIA <i>Criminal Law (Mentally Impaired Defendants) Act 1996, ss. 37, 49</i>		CWI Warrant No.:	
ARREST WARRANT			
To	All police officers		
Defendant	Name:	Date of birth:	
Reasons for issue	The defendant was charged with the offences set out below and was released on a release order. That order has now been cancelled.		
Command	You are commanded to arrest the defendant and take him or her to the place of custody set out below.		
Offences	Charge/indict no.	Offence	
Release order	Date of order:	Date release:	
	Date order cancelled:		
Place of custody			
Issuing officer	Name:	Date:	
	Office:		
	Signature:		
Details of arrest <small>(To be completed by police officer)</small>	Date:	Time:	
	Place:		
	Police officer (name)		
	Station/division:	No.:	
	Signature:	Date:	

Form 2 — Custody Order

WESTERN AUSTRALIA <i>Criminal Law (Mentally Impaired Defendants) Act 1996,</i> ss. 16, 19, 21, 22 CUSTODY ORDER		<input type="checkbox"/> Supreme Court <input type="checkbox"/> District Court <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court At:	
To	All police officers Persons in charge of an authorized hospitals Chief executive officers under the <i>Prisons Act 1981</i> or the <i>Young Offenders Act 1994.</i>		
Defendant	Name:	Date of birth:	
Command	The defendant has been charged with the offences set out below. You are ordered to take the defendant to the place of custody set out below and detain him or her there until a determination is made by the Board under section 25 of the <i>Criminal Law (Mentally Impaired Defendants) Act 1996.</i>		
Reasons for issue	<input type="checkbox"/> Unfit to stand trial — <input type="checkbox"/> in court of summary jurisdiction (s. 16) <input type="checkbox"/> in superior court (s. 19) <input type="checkbox"/> Acquitted on account of unsoundness of mind — <input type="checkbox"/> in superior court (s. 21) <input type="checkbox"/> in court of summary jurisdiction (s. 22)		
Offences	Charge/indict no.	Offence	
Place of custody			
Issuing officer	Name:	Date:	
	Judicial officer (s) / Clerk of Arraignment		
	Signature:		

Form 3 — Hospital Order

WESTERN AUSTRALIA <i>Criminal Law (Mentally Impaired Defendants) Act 1996, ss. 5, 14</i> HOSPITAL ORDER	<input type="checkbox"/> Supreme Court <input type="checkbox"/> District Court <input type="checkbox"/> Court of Petty Sessions <input type="checkbox"/> Children's Court At:
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To	All police officers Persons in charge of an authorized hospitals Chief executive officers under the <i>Prisons Act 1981</i> or the <i>Young Offenders Act 1994</i> .
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Defendant	Name:	Date of birth:
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Order	The defendant has been charged with the offences set out below. You are ordered to take the defendant to the authorized hospital set out below for examination by a psychiatrist to determine if he or she should be made an involuntary patient. If the defendant is made an involuntary patient, you must detain him or her in an authorized hospital until the appearance date when you must bring him or her to court. If the defendant is not made an involuntary patient, he or she is to be detained in custody in prison or a detention centre (as the case may be) until the appearance date.
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Offences	Charge/indict no.	Offence

Authorized hospital	
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Appearance	Date:	Time:
	Place:	

Issuing officer	Name:	Date:
	Judicial officer (s) / Clerk of Arraignment	
	Signature:	

Results of assessment by psychiatrist	I have examined the defendant and — <input type="checkbox"/> have <input type="checkbox"/> have not made him or her an involuntary patient.	
	Name of psychiatrist:	Date:
	Signature:	

Form 4 — Release Order

WESTERN AUSTRALIA <i>Criminal Law (Mentally Impaired Defendants) Act 1996, s. 35</i> RELEASE ORDER

Defendant	Name:	Date of birth:
	Address:	

Offences	Charge/indict no.	Offence

Reason for order	The defendant was charged with the offences set out above. A custody order was made against the defendant because he or she was — <input type="checkbox"/> Unfit to stand trial — <input type="checkbox"/> in court of summary jurisdiction <input type="checkbox"/> in superior court <input type="checkbox"/> Acquitted on account of unsoundness of mind — <input type="checkbox"/> in superior court <input type="checkbox"/> in court of summary jurisdiction.
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Release order	The defendant is to be released — <input type="checkbox"/> unconditionally or <input type="checkbox"/> on the following conditions: Date defendant to be released: _____ Date of expiry of order (if any): _____
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Governor	Name:	Date:
	Signature:	

NOTE TO THE DEFENDANT	If this release order is subject to conditions and you breach those conditions, the release order may be cancelled. If this happens the custody order made against you by the court will come back into force.
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By Command of the Governor,

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

LAND ADMINISTRATION

LA401***LAND ACT 1933**
ORDER IN COUNCIL
(REVOCATION OF VESTING)

By the direction of His Excellency the Governor under Section 34B(1), the following Orders in Council and associated Vesting Orders are revoked.

DOLA File: 04322-1901-01RO.

Order in Council gazetted on 6 June 1913 vesting Reserve No. 8352 in the Minister for Works for the designated purpose of "Mechanics Institute".

Local Authority: Shire of Cue.

DOLA File: 03026-1908-01RO.

Order in Council gazetted on 17 May 1912 vesting Reserve No. 11353

in trust and held by George R. Milbank, W. Daniels and F. L. Reynolds for the designated purpose of "Recreation".

Local Authority: Shire of Laverton.

DOLA File: 05607-1914-05RO.

Order in Council gazetted on 1 June 1993 vesting Reserve No. 15815 in the Shire of Meekatharra for the designated purpose of "Parks and Recreation".

Local Authority: Shire of Meekatharra.

DOLA File: 01581-1990-02RO.

Order in Council gazetted on 25 September 1987 vesting Reserve No. 16199 in the Shire of Boyup Brook for the designated purpose of "Water and Parkland".

Local Authority: Shire of Boyup Brook.

DOLA File: 03878-1919-01RO.

Order in Council gazetted on 11 July 1919 vesting Reserve No. 17265 in the Hon. the Minister for Water Supply, Sewerage and Drainage for the designated purpose of "Water".

Local Authority: Shire of Leonora.

DOLA File: 05859-1919-01RO.

Order in Council gazetted on 12 September 1919 vesting Reserve No. 17302 in the Honourable the Minister for Water Supply, Sewerage and Drainage for the designated purpose of "Water".

Local Authority: Shire of Leonora.

DOLA File: 04029-1966-01RO.

Order in Council gazetted on 16 April 1996 vesting Reserve No. 28716 in the Shire of Williams for the designated purpose of "Parklands".

Local Authority: Shire of Williams.

DOLA File: 00788-1973-01RO.

Order in Council gazetted on 14 December 1973 vesting Reserve No. 32380 in the Shire of Wanneroo for the designated purpose of "Library and Community Centre".

Local Authority: City of Wanneroo.

DOLA File: 02187-1987-01RO.

Order in Council gazetted on 20 September 1974 vesting Reserve No. 32932 in the Shire of Wyndham-East Kimberley for the designated purpose of "Drainage".

Local Authority: Shire of Wyndham/East Kimberley.

DOLA File: 00550-1975-01RO.

Order in Council gazetted on 14 June 1994 vesting Reserve No. 33114 in the Shire of Wyndham-East Kimberley for the designated purpose of "Public Utility Services".

Local Authority: Shire of Wyndham/East Kimberley.

DOLA File: 04014-1976-01RO.

Order in Council gazetted on 4 December 1987 vesting Reserve No. 34989 in the City of Gosnells for the designated purpose of "Public Recreation".

Local Authority: City of Gosnells.

DOLA File: 03770-1976-01RO.

Order in Council gazetted on 28 June 1996 vesting Reserve No. 35131 in the Water Corporation for the designated purpose of "Bore and Tanksite".

Local Authority: Shire of Dandaragan.

DOLA File: 01453-1984-01RO.

Order in Council gazetted on 12 July 1985 vesting Reserve No. 39131 in the Shire of Meekatharra for the designated purpose of "Rubbish Disposal Site".

Local Authority: Shire of Meekatharra.

DOLA File: 02521-1993-01RO.

Order in Council gazetted on 20 September 1994 vesting Reserve No. 43165 in the Shire of Pingelly for the designated purpose of "Buffer Strip".

Local Authority: Shire of Pingelly.

DOLA File: 02842-1994-01RO.

Order in Council gazetted on 19 September 1995 vesting Reserve No. 43779 in the City of Kalgoorlie-Boulder for the designated purpose of "Drainage".

Local Authority: City of Kalgoorlie-Boulder.

DOLA File: 01519-1995-01RO.

Order in Council gazetted on 31 October 1995 vesting Reserve No. 43800 in the City of Mandurah for the designated purpose of "Public Recreation".

Local Authority: City of Mandurah.

DOLA File: 02559-1995-01RO.

Order in Council gazetted on 19 March 1996 vesting Reserve No. 44262 in the Shire of Leonora for the designated purpose of "Parking".

Local Authority: Shire of Leonora.

DOLA File: 00882-1996-01RO.

Order in Council gazetted on 6 September 1996 vesting Reserve No. 44395 in the Shire of Harvey for the designated purpose of "Drainage".

Local Authority: Shire of Harvey.

DOLA File: 02335-1975-02RO.

Order in Council gazetted on 5 August 1997 vesting Reserve No. 45031 in the Town of Port Hedland for the designated purpose of "Park and Recreation".

Local Authority: Town of Port Hedland.

M. C. WAUCHOPE, Clerk of the Council.

LA402*

LAND ACT 1933

AMENDMENT OF BOUNDARIES

His Excellency the Governor in Executive Council has approved, under Section 10 of the Land Act 1933.

DOLA File: 02811-1959-05RO.

The amendment of the boundaries of Kununurra Townsite to include the area described as Lots 2441 and 2442 and the areas described as Closed Road, shown bordered red and blue respectively on Land Administration Plan 19173.

Public Plan/s: DH79 (2) 22.15 and 22.16

Local Authority: Shire of Wyndham/East Kimberley.

A. A. SKINNER, Chief Executive.

LA501*

CONSERVATION AND LAND MANAGEMENT ACT 1984

RESERVATION OF STATE FOREST ORDER

Made by His Excellency the Governor under Section 8

DOLA File: 03983-1927-01RP.

CALM File: 05653F1605

It is directed that the area described in the schedule be dedicated as an addition to State Forest No 22.

SCHEDULE

Those portions of closed road surveyed and coloured blue on Land Administration Plan 18995

Area: 1.3384 total hectares

Public Plan/s: BG33 (10) 6.5

Local Authority: Shire of Serpentine/Jarrahdale.

M. C. WAUCHOPE, Clerk of the Council.

LA601*

LAND ACT 1933
ORDER IN COUNCIL
(VESTING OF RESERVE)

By the direction of His Excellency the Governor under Section 33(2), the following reserves have been vested.

DOLA File: 03342-1895-03RO.

Reserve No 891 (Victoria Location 12129) vested in the Shire of Greenough for the designated purpose of "Landscape Protection".

Local Authority: Shire of Greenough.

DOLA File: 05607-1914-05RO.

Reserve No 15815 (Kyarra Locations 67, 75, 152, 154, 187, 188 and 196) vested in the Shire of Meekatharra for the designated purpose of "Parks and Recreation".

Local Authority: Shire of Meekatharra.

DOLA File: 01581-1990-02RO.

Reserve No 16199 (Nelson locations 13503, 13504, 13505 and 13506) vested in the Shire of Boyup Brook for the designated purpose of "Water and Parkland".

Local Authority: Shire of Boyup Brook.

DOLA File: 03878-1919-01RO.

Reserve No 17265 (Malcolm Location 98) vested in the Water Corporation for the designated purpose of "Water".

Local Authority: Shire of Leonora.

DOLA File: 05859-1919-01RO.

Reserve No 17302 (Malcolm Location 99) vested in the Water and Rivers Commission for the designated purpose of "Water".

Local Authority: Shire of Leonora.

DOLA File: 03727-1924-01RO.

Reserve No 19132 (Nugadong Agricultural Area Lot 112) vested in the Shire of Dalwallinu for the designated purpose of "Historic Site—School".

Local Authority: Shire of Dalwallinu.

DOLA File: 01947-1954-01RO.

Reserve No 24032 (Donnybrook Lots 466, 469 and 476) vested in the Minister for Education for the designated purpose of "School Site".

Local Authority: Shire of Donnybrook/Balingup.

DOLA File: 00260-1963-01RO.

Reserve No 27033 (Morawa Lot 315) vested in the Shire of Morawa for the designated purpose of "Landscape Protection".

Local Authority: Shire of Morawa.

DOLA File: 02187-1987-01RO.

Reserve No 32932 (Kununurra Lots 1206 and 2441) vested in the Shire of Wyndham-East Kimberley for the designated purpose of "Drainage".

Local Authority: Shire of Wyndham/East Kimberley.

DOLA File: 00550-1975-01RO.

Reserve No 33114 (Kununurra Lot 1196) vested in the Shire of Wyndham-East Kimberley for the designated purpose of "Public Utility Services".

Local Authority: Shire of Wyndham/East Kimberley.

DOLA File: 01864-1973-01RO.

Reserve No 33765 (Swan Location 12753) vested in the Town of Bassendean for the designated purpose of "Drain".

Local Authority: Town of Bassendean.

DOLA File: 02296-1971-01RO.

Reserve No 34330 (Port Hedland Lots 1701 and 2465) vested in the Minister for Education for the designated purpose of "Primary Schools site (South Hedland)".

Local Authority: Town of Port Hedland.

DOLA File: 04014-1976-01RO.

Reserve No 34989 (Canning Locations 2970, 3287, 3307, 3593 and 4142) vested in the City of Gosnells for the designated purpose of "Public Recreation".

Local Authority: City of Gosnells.

DOLA File: 01550-1979-01RO.

Reserve No 36382 (Canning Location 3152 and Kelmscott lot 260) vested in the City of Armadale for the designated purpose of "Public Recreation".

Local Authority: City of Armadale.

DOLA File: 00178-1970-01RO.

Reserve No 36839 (Canning Location 3222) vested in the City of Armadale for the designated purpose of "Public Recreation".

Local Authority: City of Armadale.

DOLA File: 02521-1993-01RO.

Reserve No 43165 (Pingelly Lot 878) vested in the Shire of Pingelly for the designated purpose of "Buffer Strip".

Local Authority: Shire of Pingelly.

DOLA File: 02842-1994-01RO.

Reserve No 43779 (Boulder Lots 1440, 4599, 4745, 4746, 4750, 4751 and 4752) vested in the City of Kalgoorlie-Boulder for the designated purpose of "Drainage".

Local Authority: City of Kalgoorlie-Boulder.

DOLA File: 02559-1995-01RO.

Reserve No 44262 (Leonora Lots 849 and 1330) vested in the Shire of Leonora for the designated purpose of "Parking".

Local Authority: Shire of Leonora.

DOLA File: 00882-1996-01RO.

Reserve No 44395 (Wellington Locations 5758 and 5808) vested in the Shire of Harvey for the designated purpose of "Drainage".

Local Authority: Shire of Harvey.

DOLA File: 02522-1996-01RO.

Reserve No 44646 (Cockburn Sound Location 4292) vested in the Shire of Serpentine—Jarrahdale for the designated purpose of "Public Recreation".

Local Authority: Shire of Serpentine/Jarrahdale.

DOLA File: 01279-1969-02RO.

Reserve No 45056 (Pinjarra Lot 350) vested in the Executive Director, Department of Conservation and Land Management for the designated purpose of "Conservation and the Protection of Aboriginal Heritage and Culture".

Local Authority: Shire of Murray.

DOLA File: 01766-1997-01RO.

Reserve No 45107 (Cockburn Sound Location 4344) vested in the Shire of Murray for the designated purpose of "Foreshore Management and Pedestrian Accessway".

Local Authority: Shire of Murray.

DOLA File: 01818-1997-01RO.

Reserve No 45110 (Victoria Location 21662) vested in the City of Geraldton for the designated purpose of "Drainage".

Local Authority: City of Geraldton.

DOLA File: 02608-1996-01RO.

Reserve No 45111 (Kyarra Location 191) vested in the Shire of Meekatharra for the designated purpose of "Rubbish Disposal Site".

Local Authority: Shire of Meekatharra.

DOLA File: 01716-1997-01RO.

Reserve No 45112 (Swan Location 12767) vested in the Shire of Swan for the designated purpose of "Drainage".

Local Authority: Shire of Swan.

DOLA File: 00996-1997-01RO.

Reserve No 45113 (Cockburn Sound Location 4320) vested in the City of Cockburn for the designated purpose of "Public Recreation".

Local Authority: City of Cockburn.

DOLA File: 01735-1994-01RO.

Reserve No 45114 (EriVilla Location 49) vested in the Shire of Meekatharra for the designated purpose of "Water".

Local Authority: Shire of Meekatharra.

DOLA File: 02981-1986-01RO.

Reserve No 45116 (Omalinde Location 7) vested in Telstra Corporation Ltd for the designated purpose of "Telecommunication Site".

Local Authority: Shire of Halls Creek.

DOLA File: 02082-1997-01RO.

Reserve No 45118 (Plantagenet Location 7910) vested in the Shire of Albany for the designated purpose of "Public Recreation".

Local Authority: Shire of Albany.

DOLA File: 02119-1997-01RO.

Reserve No 45119 (Plantagenet Location 7911) vested in the Shire of Albany for the designated purpose of "Public Recreation".

Local Authority: Shire of Albany.

DOLA File: 02005-1997-01RO.

Reserve No 45120 (Wellington Location 5813) vested in the Shire of Harvey for the designated purpose of "Drainage".

Local Authority: Shire of Harvey.

M. C. WAUCHOPE, Clerk of the Council.

LA602*

LAND ACT 1933
ORDER IN COUNCIL
(VESTING OF RESERVE)

By the direction of His Excellency the Governor under Section 33(2), the following reserve has been vested

DOLA File: 01741-1997-01RO.

Reserve No. 45115 (Plantagenet Location 7901) vested in the Honourable Montague Grant House M.L.A., the Minister for Fisheries for the time being and his successors in Office for the designated purpose of "Aquaculture and Aquaculture Research" with power, to lease the whole or any portion thereof for any term.

Local Authority: Shire of Albany.

M. C. WAUCHOPE, Clerk of the Council.

LA701*

LAND ACT 1933
RESERVATION NOTICE

Made by His Excellency the Governor under Section 29.

The Crown Land described below has been set apart as public reserves

DOLA File: 02522-1996-01RO.

Reserve No 44646 comprising Cockburn Sound Location 4292 (formerly Lot 154 on Diagram 92777) with an area of 1.0832 hectares for the designated purpose of "Public Recreation"

Section 20A

Public Plan/s: BG33 (2) 23.34. near Nettleton Road

Local Authority: Shire of Serpentine/Jarrahdale.

DOLA File: 01482-1995-01RO.

Reserve No 44986 comprising Cockburn Sound Locations 3041, 3042, 3043, 4157 (formerly Lot 79 on Plan 16751), 4166 (formerly Lot 42 on Diagram 84689), 4189 (Lot 210 on Plan 14556), 4191 (formerly Lot 43 on Plan 8813), 4270 (formerly Lot 19 on Plan 21139), 4271 (formerly Lot 18 on Plan 21139), 4272 (formerly Lot 20 on Plan 21139), 4273 (formerly Lot 21 on Plan 21139), 4274 (formerly Lot 119 on Plan 21250) and 4331 (formerly Lot 33 on Diagram 18582) with an area of 258.0542 hectares for the designated purpose of "Conservation of Flora and Fauna"

Section 20A

Public Plan/s: BG33 (10) 2.1. and 2.2. near Serpentine River

Local Authority: Shire of Murray.

DOLA File: 01279-1969-02RO.

Reserve No 45056 comprising Pinjarra Lot 350 with an area of 15.7604 hectares on Land Administration Diagram 90417 for the designated purpose of "Conservation and the Protection of Aboriginal Heritage and Culture"

Public Plan/s: BG32 (2) 14.28 and 14.29. Hampton Road

Local Authority: Shire of Murray.

DOLA File: 02211-1995-01RO.

Reserve No 45100 comprising Swan Location 12784 (formerly the area abutting Lots 34 and 58 and marked 'Pedestrian Accessway' on Plan 17061) with an area of 190 square metres for the designated purpose of "Pedestrian Accessway"

Section 20A

Public Plan/s: BG34 (2) 22.33 and 22.34. Spiers Place and Sprint Close

Local Authority: Shire of Swan.

DOLA File: 01766-1997-01RO.

Reserve No 45107 comprising Cockburn Sound Location 4344 (formerly Lot 49 on Plan 19966) with an area of 1.8632 hectares for the designated purpose of "Foreshore Management and Pedestrian Accessway" Section 20A

Public Plan/s: BG33 (2) 19.03 and 20.03. Sovereign Road

Local Authority: Shire of Murray.

DOLA File: 01691-1997-01RO.

Reserve No 45109 comprising Murray Locations 2074 and 2075 (formerly Lot 100 on Plan 21669 and Lot 101 on Plan 21668 respectively) with an area of 2408 square metres for the designated purpose of "Public Recreation"

Section 20A

Public Plan/s: BG33 (2) 01.32. Old Coast Road

Local Authority: City of Mandurah.

DOLA File: 01818-1997-01RO.

Reserve No 45110 comprising Victoria Location 12145 (formerly Lot 111 on Plan 21662) with an area of 1791 square metres for the designated purpose of "Drainage"

Section 20A

Public Plan/s: BE43 (2) 16.17. Bradford Street

Local Authority: City of Geraldton.

DOLA File: 02608-1996-01RO.

Reserve No 45111 comprising Kyarra Location 191 with an area of 13.98 hectares on Land Administration Plan 18548 for the designated purpose of "Rubbish Disposal Site"

Public Plan/s: Meekatharra NE (25).

Local Authority: Shire of Meekatharra.

DOLA File: 01716-1997-01RO.

Reserve No 45112 comprising Swan Location 12767 (formerly Lot 1305 on Plan 21829) with an area of 6340 square metres for the designated purpose of "Drainage"

Section 20A

Public Plan/s: Bg35 (2) 19.02. Kyeema Way and Morton Avenue

Local Authority: Shire of Swan.

DOLA File: 00996-1997-01RO.

Reserve No 45113 comprising Cockburn Sound Location 4320 (formerly part of Lot 10 on Plan 12732) with an area of 2.0470 hectares on Land Administration Diagram 93189 for the designated purpose of "Public Recreation"

Section 20A

Public Plan/s: BG34 (2) 11.07. Barberry Way and Cocos Drive

Local Authority: City of Cockburn.

DOLA File: 01735-1994-01RO.

Reserve No 45114 comprising Erivilla Location 49 with an area of 20.0011 hectares on Land Administration Diagram 92004 for the designated purpose of "Water"

Public Plan/s: Peak Hill (250).

Local Authority: Shire of Meekatharra.

DOLA File: 01741-1997-01RO.

Reserve No 45115 comprising Plantagenet Location 7901 with an area of 4.8861 hectares Land Administration Diagram 93281 for the designated purpose of "Aquaculture and Aquaculture Research"

Public Plan/s: BK25 (10) 3.8. Murray Road

Local Authority: Shire of Albany.

DOLA File: 02981-1986-01RO.

Reserve No 45116 comprising Omalinde Location 7 with an area of 4 hectares Department of Land Administration Reserve Diagram 676 for the designated purpose of "Telecommunication Site"

Public Plan/s: Lansdowne (250).

Local Authority: Shire of Halls Creek.

DOLA File: 02082-1997-01RO.

Reserve No 45118 comprising Plantagenet Location 7910 (formerly Lot 127 on Plan 22063) with an area of 3510 square metres for the designated purpose of "Public Recreation"

Section 20A

Public Plan/s: BK26 (2) 08.07. Parmelia Way

Local Authority: Shire of Albany.

DOLA File: 02119-1997-01RO.

Reserve No 45119 comprising Plantagenet Location 7911 (formerly Lot 130 on Plan 22063) with an area of 1.5867 hectares for the designated purpose of "Public Recreation"

Section 20A

Public Plan/s: BK26 (2) 08.07. Radiata Drive

Local Authority: Shire of Albany.

DOLA File: 02005-1997-01RO.

Reserve No 45120 comprising Wellington Location 5813 (formerly Lot 152 on Diagram 92528) with an area of 7226 square metres for the designated purpose of "Drainage"

Section 20A

Public Plan/s: BG30 (10) 2.8.

Local Authority: Shire of Harvey.

DOLA File: 01334-1996-01RO.

Reserve No 45121 comprising Pingelly Lots 879 and 880 with an area of 13.9076 hectares on Land Administration Plan 19600 for the designated purpose of "Use and Requirements of the Shire of Pingelly"

Public Plan/s: BJ33 (2) 5.01 and 5.02. Balfour, Review and Vinicombe Streets

Local Authority: Shire of Pingelly.

A. A. SKINNER, Chief Executive.

LA801***LAND ACT 1933
AMENDMENT OF RESERVE**

Made by His Excellency the Governor under Section 37.

The following reserves have been amended

DOLA File: 03342-1895-03RO.

Reserve No: 891 (Victoria District) "Public Utility" to comprise Location 12129 as surveyed and shown bordered red on Land Administration Plan 19419 in lieu of Location 7569 and of its area being reduced to 1.6303 hectares accordingly.

Public Plan/s: BE43 (2) 15.25 North West Coastal Highway

Local Authority: Shire of Greenough.

DOLA File: 05607-1914-05RO.

Reserve No: 15815 (Kyarra Locations 67, 152, 154, 187 and 188) "Parks and Recreation" to:-

(i) include Location 196 as delineated on Land Administration Miscellaneous Diagram No. 589, and; include Location 75 as surveyed and shown bordered red on Land Administration Diagram 86760 and;

(ii) exclude that portion of Location 154 now comprised in Location 191 as surveyed and shown bordered red on Land Administration Plan 18548 and of its area being reduced to 2677.9246 hectares accordingly.

Public Plan/s: BL49 (2) 13.15, 13.16, 13.17, 13.18, 14.16 and 14.18; and Meekatharra NE (25)

Local Authority: Shire of Meekatharra.

DOLA File: 01581-1990-02RO.

Reserve No: 16199 (Nelson District) "Water and Parkland" to comprise Location 13503 on Land Administration Diagram 93084 and Locations 13504, 13505 and 13506 on Land Administration Plan 19475 in lieu of Location 7362 and of its area being reduced (recalculated) to 48.0602 hectares accordingly.

Public Plan/s: BH29 (2) 5.16, 5.17 and (10) 1.4 Bridgetown Boyup Brook Road

Local Authority: Shire of Boyup Brook.

DOLA File: 03878-1919-01RO.

Reserve No: 17265 (Malcolm District) "Water" to comprise Location 98 as surveyed and shown bordered red on Land Administration Diagram 93310 and of its area remaining unaltered.

Public Plan/s: Leonora (100)

Local Authority: Shire of Leonora.

DOLA File: 05859-1919-01RO.

Reserve No: 17302 (Malcolm District) "Water" to comprise Location 99 as surveyed and shown bordered red on Land Administration Diagram 93309 and of its area remaining unaltered.

Public Plan/s: Leonora (100)

Local Authority: Shire of Leonora.

DOLA File: 01154-1922-01RO.

Reserve No: 18009 (Gascoyne Locations 125, 460 and 461) "Experimental Plot (Tropical Culture)" having its area reduced (recalculated) to 64.9356 hectares accordingly.

Public Plan/s: AN54 (10) 3.2 North West Coastal Highway

Local Authority: Shire of Carnarvon.

DOLA File: 04029-1966-01RO.

Reserve No: 28716 (at Williams) "Parklands" to comprise Lot 284 on Land Administration Diagram Narrogin 1382, Lot 319 on Land Administration Diagram 46135, Lots 321—326 inclusive on Land Administration Plan 1773 and Lot 361 on Land Administration Diagram 92152 and of its area remaining unaltered.

Public Plan/s: BII31 (2) 34.26 and (10) 7.5 Glenfield Street

Local Authority: Shire of Williams.

DOLA File: 04245-1969-01RO.

Reserve No: 30915 (Dalwallinu Lot 536) "Fire Brigade Purposes" to exclude that area as delineated and shown bordered green on Land Administration Diagram 93008 and of its area being reduced to 754 square metres accordingly.

Public Plan/s: BH39 (2) 20.11 Annetts Road and Myers Street

Local Authority: Shire of Dalwallinu.

DOLA File: 03060-1968-01RO.

Reserve No: 32614 (Pinjarra Lot 301) "Drain" to exclude that portion containing 173 square metres and adjoining Lot 37 on Diagram 23713 and of its area being reduced to 520 square metres accordingly

Public Plan/s: BG32 (2) 14.29 Jubilee Drive

Local Authority: Shire of Murray.

DOLA File: 02187-1987-01RO.

Reserve No: 32932 (Kununurra Lot 1206) "Drainage" to include Lot 2441 as surveyed and shown bordered red on Land Administration Plan 19173 and of its area being increased to 2022 square metres accordingly.

Public Plan/s: DH79 (2) 22.16 and 23.16 Poinciana Street and Ivanhoe Road

Local Authority: Shire of Wyndham/East Kimberley.

DOLA File: 00550-1975-01RO.

Reserve No: 33114 (Kununurra Lot 1196) "Public Utility Services" to exclude Lot 2450 as shown on Land Administration Miscellaneous Diagram 669 and of its area being reduced to 2239 square metres accordingly.

Public Plan/s: DH79 (2) 23.16 and 23.17 Chestnut Avenue

Local Authority: Shire of Wyndham/East Kimberley.

DOLA File: 01864-1973-01RO.

Reserve No: 33765 (Swan District) to comprise Location 12753 as surveyed and shown bordered red on Land Administration Diagram 93243 in lieu of Location 9402 and of its area being increased to 1652 square metres accordingly

Public Plan/s: BG34 (2) 17.29 and 17.30 Alice Street

Local Authority: Town of Bassendean.

DOLA File: 04014-1976-01RO.

Reserve No: 34989 (Canning Locations 2970, 3287, 3307 and 3593) "Public Recreation" to include Location 4142 (formerly Lot 3 on Diagram 51778) and of its area being increased to 2.7789 hectares accordingly

Public Plan/s: BG34 (2) 20.10 Anaconda Drive and Shearwater Way

Local Authority: City of Gosnells.

DOLA File: 03575-1958-01RO.

Reserve No: 36048 (Guilderton Townsite) "Caravan Park and Recreation" to comprise Lot 2 as surveyed on Land Administration Plan 6700 and Lot 424 as surveyed on Land Administration Diagram 92419 and of its area being reduced (recalculated) to 1.6704 hectares accordingly.

Public Plan/s: BF36 (2) 31.11 Dewar and Gordon Streets

Local Authority: Shire of Gingin.

DOLA File: 01550-1979-01RO.

Reserve No: 36382 (Canning Location 3152) to include Kelmscott Lot 260 (formerly Lot 208 on Diagram 58145) and of its area being increased to 5129 square metres accordingly

Public Plan/s: BG34 (2) 22.08 and 23.08 Greener Way and Cockram Road

Local Authority: City of Armadale.

DOLA File: 02521-1993-01RO.

Reserve No: 43165 (at Pingelly) "Buffer Strip" to comprise Lot 878 as surveyed and shown bordered red on Land Administration Plan 19600 in lieu of Lot 868 and of its area being reduced to 1.0349 hectares accordingly.

Public Plan/s: BJ33 (2) 5.01 and 5.02 Review and Vinicombe Streets

Local Authority: Shire of Pingelly.

DOLA File: 02842-1994-01RO.

Reserve No: 43779 (Boulder Lot 4599) "Drainage" to include Lots 1440, 4745, 4746, 4750, 4751 and 4752 as surveyed on Land Administration Plan Boulder 107/24 and of its area being increased to 4.4482 hectares accordingly.

Public Plan/s: CF37 (2) 29.33 and 29.34 Azamor Drive

Local Authority: City of Kalgoorlie-Boulder.

DOLA File: 02559-1995-01RO.

Reserve No: 44262 (Leonora Lot 1330) "Parking" to include Lot 849 as surveyed on Land Administration Plan Leonora 123/1 and of its area being increased to 2530 square metres accordingly.

Public Plan/s: CF43 (2) 19.04 Otterburn and Trump Streets

Local Authority: Shire of Leonora.

DOLA File: 00882-1996-01RO.

Reserve No: 44395 (Wellington Location 5758) "Drainage" to include Location 5808 (formerly Lot 35 on Diagram 92135) and of its area being increased to 2.0429 hectares accordingly.

Public Plan/s: BG30 (10) 2.8 and (2) 07.37 Ditchingham Place

Local Authority: Shire of Harvey.

A. A. SKINNER, Chief Executive.

LA901*

LAND ACT 1933

CHANGE OF PURPOSE OF RESERVES

Made by His Excellency the Governor under Section 37.

The purposes of the following reserves have been changed.

DOLA File: 03342-1895-03RO.

Reserve No. 891 (Victoria Location 12129) being changed from "Public Utility" to "Landscape Protection".

Public Plan/s: BE43 (2) 15.25 North West Coastal Highway

Local Authority: Shire of Greenough.

DOLA File: 03727-1924-01RO.

Reserve No. 19132 (Nugadong Agricultural Area Lot 112) being changed from "School Site" to "Historic Site—School".

Public Plan/s: Wubin (50) Flynn and Gunyidi-Wubin Roads

Local Authority: Shire of Dalwallinu.

DOLA File: 00260-1963-01RO.

Reserve No. 27033 (Morawa Lot 315) being changed from "Recreation" to "Landscape Protection".

Public Plan/s: BG42 (2) 21.18 Stokes Road and Neagle Street

Local Authority: Shire of Morawa.

A. A. SKINNER, Chief Executive.

LB201*

LAND ACT 1933

CANCELLATION OF RESERVE

Made by His Excellency the Governor under Section 37.

The following reserves have been cancelled.

DOLA File: 02635-1902-01RD.

Reserve No: 372 (Ashburton District) "Watering Place for Travellers and Stock at Robe Pool".

Public Plan/s: Yarraloola (250) Yarraloola Road

Local Authority: Shire of Ashburton.

DOLA File: 00903-1988-01RO.

Reserve No: 2717 (Victoria District) "Stopping Place for Travellers and Stock".

Public Plan/s: 128/80

Local Authority: Shire of Yalgoo.

DOLA File: 02870-1896-02RO.

Reserve No: 3400 (Avon District) "Schoolsite".

Public Plan/s: BII35 (10) 2.8 Dewars Pool Road

Local Authority: Shire of Toodyay.

DOLA File: 04224-1896-02RO.

Reserve No: 3420 (Nelson District) "Public Utility".

Public Plan/s: BH29 (10) 1.4 near Asplin Siding Road
Local Authority: Shire of Boyup Brook.
DOLA File: 06854-1896-02RO.
Reserve No: 3667 (at Mulgarrie) "Townsite".
Public Plan/s: Mulgarrie Townsite
Local Authority: Shire of Coolgardie.
DOLA File: 07435-1896-02RO.
Reserve No: 3723 (at Callion) "Townsite".
Public Plan/s: Callion Townsite
Local Authority: Shire of Menzies.
DOLA File: 03234-1896-02RO.
Reserve No: 3837 (at Kundana) "Townsite".
Public Plan/s: Kundana Townsite
Local Authority: Shire of Coolgardie.
DOLA File: 09372-1896-02RO.
Reserve No: 3964 (at Kalgoorlie) "Townsite Extension".
Public Plan/s:
Local Authority: City of Kalgoorlie-Boulder.
DOLA File: 01824-1896-02RO.
Reserve No: 3995 (at Mount Magnet) "Extension of Townsite".
Public Plan/s:
Local Authority: Shire of Mount Magnet.
DOLA File: 02944-1896-02RO.
Reserve No: 4040 (at Sir Samuel) "Townsite".
Public Plan/s: Sir Samuel Townsite
Local Authority: Shire of Leonora.
DOLA File: 06477-1896-02RO.
Reserve No: 4143 (at Boogardie) "Townsite (Boogardie)".
Public Plan/s: Boogardie Townsite
Local Authority: Shire of Mount Magnet.
DOLA File: 09199-1896-02RO.
Reserve No: 4153 (at Black Flag) "Townsite (Black Flag)".
Public Plan/s: Black Flag Townsite
Local Authority: City of Kalgoorlie-Boulder.
DOLA File: 08339-1896-02RO.
Reserve No: 4248 (at Tampa) "Townsite (Tampa)".
Public Plan/s: Tampa Townsite
Local Authority: Shire of Menzies.
DOLA File: 06330-1897-02RO.
Reserve No: 4473 (at Boulder) "Extension of Townsite".
Public Plan/s:
Local Authority: City of Kalgoorlie-Boulder.
DOLA File: 07398-1897-02RO.
Reserve No: 4527 (at Norseman) "Extension of Townsite".
Public Plan/s:
Local Authority: Shire of Dundas.
DOLA File: 06880-1896-02RO.
Reserve No: 4567 (at Gordon) "Townsite (Gordon)".
Public Plan/s: Gordon Townsite
Local Authority: City of Kalgoorlie-Boulder.
DOLA File: 03256-1897-02RO.
Reserve No: 4640 (at Gabanintha) "Townsite (Gabanintha)".
Public Plan/s: Gabanintha Townsite
Local Authority: Shire of Meekatharra.
DOLA File: 15306-1899-02RO.
Reserve No: 4687 (at Mulline) "Townsite (Mulline)".
Public Plan/s: Mulline Townsite
Local Authority: Shire of Menzies.

DOLA File: 06270-1897-02RO.
Reserve No: 4717 (at Broad Arrow) "Extension of Townsite".
Public Plan/s: Broad Arrow Townsite
Local Authority: City of Kalgoorlie-Boulder.
DOLA File: 07436-1897-02RO.
Reserve No: 4817 (at Mount Magnet) "Extension of Townsite".
Public Plan/s:
Local Authority: Shire of Mount Magnet.
DOLA File: 07523-1897-02RO.
Reserve No: 4931 (at Feysville) "Townsite (Feysville)".
Public Plan/s: Feysville Townsite
Local Authority: City of Kalgoorlie-Boulder.
DOLA File: 04322-1901-01RO.
Reserve No: 8352 (Austin Lot 12) "Mechanics Institute".
Public Plan/s: BK46 (2) 14.22 Eureka Street
Local Authority: Shire of Cue.
DOLA File: 02009-1990-01RO.
Reserve No: 10191 (Williams Lot 221) "Use and Requirements of the Shire of Williams".
Public Plan/s: BH31 (2) 34.26 Lavender, Gillett and William Streets
Local Authority: Shire of Williams.
DOLA File: 09197-1906-01RO.
Reserve No: 10483 (Beria Lot 18) "Roman Catholic Church".
Public Plan/s: Beria Townsite Laverton-Warburton Road
Local Authority: Shire of Laverton.
DOLA File: 03026-1908-01RO.
Reserve No: 11353 (Beria Townsite) "Recreation".
Public Plan/s: Beria Townsite
Local Authority: Shire of Laverton.
DOLA File: 07321-1909-01RO.
Reserve No: 14864 (Williams Location 9291) "Timber (Mallet)".
Public Plan/s: Narrogin NW (25) Knights Road
Local Authority: Shire of Cuballing.
DOLA File: 02599-1916-01RO.
Reserve No: 16786 (Avon Location 9379) "School Site".
Public Plan/s: Pantapin NW (25) Tammin South Road
Local Authority: Shire of Tammin.
DOLA File: 13293-1905-01RD.
Reserve No: 21383 (Beria Twonsite) "School Site".
Public Plan/s: Beria Townsite Laverton-Warburton Road
Local Authority: Shire of Laverton.
DOLA File: 01372-1907-04RO.
Reserve No: 22381 (Fremantle Lots 2103 and 2104) "Use and Requirements of the Western Australian Land Authority".
Public Plan/s: BG34 (2) 07.09 and 07.10 Cockburn Road
Local Authority: City of Fremantle.
DOLA File: 00835-1990-01RO.
Reserve No: 22473 (Daglish Lots 422 and 423) "Municipal Endowment".
Public Plan/s: BG34 (2) 10.25 and 10.26 Bishop Street
Local Authority: City of Subiaco.
DOLA File: 01888-1994-02RO.
Reserve No: 26274 (Canning Location 1867) "Footway".
Public Plan/s: BG34 (2) 19.13 Hughenden Drive
Local Authority: City of Gosnells.
DOLA File: 02792-1970-01RO.
Reserve No: 31815 (Roebourne Lot 166) "Use and Requirements of the Shire of Roebourne".
Public Plan/s: BJ65 (2) 10.24 Hampton Street
Local Authority: Shire of Roebourne.
DOLA File: 04108-1974-01RO.
Reserve No: 33026 (Onslow Lot 968) "Use and Requirements of the Minister for Health".

Public Plan/s: BE63 (2) 38.07 First Avenue
Local Authority: Shire of Ashburton.
DOLA File: 03052-1965-01RO.
Reserve No: 35000 (Swan Locations 9728 and 9729) "Use and Requirements of the Minister for Works".
Public Plan/s: BG34 (2) 22.32 Victoria Street
Local Authority: Shire of Swan.
DOLA File: 03770-1976-01RO.
Reserve No: 35131 (Melbourne Location 4018) "Bore and Tanksite".
Public Plan/s: Cowalla (50) Cadda Road
Local Authority: Shire of Dandaragan.
DOLA File: 02779-1978-01RO.
Reserve No: 35628 (Victoria Location 11324) "Use and Requirements of the Minister for Works".
Public Plan/s: BG41 (2) 06.13 Slaughter Street
Local Authority: Shire of Three Springs.
DOLA File: 01196-1981-01RO.
Reserve No: 37251 (Bunbury Lot 639) "Use and Requirements of the Minister for Works".
Public Plan/s: BG30 (2) 01.30 Parry Street
Local Authority: City of Bunbury.
DOLA File: 02748-1981-01RO.
Reserve No: 38481 (Murray Location 1757) "Use and Requirements of the Water Corporation".
Public Plan/s: BG32 (2) 09.34 Yunderup Road South
Local Authority: Shire of Murray.
DOLA File: 02521-1982-01RO.
Reserve No: 38795 (Nullagine Lot 28) "Use and Requirements of the Minister for Works".
Public Plan/s: CD62 (2) 13.17 Clemensen Street
Local Authority: Shire of East Pilbara.
DOLA File: 01453-1984-01RO.
Reserve No: 39131 (Kyarra Location 75) "Rubbish Disposal Site".
Public Plan/s: BL49 (2) 13.15 and 13.16
Local Authority: Shire of Meekatharra.
DOLA File: 01178-1988-01RO.
Reserve No: 40507 (Meekatharra Lot 872) "Church Site".
Public Plan/s: BL49 (2) 13.17 McCleary Street
Local Authority: Shire of Meekatharra.
DOLA File: 01165-1989-01RO.
Reserve No: 41384 (Cockburn Sound Locations 3041, 3042 and 3043) "Public Recreation".
Public Plan/s: BG33 (10) 2.1 Near Serpentine River
Local Authority: Shire of Murray.
DOLA File: 01519-1995-01RO.
Reserve No: 43800 (Murray Location 1976) "Public Recreation".
Public Plan/s: BG 32 (2) 01.27 Wilderness Drive
Local Authority: City of Mandurah.
DOLA File: 02273-1996-01RO.
Reserve No: 44725 (Derby Lot 1388) "Use and Requirements of Government Employees Housing Authority".
Public Plan/s: CK 75 (2) 02.07 Anderson Way & Marmion Street
Local Authority: Shire of Derby/West Kimberley.
DOLA File: 01890-1955-01RO.
Reserve No: 44769 (Bruce Rock Lots 224 and 225) "Use and Requirements of the Shire of Bruce Rock".
Public Plan/s: BK34 (2) 28.33 Butcher and Swan Streets
Local Authority: Shire of Bruce Rock.
DOLA File: 00822-1997-01RO.
Reserve No: 44794 (Port Hedland Lot 5943) "Use and Requirements of the Government Employees Housing Authority".
Public Plan/s: BL66 (2) 23.34 McKay Street
Local Authority: Town of Port Hedland.
DOLA File: 01355-1997-01RO.
Reserve No: 44944 (Fremantle Lots 2107 and 2109) "Use and Requirements of the Minister for Works".
Public Plan/s: BG34 (2) 07.09 and 07.10 Bennett avenue

Local Authority: City of Cockburn.

DOLA File: 02335-1975-02RO.

Reserve No: 45031 (Port Hedland Lot 5961) "Park and Recreation".

Public Plan/s: BL66 (2) 25.22 Cottier Drive and Kennedy Street

Local Authority: Town of Port Hedland.

A. A. SKINNER, Chief Executive.

LOCAL GOVERNMENT

LG301*

LOCAL GOVERNMENT ACT 1995

THE LOCAL GOVERNMENT OF THE TOWN OF VINCENT

LOCAL LAW TO REPEAL LOCAL LAWS

In pursuance of the powers conferred upon it by the Local Government Act 1995 and all other powers enabling it the Local Government of the Town of Vincent hereby records having resolved on the eleventh day of August 1997 to adopt the following Local Law, to be known as the Local Law Relating to Repeal of Local Laws.

1. The following Local Laws are hereby repealed—

- (a) Stalls (No 5):
as published in the *Government Gazette* on 25 May 1979 and amended.
- (b) Street Noises and Nuisances (No 6):
as published in the *Government Gazette* on 22 November 1974 and amended.
- (c) Beekeeping (No 23):
as published in the *Government Gazette* on 4 October 1985 and amended.
- (d) Prescribing the fees to be charged for admission to Perth Oval, Leederville Oval, Lathlain Oval, The Velodrome, The Perry Lakes Stadium, The Orchestral Shell and Perth Aquatic Centre, Beatty Park (No. 34):
as published in the *Government Gazette* on 16 January 1963 and amended.
- (e) Swan River Contamination (No 49):
as published in the *Government Gazette* in 9 November 1951 and amended.
- (f) Municipal Corporations Act Building Line (No 59):
as published in the *Government Gazette* on 19 February 1958 and amended.
- (g) Motels (No 72):
as published in the *Government Gazette* on 11 May 1961 and amended.
- (h) Payment of Rates (No 76):
as published in the *Government Gazette* on 29 May 1963 and amended.
- (i) Parking Commercial Vehicles on Street Verges (No 85):
as published in the *Government Gazette* on 16 December 1971 and amended.
- (j) Street Photographers (No 87):
as published in the *Government Gazette* on 8 November 1974 and amended.
- (k) Rest Centres (No 90):
as published in the *Government Gazette* on 6 August 1993 and amended.

This Local Law was made by the Town of Vincent at an Ordinary Meeting held on the eleventh day of August 1997.

The Common Seal of The Town of Vincent was affixed in the presence of

A. J. (JACK) MARKS, Mayor.
JOHN GIORGI, Chief Executive Officer.

LG401

LOCAL GOVERNMENT ACT 1995

City of Melville

Authorised Persons

It is hereby noted for public information that David William Fuery and Lyndon Giles Davies have been appointed as Authorised Persons at Garden City Shopping Centre, Parking Station No. 10 (as defined in the City of Melville Parking Facilities Local Laws) and as Authorised Persons for the purposes of Section 9.11, 9.15 and 9.16 of the Local Government Act and for the purposes of the said Local Laws.

JOHN McNALLY, Chief Executive Officer.

LG402**DOG ACT 1976***Shire of Laverton*

Appointment of Authorised Persons and Registration Officers

It is hereby notified for public information that the following persons have been appointed pursuant to the Dog Act 1976—

- (a) Authorised Persons
 Glen Brickhill
 Terry Dyer
 Steven Deckert
- (b) Dog Registration Officers
 Tracy Budd
 Jennine Brown
 Ian Quartermain
 Katherine Taylor

All previous appointments have been cancelled.

S. J. DECKERT, Chief Executive Director.

LG403**BUSH FIRES ACT 1954***Shire of Sandstone*

Bush Fire Control Officers

Notice is hereby given pursuant to section 38 of the Bush Fires Act 1954, that the following is a list of Bush Fire Control Officers appointed for duty within the Shire of Sandstone for 1997/1998. All other appointments are hereby cancelled.

- | | | |
|---------------|---------------|-----------|
| D. McQuie | A. Humphries | P. Lefroy |
| D. Lefroy | G. Kjellgren | R. Crabb |
| I. Tressidder | G. Mongoo | W. Reid |
| C. Cragan | R. Broadhurst | C. Cook |
| D. Kjellgren | M. Cavallaro | A. Jacobs |

M. DAVIES, Chief Executive Officer.

MAIN ROADS

MA401*

MRWA 42-83-B

MAIN ROADS ACT 1930**LAND ACQUISITION AND PUBLIC WORKS ACT 1902**

NOTICE OF INTENTION TO TAKE OR RESUME LAND

The Minister for Works hereby gives notice, in accordance with the provisions of Section 17 (2) of the Land Acquisition and Public Works Act, 1902 as amended, that it is intended to take or resume under Section 17 (1) of that Act the pieces or parcels of land described in the Schedule hereto and being all in the Williams District, for the purpose of the following public works namely, widening of the Williams-Narrogin Highway (SLK Section 0.7) and that the said pieces or parcels of land are marked off on Land Titles Office Diagram 92242 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

Schedule

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area
1.	Stephen Leslie Harold Cowcher and Raelene Shiela Cowcher	Commissioner of Main Roads vide Caveat G598928	Portion of Williams Location 13313 now contained in Diagram 92242 and being part of the land comprised in Certificate of Title Volume 2060 Folio 470	561 m ²

Schedule—*continued*

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area
2.	Jeremy Grant Ball and Lynette Anne Finch	J G Ball & L A Finch	Portion of Williams Location 13312 now contained in Diagram 92242 and being part of the land comprised in Certificate of Title Volume 2060 Folio 472	967 m ²

Dated this 5th day of November 1997.

D. R. WARNER, Executive Director, Corporate Services.

MA402*

MRWA 42-37-F

MAIN ROADS ACT 1930
LAND ACQUISITION AND PUBLIC WORKS ACT 1902
NOTICE OF INTENTION TO TAKE OR RESUME LAND

The Minister for Works hereby gives notice, in accordance with the provisions of Section 17 (2) of the Land Acquisition and Public Works Act, 1902 as amended, that it is intended to take or resume under Section 17 (1) of that Act the piece or parcel of land described in the Schedule hereto and being all in the Capel District, for the purpose of the following public works namely, widening of the South Western Highway (SLK Section 15.90-15.96) and that the said piece or parcel of land is marked off on Land Titles Office Diagram 921514 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

Schedule

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area
1.	Grant Ward Morison and Denise Tracy Morison	G W & D T Morison	Portion of Boyanup Town Lot 45 and being part of Lot 1 on Diagram 13515 now contained in Diagram 92514 and being part of the land comprised in Certificate of Title Volume 1837 Folio 253.	14 m ²

Dated this 5th day of November 1997.

D. R. WARNER, Executive Director, Corporate Services.

MA403*

MRWA 42-43-J

MAIN ROADS ACT 1930
LAND ACQUISITION AND PUBLIC WORKS ACT 1902
NOTICE OF INTENTION TO TAKE OR RESUME LAND

The Minister for Works hereby gives notice, in accordance with the provisions of Section 17 (2) of the Land Acquisition and Public Works Act, 1902 as amended, that it is intended to take or resume under Section 17 (1) of that Act the pieces or parcels of land described in the Schedule hereto and being all in the Denmark District, for the purpose of the following public works namely, widening of the South Western Highway (SLK Section 304.4-305.2) and that the said pieces or parcels of land are marked off on MRWA Drawings 9601-101 and 9601-170 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

Schedule

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx)
1.	Charles Percy Grant and Margaret Phillips Grant	C P & M P Grant	Portion of Denmark Lot 715 and portion of Denmark Lot 421 together being Lot 4 the subject of Diagram 55542 and being part of the land comprised in Certificate of Title Volume 1525 Folio 275	3 065 m ²
2.	Christopher John Wright and Elizabeth Ann Wright as joint tenants of one undivided half share and David Christopher Wright and Kathryn Joy Wright as joint tenants of one undivided half share as tenants in common	C J & E A Wright and D C & K J Wright	Portion of Plantagenet Location 2019 and being part of Lot 3 on Diagram 15267 and being part of the land comprised in Certificate of Title Volume 1974 Folio 969	1 087 m ²

Dated this 5th day of November 1997.

D. R. WARNER, Executive Director, Corporate Services.

PLANNING

PD401*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF NEDLANDS

TOWN PLANNING SCHEME No. 2—AMENDMENT No. 84

Ref: 853/2/8/4, Pt 84.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Nedlands Town Planning Scheme Amendment on November 3, 1997 for the purpose of amending the above Town Planning Scheme as follows—

Lot No	Street	Zone	Additional Use
683	Gallop Road	Residential	Two senior persons dwellings

C. E. BARNES, Mayor.
G. FAULKNER, Chief Executive Officer.

PD402*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF WANNEROO

TOWN PLANNING SCHEME No. 1—AMENDMENT No. 778

Ref: 853/2/30/1, Pt 778.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Wanneroo Town Planning Scheme Amendment on November 3, 1997 for the purpose of—

- rezoning Lot 193 (16) Blackwattle Parade, Padbury from Special Zone (Restricted Use) Medical Centre to Mixed Business.
- deleting reference to the Special Zone in Section 2 of Schedule 1 of the Scheme Text.

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

PD403

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
SHIRE OF DENMARK
TOWN PLANNING SCHEME No. 3—AMENDMENT No. 23

Ref: 853/5/7/3, Pt 23.

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 Denmark Town Planning Scheme Amendment on November 3, 1997 for the purpose of—

1. Amending Section 1 of "Appendix 13—Schedule of Tourist Zones" by—
 - (i) in the provisions of Part (A) Particulars of the Land and Part (C) Conditions of Tourist Use, replace reference(s) to *Lot 2* with reference(s) to *Lot 6*;
 - (ii) in the provisions of Part (B) Tourist Use and Part (C) Conditions of Tourist Use, replace reference(s) to "*Karri Tops Holiday Village*" with the reference(s) to "*Karri Mia Resort*";
 - (iii) in Part (C) Conditions of Tourist Use, renumber the provisions from numbers (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix) and (x) to numbers (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x) and (xi) respectively;
 - (iv) in Part (C) Conditions of Tourist Use, insert the following—
 - (i) Notwithstanding any other provisions of the Scheme, the only permitted uses (P) within the Karri Mia Resort are those related to a tourist resort and as shown on the Karri Mia Resort Development Plan (No. 92/71/2A) or any minor variation thereto approved by Council and may include—
 - (a) Holiday Accommodation
 - (b) Boarding House (including Beauty Salon)
 - (c) Caretaker's/Manager's Residence
 - (d) Office
 - (e) Cinema/Theatre (must be within building 36 on Plan 92/71/2A)
 - (f) Function Centre—maximum capacity 200 persons
 - (g) Art/Craft Display (must be within building 36 on Plan 92/71/2A)
 - (h) Restaurant—maximum capacity 100 persons
 - (i) Public Exhibition (must be within building 36 on Plan 92/71/2A)
 - (j) Home Occupation
 - (k) Private Recreation
 - (l) Utilities Room

No other use is permitted unless with the consent of Council and only when in the opinion of Council the use is ancillary to the permitted uses above.
 - (v) in part (C) Conditions of Tourist Use, insert the following provision—
 - (xii) (a) All external illumination shall be of low level, controlled spill lighting, with any variations requiring Council approval;
 - (b) Resort facilities such as the tennis court shall not be illuminated by flood lighting;
 - (c) External illumination associated with the Restaurant and the Function Centre shall not occur for more than 15 minutes after these uses cease operating at night; and
 - (d) On-site street lighting shall not be illuminated later than 10.00pm.

N. J. VERSLUIS, President.
 P. DURTANOVICII, Chief Executive Officer.

PD404*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
SHIRE OF BUSSELTON
TOWN PLANNING SCHEME No. 5—AMENDMENT No. 433

Ref: 853/6/6/6, Pt 433.

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 Busselton Town Planning Scheme Amendment on November 3, 1997 for the purpose of amending Appendix 1—Zoning Table by the following—

APPENDIX 1—ZONING TABLE

USE TYPE	USE CLASS	INDUSTRY ZONE
Community	6.25 Private Recreation	PS

B. MORGAN, President.
 M. SWIFT, Chief Executive Officer.

PD405*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
CITY OF ARMADALE

TOWN PLANNING SCHEME No. 2—AMENDMENT No. 142

Ref: 853/2/22/4, Pt 142.

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

1. Rezoning Lots 2 and 3 Chevin Road and Lots 81 and Pt 112 Peet Road, Roleystone from "Rural AP" and "Rural X" to "Rural D1".
2. Amending the Scheme Maps accordingly.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Orchard Avenue, Armadale and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including December 23, 1997.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before December 23, 1997.

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

J. W. FLATOW, Chief Executive Officer.

PD406*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
CITY OF COCKBURN

TOWN PLANNING SCHEME No. 2—AMENDMENT No. 170

Ref: 853/2/23/19, Pt 170.

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

1. Amending the Third Schedule—Restricted Use by deleting the existing wording in respect to Restricted Use No. 10 and replacing it with new wording to define two separate General Industry (Restricted Use) Areas—Marine Engineering and Marine Related Industry with appropriate descriptions of restricted uses permitted.
2. Amending the Scheme Map accordingly.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Coleville Crescent, Spearwood and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including December 23, 1997.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before December 23, 1997.

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. W. BROWN, Chief Executive Officer.

PD407*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
CITY OF WANNEROO

TOWN PLANNING SCHEME No. 1—AMENDMENT No. 794

Ref: 853/2/30/1, Pt 794.

Notice is hereby given that the local government of the City of Wanneroo has prepared the abovementioned scheme amendment for the purpose of rezoning portion of Lot 15 (1930) Marmion Avenue, Clarkson from Residential Development; Commercial; Service Station; Service Industrial; Civic; Tavern; Special Zone (Restricted Use) Medical Centre and Special Zone (Restricted Use) Community Health and Development Centre, Medical Centre and Public Worship to Centre Zone and Urban Development Zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Boas Avenue, Joondalup and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including December 23, 1997.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before December 23, 1997.

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

L. DELAHAUNTY, Chief Executive Officer.

PD408*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
SHIRE OF ALBANY

TOWN PLANNING SCHEME No. 3—AMENDMENT No. 148

Ref: 853/5/4/5, Pt 148.

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

1. Rezoning Lot 47 and Part Lot 46, Elizabeth Street, Bayonet Head from "Rural" to "Residential Development" zone as depicted on the Scheme Amendment Map.
2. Amending the Scheme Map in accordance with the Scheme Amendment Map.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Mercer Road, Albany and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including December 23, 1997.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before December 23, 1997.

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. GERAGHTY, Chief Executive Officer.

PD409*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
SHIRE OF ALBANY

TOWN PLANNING SCHEME No. 3—AMENDMENT No. 174

Ref: 853/5/4/5, Pt 174.

Notice is hereby given that the local government of the Shire of Albany has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 43 Location 4790 Elizabeth Street and Lower King Road, Bayonet Head from the Rural Zone to the Residential Development Zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Mercer Road, Albany and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including December 23, 1997.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before December 23, 1997.

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. GERAGHTY, Chief Executive Officer.

PD410

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
CITY OF BUNBURY

TOWN PLANNING SCHEME No. 6—AMENDMENT No. 191

Ref: 853/6/2/9, Pt 191.

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

1. Rezoning of Portion of Wellington Location 41 and being Lot 2 Bussell Highway, Bunbury from 'Special Use—Drive In' to 'Special Use—Commercial and Residential Development'.

2. Introducing into "First Schedule—Special Uses" of the Scheme Text, the following—

First Schedule
SPECIAL USES

Description of Land (Lot, Street etc)	Permitted Uses	Development Conditions
Lot 2 Bussell Highway	Aged Persons Dwelling Caravan Park Cinema Civic Building Consulting Rooms Day Care Centre Dwelling House Grouped Dwelling-R40 Local Shop Medical Centre Offices Professional Offices Public Assembly Showroom Warehouse Group 2 Veterinary Clinic	<p>1. All development in the "Special Use—Commercial and Residential Development" zone shall be in accordance with a comprehensive development plan approved by Council or any approved variations thereto which addresses the following requirements—</p> <ul style="list-style-type: none"> • Access and egress • pedestrian access and movement • vehicular access and movement • building height and scale • landscaping • carparking • public transport • integration with adjoining residential areas <p>2. All commercial uses within the "Special Use—Commercial and Residential Development" zone shall comply with the provisions of Part V Development Standards—Clause 5.17 (Commercial zone) in accordance with the Commercial A standards—and Part VII (carparking) and any variations as defined elsewhere in the scheme text.</p> <p>3. All residential uses within the "Special Use—Commercial and Residential Development" zone shall comply with the provisions of Part V Development Standards—Clause 5.2 (Residential Planning Codes).</p>

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Stephen Street, Bunbury and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including December 23, 1997.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before December 23, 1997.

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.

G. BRENNAN, Chief Executive Officer.

PD411*

TOWN PLANNING AND DEVELOPMENT ACT 1928

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

CITY OF BUNBURY

TOWN PLANNING SCHEME No. 6—AMENDMENT No. 203

Ref: 853/6/2/9, Pt 203.

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

1. Rezoning portion of Reserve 28032 from "Parks, Recreation and Drainage" to "Special Use—Tourist Bureau Recreation" on the Scheme Map.
2. Introducing portion of Reserve 28032 to Appendix IV First Schedule—Special Use of the Scheme together with the land use and development conditions.
3. Introducing to Appendix V—Interpretations of the Scheme Text definitions for the following—
 - (i) *Tourist Bureau*

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Stephen Street, Bunbury and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including December 23, 1997.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before December 23, 1997.

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.

G. BRENNAN, Chief Executive Officer.

PD702

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME
SHIRE OF BOYUP BROOK
TOWN PLANNING SCHEME No. 2

Ref: 853/6/19/2.

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 Boyup Brook Town Planning Scheme No. 2 on September 22, 1997 the Scheme Text of which is published as a Schedule annexed hereto.

D. I. MILLER, President.
P. R. WEBSTER, Chief Executive Officer.

SCHEDULE

SHIRE OF BOYUP BROOK
Town Planning Scheme No. 2

The Boyup Brook 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 purpose of—

- (a) reserving land required for public purposes;
- (b) zoning the balance of the land within the Scheme Area for the various purposes described in the Scheme;
- (c) providing development controls for the purpose of securing and maintaining an orderly and properly planned use and development of land within the Scheme Area;
- (d) introducing measures by which places of natural beauty and places of historic or scientific interest may be conserved; and
- (e) making provision for other matters authorised by the enabling Act.

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PART 1—PRELIMINARY

1.1 Citation

This Town Planning Scheme may be cited as the Shire of Boyup Brook Town Planning Scheme No. 2 hereinafter called “**the Scheme**” and shall come into operation on the publication of Notice of the Minister’s final approval thereof in the *Government Gazette*.

1.2 The Scheme

The Scheme shall apply to the whole of the area of land contained within the inner edge of the broken black border on the Scheme Map, hereinafter referred to as the “**Scheme Area**”, and comprises the Scheme Text, Scheme Map and Guided Development Area Plan.

1.3 Responsible Authority

The Authority responsible for implementation of the Scheme is the Council of the Shire of Boyup Brook hereinafter referred to as “**the Council**”.

1.4 Arrangement Of Scheme

The Scheme Text is divided into the following parts—

- Part 1—Preliminary
- Part 2—Reserved Land
- Part 3—Zoning Table & Planning Consent Procedure
- Part 4—Non-Conforming Uses
- Part 5—Zoning Objectives and Development Requirements
- Part 6—Heritage—Precincts and Places of Cultural Significance
- Part 7—Guided Development Area
- Part 8—Control of Advertisements
- Part 9—Administration

1.5 Scheme Objectives & Intentions

Council’s general objective is to ensure that the Scheme protects the existing agricultural base of the District whilst permitting, where appropriate, and subject to Council discretion, more intensive forms of agriculture, expansion of the economic base and increased settlement within certain parts of the District.

Council’s general intentions will be—

- (a) To reserve land required for public purposes;
- (b) To zone the balance of the land within the Scheme Area for the various purposes described in the Scheme;
- (c) To provide for reasonable expansion of residential, industrial and commercial uses based on the District’s established structure;
- (d) To protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural areas;
- (e) To zone suitable land for Special Rural development and establish the conditions under which such land may be developed and maintained;
- (f) To permit, subject to adequate controls, uses which add to, and facilitate, the District’s potential for tourism and recreational use;
- (g) To require development, under a planning consent procedure, to achieve and maintain satisfactory standards of amenity;
- (h) To provide for the co-ordination and progressive subdivision of that land generally comprised of Lots 185 and 186 and adjoining land in Knapp Street, Bridge Road, Terry Road and Gibbs Street (zoned for ‘Residential’ purposes in this Scheme), by maintaining a Guided Development Area Plan and supporting clauses in the Scheme Text which provide for—
 - (i) the subdivision of the land generally in accordance with a design shown on the Guided Development Area Plan.

- (ii) the designation of an area of Public Open Space equivalent in size to 10% of the area of the Plan or alternatively, a cash-in-lieu contribution equivalent to such 10% contribution with arrangements being made for an equitable contribution to that Public Open Space (or such cash-in-lieu contribution) by each land owner concerned.
- (iii) the equitable distribution of costs related to the extension of roads and public services to the land concerned.
- (iv) other powers associated with the implementation of the Guided Development Area Plan.
- (i) To make provision for other matters authorised by the enabling Act.
- (j) To introduce measures by which places of natural beauty and places of historic or scientific interest may be conserved.

1.6 Revocation

The Shire of Boyup Brook Town Planning Scheme No. 1, hereinafter referred to as the "Revoked Scheme," which came into operation by publication in the *Government Gazette* on the 5th October, 1984, is hereby revoked.

1.7 Interpretations

The terms used in the Scheme have the respective interpretations set out in Schedule 1 unless the context requires otherwise. Where a term is used in respect of residential development that term shall have the meaning given to it in the Residential Planning Codes.

PART 2—RESERVED LAND

2.1 Reservation Of Land & Development Thereof

2.1.1 Parts of the Scheme Area are included in Reserves as set out hereunder—

- Parks & Recreation
- Public Purposes (as denoted on the Scheme Map)
- Communications—
 - Railway Reserve
 - Major Highway
 - Important Local Road; and
- State Forest.

2.1.2 Land set aside under this Scheme for the purpose of a reservation is deemed to be reserved for the purpose indicated on the Scheme Map.

2.1.3 Except as otherwise provided in this Part, a person shall not carry out any development on land reserved under this Scheme other than the erection of a boundary fence, without first applying for, and obtaining, the written approval of the Council.

2.1.4 In considering any application, the Council shall have regard to the ultimate purpose intended for the Reserve and shall, in the case of land reserved for the purpose of a public authority, confer with that authority before giving its approval.

2.1.5 No provision of this Part shall prevent the continued use of land for the purpose for which it was being lawfully used immediately prior to the Scheme having the force of law, or the repair and maintenance for which the prior consent in writing of the Council has been obtained, of buildings or works lawfully existing on the land.

2.1.6 Where the Council refuses planning approval for the carrying out of development on reserved land 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 such injurious affection. Claims for such compensation shall be lodged in writing at the office of the Council not later than six (6) months after the date of Council's decision. In lieu of paying compensation, the Council may purchase the land affected by its decision at a price representing the unaffected value of the land at the time of the Council's decision.

PART 3—ZONING TABLE & PLANNING CONSENT PROCEDURE

3.1 Zones

3.1.1 The Scheme Area is classified and divided into 9 zones set out hereunder—

1. Residential
2. Commercial
3. Light Industrial
4. General Industrial
5. Rural
6. Urban
7. Special Rural
8. Additional Use
9. Special Use

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

3.2 Policies, General Aims & Objectives Of Zones

The Scheme Area is divided into Policy Areas and Zones. Each Policy Area is the subject of policy statements relating to the predominant use and strategy for future development of the Policy Area.

3.2.1 Rezoning

Where, in the opinion of the Council, a proposal for rezoning of land is inconsistent with the policy or policies or the strategy for future development of the area, the Council shall—

- (i) not proceed with the rezoning on the grounds that it is inconsistent with policy; or

- (ii) resolve to amend the Scheme in respect of the Policy Area after reviewing the implications and desirability of such rezoning.

3.2.2 Policies

The following statements of planning policy relate to the Policy Areas shown on the Scheme Maps and Map 1 (the Boyup Brook Townsite Policy Area Map) forming part of this Scheme.

3.2.2.1 Boyup Brook Townsite—Central

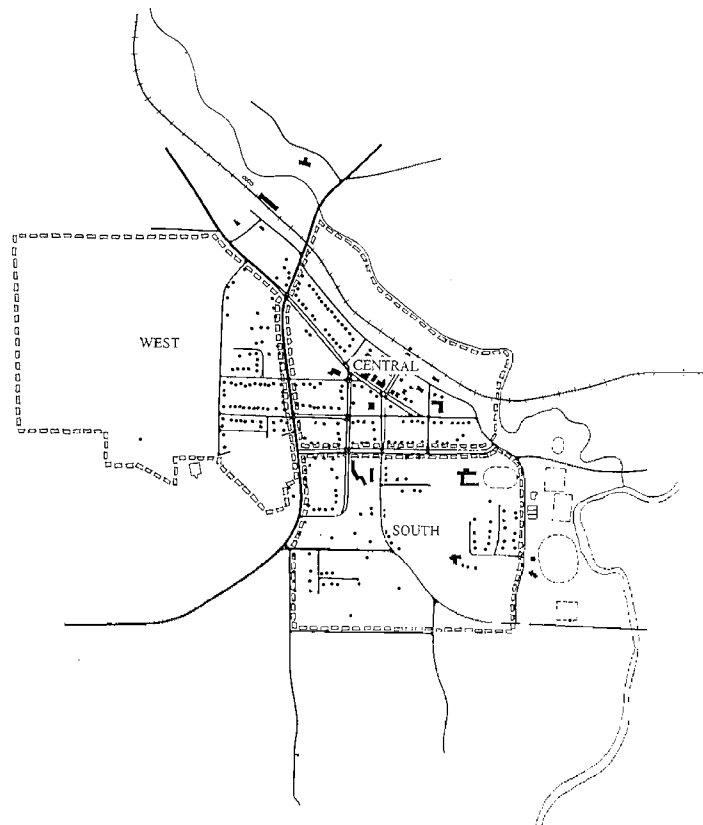
Whereas this area contains the town centre and the majority of the older urban development, the following planning policy shall apply—

- (i) The town centre shall be predominantly located within the bounds of, and including those properties fronting Inglis Street, Railway Parade, Dickson Street and Forrest Street.
- (ii) Consolidation and enhancement of the town centre (as defined at paragraph (i) above) shall be promoted and Council shall not generally support proposals for commercial and/or office development within the Shire outside of that area except where it considers such proposals as appropriate within the Urban zone.
- (iii) Residential and commercial development shall be the predominant uses associated with this Policy Area.

3.2.2.2 Boyup Brook Townsite—West

Whereas this area has been partly settled as a residential area and whereas industrial uses have established here and whereas Abel Street and Jayes Road will remain as important local roads, the following planning policy shall apply—

- (i) Residential development shall be the predominant use in the area.
- (ii) Light industrial uses shall be secondary to the predominant use and shall comply with standards consistent with the amenity of the nearby residential area.
- (iii) Council shall not generally support proposals for Special Rural rezoning and subdivision within the area unless it can be demonstrated, to the satisfaction of the Council, that the subdivision of land for rural-residential purposes can, in the future, be further subdivided into residential lots for the purposes of accommodating townsite expansion.



3.2.2.3 Boyup Brook Townsite—South

Whereas this area contains the pre-primary, primary and district high schools and the hospital and whereas further residential development could take place within this area, the following planning policy shall apply—

- (i) Residential development shall be the predominant use in the area.

3.2.2.4 Special Rural Policy Area

Whereas this area has been partly developed as a 'Special Rural' area and whereas a plantation has been established on Nelson Location 734 Banks Road and whereas further 'Special Rural' development could take place within this area, the following planning policy shall apply—

- (i) Special Rural development shall be the predominant use in the area and shall be in accordance with those provisions laid down in Clause 5.3.
- (ii) Council shall not generally support proposals for the rezoning of land outside the policy area to the 'Special Rural' zone.

3.3 Requirement for Planning Approval and Zoning Table

3.3.1 In order to give full effect to the provisions and objectives of this Scheme, all development, including a change in the use of land, except as otherwise provided, requires the prior approval of the Council in each case. Accordingly, no person shall commence or carry out any development, including a change in the use of any land, without first having applied for and obtained the planning approval of the Council pursuant to the provisions of this Part.

3.3.2 The Planning approval of the Council is not required for the following development of land—

- (i) The use of land in a reserve, where such land is held by the Council or vested in a public authority;
 - (a) for the purpose for which the land is reserved under the Scheme; or
 - (b) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.
- (ii) The use of land which is a permitted ("P") use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works.
- (iii) The erection of a boundary fence except as otherwise required by the Scheme.
- (iv) The erection on a lot of a single dwelling house, including ancillary outbuildings, in a zone where the proposed use is designated with the symbol "P" in the cross reference to that zone in the Zoning Table, except where otherwise provided by the Scheme.
- (v) 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.
- (vi) 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.
- (vii) The carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

3.3.3 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the various zones with such uses being determined by cross reference between the use classes on the left hand side of the table and the zones at the top of the table.

3.3.4 The symbols used in the Zoning Table have the following meanings—

- 'P' A use that is permitted subject to compliance with all requirements of this Scheme.
- 'AA' A use which Council, in exercising the discretionary powers available to it, may approve under this Scheme.
- 'SA' A use that is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 3.5.
- 'IP' A use that is not permitted unless such use is shown to be incidental to the predominant use of the land as may be determined by Council.
- '—' A use that is not permitted under this Scheme.

3.3.5 Notwithstanding that uses may be acceptable pursuant to the provisions of Clause 3.3.4 and the Zoning Table, nothing in this section shall prevent the Council from granting planning consent subject to conditions, whether in principle or otherwise, in relation to the layout, design, height, siting or general appearance of the development.

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

3.3.7 In respect of uses and development which are not specifically mentioned in the Zoning Table, and which could not be reasonably determined as falling within the interpretations of one of the use classes listed, the Council may—

- (a) determine that the use is consistent with the objectives and purposes of the Zone and thereafter follow the 'SA' procedures of Clause 3.5 in considering an application for planning approval.
- (b) determine that the use is not consistent with the objectives and purposes of the Zone and is therefore not permitted.

3.4 Planning Consent Procedure

3.4.1 Every application for planning approval shall be made in the form prescribed in Schedule 10 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

3.4.2 Unless Council waives any particular requirement every application for planning approval shall be accompanied by—

- (a) a plan or plans to a scale of not less than 1:500 showing—
- (i) street names, Lot number(s), north point and the dimensions of the site;
 - (ii) the location and proposed use of the site, including any existing building to be retained and proposed buildings to be erected on the site;
 - (iii) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (iv) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (v) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (vi) the location, dimensions, and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
 - (vii) the nature and extent of any open space and landscaping proposed for the site.

TABLE 1
Zoning Table

ZONES—	ZONES								
	1. Residential	2. Commercial	3. Light Industrial	4. General Industrial	5. Rural	6. Urban	7. Special Rural	8. Special Use	9. Additional Use
<u>Residential Uses</u>									
Single House	P	AA	-	-	P	P			
Group Dwelling	AA	AA	-	-	-	AA			
Caretaker's House	-	IP	IP	IP	AA	AA			
Home Occupation	AA	-	-	-	AA	AA	R	R	R
Residential Building	SA	AA	-	-	AA	AA	E	E	E
							F	F	F
							E	E	E
<u>Tourist Uses</u>									
Camping Area	-	-	-	-	AA	AA	R	R	R
Caravan Park	-	-	-	-	AA	AA			
Holiday Cottage	-	-	-	-	AA	AA			
Holiday Cottages	-	-	-	-	SA	AA			
Motel	-	AA	-	-	-	AA			
<u>Commercial Uses</u>							T	T	T
Car Park	-	AA	AA	AA	AA	AA	O	O	O
Consulting Room	SA	AA	AA	-	IP	AA			
Dry Cleaning Premises	-	AA	AA	-	-	AA			
Fast Food Outlet	-	AA	AA	-	-	AA			
Funeral Parlour	-	AA	AA	-	-	AA	S	S	S
Hotel	-	SA	-	-	SA	AA	C	C	C
Laundromat	-	AA	AA	-	-	AA	H	H	H
Liquor Store	-	AA	AA	-	-	AA	E	E	E
Medical Clinic	SA	AA	AA	-	-	AA	D	D	D
Office	-	P	IP	IP	-	AA	U	U	U
Plant Nursery	-	AA	AA	-	AA	AA	L	L	L
Professional Office	AA	P	IP	-	IP	AA	E	E	E
Restaurant	-	P	-	-	AA	AA			
Service Station	-	AA	SA	-	SA	AA			
Shop	-	P	-	-	-	AA			
Showroom	-	AA	AA	-	-	AA			
Tavern	-	P	SA	-	-	AA	3	4	5
Trade Display	-	AA	AA	IP	-	AA			
Vehicle Sales Premises	-	AA	AA	-	-	AA			
Wayside Stall	-	AA	-	-	AA	AA			
<u>Industrial Uses</u>									
Cottage Industry	AA	AA	P	-	AA	AA			
Factory Unit	-	-	P	P	-	AA			
Fuel Depot	-	-	AA	AA	-	-			
Industry—									
Extractive	-	-	-	-	SA	-			
General	-	-	-	AA	-	-			
Hazardous	-	-	-	SA	-	-			
Light	-	-	P	P	-	AA			

USE CLASS	ZONES								
	1	2	3	4	5	6	7	8	9
Noxious	-	-	-	AA	-	-			
Rural	-	-	AA	AA	P	AA			
Service	-	AA	P	-	-	AA			
Milk Depot	-	AA	AA	-	SA	AA			
Motor Vehicle Repairs	-	AA	AA	-	AA	AA	R	R	R
Motor Vehicle Wrecking	-	-	AA	AA	SA	AA	E	E	E
Parking—Commercial Vehicles	SA	IP	P	P	IP	AA	F	F	F
Parking—Heavy Haulage Vehicles	-	IP	P	P	IP	AA	E	E	E
Transport Depot	-	-	AA	AA	P	AA	R	R	R
Warehouse	-	P	P	P	AA	AA			
Woodyard	-	-	P	P	AA	AA			
Public & Community Uses									
Art Gallery	AA	P	-	-	IP	AA	T	T	T
Cemetery	-	-	AA	AA	AA	-	O	O	O
Civic Building	AA	P	-	-	AA	P			
Child Care Centre/Kindergarten	SA	AA	AA	-	SA	AA			
Educational Establishment	AA	AA	AA	-	AA	AA			
Health Centre/Studio	SA	AA	-	-	AA	AA			
Hospital	SA	-	-	-	AA	AA	S	S	S
Museum	-	AA	-	-	AA	AA	C	C	C
Place of Public Assembly	AA	AA	-	-	AA	AA	H	H	H
Place of Public Worship	AA	AA	-	-	AA	AA	E	E	E
Private Club	-	P	AA	-	AA	AA	D	D	D
Public Amusement	-	P	AA	-	AA	AA	U	U	U
Public Utility	AA-	AA	AA	AA	AA	AA	L	L	L
Radio/TV Installation	-	AA	AA	AA	AA	AA	E	E	E
Rural Uses									
Afforestation	-	-	-	-	P	-			
Intensive Agriculture	-	-	-	-	P	-			
Kennels	-	-	AA	-	SA	-	3	4	5
Market Garden	-	-	-	-	P	-			
Piggery	-	-	-	-	AA	-			
Poultry Farm	-	-	-	-	AA	-			
Rural Pursuit	-	-	-	-	P	-			
Stables-commercial	-	-	-	-	AA	-			
Veterinary Clinic	-	AA	AA	-	AA	AA			
Veterinary Hospital	-	-	AA	-	AA	-			
Intensive Stock Rearing	-	-	-	-	SA	-			

(b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain; and

(c) any other plan or information that the Council may reasonably require to enable the application to be determined.

3.4.3 In considering any application Council shall have regard to—

- (i) comments submitted in response to advertising and consultation;
- (ii) the objectives and provisions of this Scheme;
- (iii) the likely impact of the development on the locality;
- (iv) the design and external appearance of any new building and its effect on the existing and future amenity of the locality; and
- (v) any other matters which the Council considers relevant.

3.4.4 The Council may approve or refuse applications for planning consent. In granting its approval, the Council may impose any condition(s) it thinks fit including a time limit whereafter the approval shall lapse if development has not been completed and the Council has not granted an extension of such time limit.

3.4.5 If the Council has not determined an application submitted in terms of Clause 3.4.2 within sixty days of the receipt of such application or any extension of time granted in writing by the Applicant, the application is deemed to have been refused.

3.4.6 Where Council does not impose a specific time limit on planning consent that consent shall be deemed to have a time limit of two years from the date of Council's decision.

3.5 Advertising of Applications

3.5.1 Where an application is made for planning approval to commence or carry out development which involves an 'SA' use, the Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause 3.5.3.

3.5.2 Where an application is made for planning approval to commence or carry out development which involves an 'AA' use, or any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 3.5.3.

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

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

3.5.4 The notice referred to in sub-clause 3.5.3 (a) and (b) shall be in the form contained in Schedule 11 with such modifications as circumstances require.

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

3.6 Power to Relax Development Standards

3.6.1 Except for development in respect of which the Residential Planning Codes apply under this Scheme, if a development the subject of an application for Planning Consent does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, set backs, site coverage, car parking, landscaping and related matters, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that—

- (i) approval of the proposed development would be consistent with the orderly and proper planning of the district and the preservation of the amenity of the district.
- (ii) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the general population of the district, and
- (iii) the spirit and purpose of the standard or requirement will not be unreasonably departed from.

PART 4—NON CONFORMING USES

4.1 Non-Conforming Use Rights

No provision of the Scheme shall prevent—

4.1.1 the continued use of premises or land for the purpose(s) for which they were being lawfully used at the *Gazettal* Date of the Scheme; or

4.1.2 the carrying out of any development for which, immediately prior to that time, a permit or permits required under the Act and any other law authorising the development to be carried out have been duly obtained and are current.

4.2 Alteration Or Extension Of Non-Conforming Use

4.2.1 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, Council's Planning Consent and unless in conformity with any other provisions and requirements contained in the Scheme.

4.2.2 Subject to approval being granted by Council in accordance with sub-clause 4.2.1, buildings may be extended by a maximum of 10% of the floor area of the building extant at the time of *gazettal* of this Scheme.

4.2.3 Notwithstanding the provisions of sub-clause 4.2.2, Council may approve an extension in excess of 10% of the floor area for business premises where it is satisfied that such extension will not impact upon the amenity of adjoining land.

4.3 Discontinuance Of Non-Conforming Use

4.3.1 When a non-conforming use of premises has been discontinued for a period of six months or more the premises shall not thereafter be used otherwise than in conformity with the Scheme.

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

4.4 Destruction Of Buildings

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

4.5 Schedule Of Non-Conforming Uses

All non-conforming uses resulting from the Scheme are recorded in Schedule 2.

PART 5—ZONING OBJECTIVES & DEVELOPMENT REQUIREMENTS

5.1 Residential Zone

The Residential Zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population. All other uses approved within this zone under the provisions of this Scheme shall be compatible with this basic objective.

5.1.1 Residential Development—Residential Planning Codes

5.1.1.1 For the purpose of this Scheme “Residential Planning Codes” means the Residential Planning Codes of Western Australia as set out in Appendices 2 and 3 to the Statement of Planning Policy No. 1 together with any amendments thereto.

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

5.1.1.3 Residential densities for the purposes of the Residential Planning Codes are illustrated on the Scheme Map.

5.1.2 Residential Planning Codes—Variations and Exclusions

5.1.2.1 In the area coded R15, the R10 development standards shall apply to single dwellings unless the specified development is connected to an approved Aerobic Treatment Unit to the satisfaction of Council.

5.1.2.2 For the development of not more than two grouped dwellings Council may, in a particular case, but only where such dwellings are connected to an approved Aerobic Treatment Unit to the satisfaction of Council, modify the development standards to the R17.5 Residential Planning Code.

5.1.2.3 The minimum number of car parking spaces for each dwelling unit shall be two.

5.1.3 No cattle, horses, sheep, goats or other fauna considered by Council to be more appropriate to the Rural and Special Rural Zones shall be kept in the Residential Zone unless Council approves otherwise.

5.2 Rural Zone

The Rural Zone is intended primarily for the preservation of agriculturally significant land. Land within the Scheme Area is capable of high levels of agricultural production and is therefore a valuable resource worthy of protection. Council shall therefore seek to ensure that no action is taken to jeopardise that potential.

5.2.1 In considering applications for subdivision, rezoning and planning consent in the Rural zone, Council shall have regard to—

- (i) the need to protect the agricultural practices of the Rural zone in light of its importance to the District's economy;
- (ii) the need to protect the area from uses which will reduce the amount of land available for agriculture;
- (iii) the need to preserve the rural character and rural appearance of the area; and
- (iv) where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land's suitability and capability for further development.

5.2.2 Council shall encourage the continued use of land within the Rural Zone for the entire spectrum of broadacre and intensive rural activities except in close proximity to the town where such activities, by their very nature, may detract from the residential and environmental quality within the town.

5.2.3 Council, in considering the granting of approval to afforestation in the Rural Zone will take into account the landscape and amenity of the area, and may refuse to grant approval for the planting of tree species which it does not consider to be appropriate for the area.

5.2.4 With a view to protecting the agricultural base of the District, Council shall discourage the wholesale planting of broadacre rural holdings for afforestation and shall instead, encourage the diversification of rural activities.

5.2.5 No building development shall be located within 10 metres of any boundary of a lot in the Rural Zone.

5.2.6 Not more than one single dwelling house may be erected and occupied on a lot within the Rural Zone except where Council is satisfied that an additional house is necessary or desirable for the continuation of bona fide agricultural activity.

5.3 Special Rural Zone

The Special Rural Zone is intended primarily to accommodate rural residential retreats and hobby farms. Council's objective within the Special Rural zone shall be to permit the progressive rezoning and subdivision of land included within the Special Rural Policy Area (as defined on the Scheme Maps) subject to such proposals being consistent with Council's overall planning requirements and planning objectives. All development in the Special Rural Zone shall be conducted in a manner that preserves local amenity and the natural landscape or rural character of the zone.

5.3.1 Before making provision for a Special Rural Zone Council will prepare or require the owner(s) of the land to prepare a submission supporting the creation of the Special Rural Zone and such submission shall include—

- (i) Preparation of a structure plan demonstrating how the land is to be developed and that the subject proposal will not prejudice the future development of adjoining or surrounding land.
- (ii) The reasons for selecting the particular area of the proposed zone.
- (iii) A detailed land capability analysis of the site (to the satisfaction of the Department of Agriculture) demonstrating the land's suitability for rural residential development.
- (iv) 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, lakes, rivers, creeks, swamps, orchards, wells and significant improvements.

- (v) Information regarding the method whereby it is proposed to provide a potable water supply and a secondary water supply to each lot.
 - (vi) The proposed staging of the subdivision (where relevant).
 - (vii) A schedule of permitted uses, development requirements and management provisions to be adopted by Council and incorporated into Schedule 3 of the Scheme Text.
 - (viii) Any other matter Council considers to be relevant.
- 5.3.2 The Scheme provisions for a specific Special Rural Zone shall include—
- (a) a plan of subdivision specifying—
 - (i) The proposed ultimate lot yield including approximate lot size and dimensions.
 - (ii) Areas to be set aside for Public Open Space (consistent with the Western Australian Planning Commission's Rural Land Use Planning Policy), pedestrian access ways, cycle ways, horse trails, community facilities etc, as may be considered appropriate.
 - (iii) Those physical features it is intended to conserve.
 - (b) The facilities which the purchasers of the lots will be required to provide (eg—their own potable water supply, liquid and solid waste disposal systems, etc.)
 - (c) Controls over land usage and development which will ensure that the purpose or intent of the Zone and the rural environment and amenity are not impaired.
 - (d) Any special provisions which Council considers appropriate to secure the objectives of the Zone.
 - (e) The measures proposed to control the threat of bush fires and methods of fire management and control.

5.3.3 Except where a reticulated water supply is provided, a person shall not construct a dwelling unless a roof water storage tank of minimum capacity of 92,000 litres or other type of domestic water supply approved by the Council is incorporated in the approved plans and constructed at the same time as the dwelling. No dwelling shall be considered fit for human habitation unless a tank has been installed and is operating.

5.3.4 The land is to be managed in such a manner as to avoid it being laid bare of vegetation. Land shall not be cleared of trees except where necessary to permit the construction of buildings or where trees are dead and pose a hazard to safety.

5.3.5 A person shall not, without the prior consent of the Council, remove, cut down, lop (other than for pruning) or damage a tree or shrub on any land within a Special Rural Zone including street verges unless for the purpose of firebreaks. Where the Council grants its consent, it may impose conditions requiring the planting of suitable replacement mature trees or shrubs at the cost of the applicant.

5.3.6 Other than where a building envelope is shown on any Special Rural lot, no building or development shall be located within 15 metres of the front boundary and within 10 metres of any other boundary for any Special Rural lot.

5.3.7 Refer to Council's policy "Relocated Dwellings" regarding relocated dwellings and the use of second hand building materials.

5.3.8 Notwithstanding that a building or works may conform in all respects to the provisions of this Scheme, the Council may require alterations to the proposed building if it considers that the proposed building or works would be likely to seriously impact upon the amenity or the visual appearance of the area.

5.3.9 A building may not be constructed within the Special Rural Zone of materials which, in the opinion of the Council, are undesirable for the locality.

5.3.10 With the intention of preventing over-stocking or other practices detrimental to the amenity within the Special Rural Zone, intensive agriculture pursuits and the breeding or keeping of animals for commercial gain shall not be permitted without approval in writing of the Council. In giving approval under this clause, the Council may impose limits on stocking rates, particularly in relation to cattle, horses, pigs, sheep and goats, protection of existing vegetation or any other conditions it deems fit and may vary such conditions in the light of prevailing seasonal conditions.

5.3.11 The minimum standard of fencing in the Special Rural Zone shall be 1.4 metre post and 4 strand wire or such similar materials as approved by Council but such materials as asbestos, metal sheeting or wooden pickets shall not be used.

5.3.12 In addition to the provisions of this section, development and uses permitted within a particular Special Rural Zone shall be subject to any provisions as listed in Schedule 3 of this Scheme. In the event of there being any inconsistency between the provisions of the Scheme and those laid down in Schedule 3, the provisions relating to specific land in Schedule 3 shall prevail.

5.4 Urban Zone

5.4.1 Council's objective within the Urban zone is to provide for, and encourage, urban development within each of the satellite towns distributed throughout the Shire so zoned. Council's primary objective for the zone is to encourage and foster development while protecting the residential environment from conflicting uses. In considering applications for the development of land within this zone Council, in exercising its discretion, shall—

- (i) seek to ensure the separation of incompatible land uses.
- (ii) ensure the capacity of existing services, facilities and infrastructure (including water supply) to accommodate such development.
- (iii) determine within which land use class the proposed form of development shall be classified and apply the development standards applicable to that use or any other development standard Council may consider appropriate.

5.4.2 Residential development within the Urban zone shall be subject to the standards applicable to the R15 density code and the provisions of Clauses 5.1.2 and 5.1.3 shall apply to residential development within the Urban zone.

5.4.3 Where proposed lots are less than 2000m² in area, Council shall require that the land be connected to a reticulated water supply. Where a reticulated water supply is not available, nor in reasonable prospect to service proposed lots, Council shall require each dwelling to be provided with a supply of potable water from an underground bore or a rainwater storage tank with a minimum capacity of 92,000 litres to Council's satisfaction.

5.5 Other Zones

Council's general objectives are set out hereunder for the following zones—

- (i) Commercial Zone
- (ii) Light Industrial Zone
- (iii) General Industrial Zone

The minimum development standards set out in Table 2 of this Scheme shall apply to all development within these zones.

5.5.1 Commercial Zone—The Commercial Zone is intended primarily to ensure that the Town Centre continues to function effectively as the location of the District's commercial and civic activity, that the uses approved therein will be compatible with the objectives and function, and with enhancement of the Centre's activity, appearance and movement systems.

5.5.2 Light Industrial Zone—The Light Industrial Zone is intended primarily for a wide range of industrial activities that are not of a scale or intensity that would be regarded as General Industry. Light Industrial activities are those which would not be detrimental to the local amenity of the area and which would not cause nuisance by way of noise, smell, dust, vibration or unsightliness.

5.5.3 General Industrial Zone—The General Industrial Zone is intended primarily to provide for industrial development which would be obtrusive in, or detrimental to the amenity of, the Light Industrial Zone.

5.6 Special Use & Additional Use Zones

5.6.1 Special Use Zone

The portions of the Scheme Area specified in Schedule 4 are classified as being within the Special Use zone for the uses or purposes set against such land therein. Land included within Schedule 4 shall be delineated on the Scheme Maps as being within the Special Use zone in accordance with the Scheme Map legend.

5.6.2 Additional Use Zone

The portions of the Scheme Area specified in Schedule 5 are classified as Additional Use zones.

- 5.6.2.1 Notwithstanding that a parcel of land described in Schedule 5 is within another zone, the land or any building or structure thereon may be used for the purpose set against that parcel of land in Schedule 5 in addition to the other uses permitted in the zone in which the land is situated.

5.7 Corner Lot Setbacks

Except where the provisions of the Residential Planning Codes apply, where a site has more than one street frontage the Council may determine which shall be regarded as the front for the purpose of the setbacks prescribed in Table No. 2 and may permit the observance of setbacks of one half of those specified in respect of the other street frontages.

Table No. 2
MINIMUM DEVELOPMENT STANDARDS
OTHER ZONES (CLAUSE 5.5)

Zone	Minimum Lot Size	Minimum Frontage	Minimum Setbacks			Remarks
			Front	Side	Rear	
Commercial	—	5m	Nil	Nil	Nil	Setbacks as per Building Code of Australia
Light Industrial	1,000 m ²	20 m	5	3	3	Fencing and Landscaping as per Council's requirements
General Industrial	2,000 m ²	20 m	11	10	5	Fencing and Landscaping as per Council's requirements

5.8 Traffic Entrances

The Council, where it considers it desirable, and in the interests of traffic safety, may direct the owner of any lot to provide such additional access as it requires.

5.9 Fencing

In instances where lots have a common boundary with public open space or other public places, the Council will require uniform fencing treatment constructed of a 1.5 metre high super six sheeting unless, in respect of a group of lots, some alternative type of fencing is proposed by the owners and approved by the Council.

5.10 Car Parking

5.10.1 The number of car parking spaces to be provided for specific development shall be in accordance with Table 3. Where development is not specified in Table 3 the Council shall determine the parking standard.

5.10.2 Except for car parking spaces required for residential purposes, car parking must be provided pursuant to the provisions of this Scheme and shall be laid out and constructed generally in accordance with the parking layouts depicted in Schedule 6. Where the angles of proposed car parking vary from Schedule 6, Council may determine the width of the manoeuvring aisle which in no case shall be less than four metres.

5.10.3 Car parking bays shall be capable of use independently of each other.

5.10.4 All driveways and parking areas shall be constructed to Council's satisfaction with appropriate measures for drainage and disposal of surface water.

Table No. 3
CAR PARKING REQUIREMENTS

Development	Minimum Number of Spaces
Attached House	2 spaces per dwelling
Caravan Park	1.25 spaces per unit, bay or tent site
Child Care Centre	1 space per employee plus 2 extra spaces for the picking up and setting down of persons
Consulting Rooms	3 spaces per practitioner
Grouped Dwelling	2 spaces per dwelling
Hospital	1 spaces per patient and bed
Hotel	1 space per bedroom plus 1 space per 25m ² of retail floor area
Office	1 space per 30m ² gross floor area
Place of Assembly	1 space per 4 persons accommodated
Public Worship	1 space per 4 persons accommodated
Restaurant	1 space per 25m ² of retail floor area
Retail Nursery	1 space per 100m ² of gross floor space
Service Station	2 spaces per service bay
Shop	1 space per 25m ² of retail area
Single House	2 spaces
Tavern	1 space per 25m ² of retail floor area
Vehicle Sales Premises	1 space per 200m ² of site area
Warehouse	1 space per 100m ² of gross floor space
Workshop	1 space per 100m ² of gross floor space

5.11 Protection Of Amenity

No building shall be so constructed, finished or left unfinished that its external appearance would, in the opinion of the Council, detract from the visual amenity of the locality or have the potential to depreciate the value of adjoining property. All land and buildings shall be used and maintained as to preserve the local amenity to the satisfaction of the Council.

5.12 Nuisance

No land, building or appliance shall be used in such a manner as to permit the escape therefrom of smoke, dust, fumes, odour, noise, vibration or waste products in such quantity or extent, or in such a manner as, in the opinion of the Council, will create, or be a nuisance to, any inhabitant or to traffic or persons using roads in the vicinity.

5.13 Landscaping

Landscaping shall be undertaken and maintained to Council's satisfaction for all development unless, in the opinion of the Council, such landscaping is considered unnecessary. Such landscaping shall generally be located in such positions on a site or sites so as to enhance the appearance of any development or screen from view any parking area, open storage area, drying areas and any other space which, by virtue of its use, is likely to detract from the visual amenity of the surrounding area.

5.14 Land Liable To Flooding

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

5.15 Maximum Building Height

No site shall be developed or building constructed to contain more than two storeys or exceed 10 metres in height measured to the highest proportion of the building from mean natural ground level, or such other ground level, as may be determined by Council.

Council may vary this requirement if it can be satisfied the development can comply with the development standards and—

- (a) Will not restrict light, sunshine and natural ventilation enjoyed by surrounding properties.
- (b) Will not intrude upon the privacy enjoyed by surrounding properties by virtue of overview.
- (c) Will not diminish views or outlook available from surrounding properties.
- (d) Is sympathetic with the scale and character of the surrounding built environment.

5.16 Privacy

In considering a development proposal, Council shall have regard to its likely impact on privacy enjoyed by neighbouring developments and may impose conditions regarding the size, location and design of balconies, windows overlooking adjoining back yards or private spaces.

5.17 Re-sited/Transportable Residences

Where a re-sited or transportable residence is established on a lot, Council may require the subfloor area of the building to be enclosed with brick, stone, vermin battens or by other means acceptable to the Council and, where the building is considered by Council to be exposed, or in a position such as to be visually prominent, Council may require satisfactory landscaping measures to be carried out.

5.18 Afforestation

Council shall require, as a condition of its planning approval, the preparation of a fire management plan for all applications for plantations within the Scheme Area.

5.19 Remnant Vegetation

Where, in the opinion of Council, and with the advice of the Department of Agriculture, land, the subject of an application to subdivide or commence development, is degraded, Council may require the land owner to undertake such measures to rehabilitate the land to a satisfactory standard and to protect it from further degradation.

PART 6—HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE

6.1 Purpose and Intent

6.1.1 The purpose and intent of the heritage provisions are—

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

6.2 Places Of Natural Beauty, Historic Buildings & Objects Of Historical Or Scientific Interest

6.2.1 The Council shall establish and maintain a Heritage List of places considered by the Council to be of heritage significance and worthy of conservation.

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

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

6.3 Designation of Heritage Precincts

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

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

- (a) a map showing the boundaries of the precinct;
- (b) a list of places of heritage significance;
- (c) objectives and guidelines for the conservation of the precinct.

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

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

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

6.3.5 The Council may modify or may cancel a heritage precinct or any policy statement which relates to it by following the procedure set out in sub-clause 6.3.4 above.

6.4 Applications for Planning Approval

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

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

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

6.4.4 For the purposes of clause 6.1 of the Scheme the term 'development' shall have the meaning as set out in the Town Planning and Development Act (as amended) but shall also include, in relation to any place entered in the Heritage List or contained within a heritage precinct, any act or thing that is likely to significantly change the external character of the building, object, structure or place.

6.5 Formalities of Application

6.5.1 In addition to the application formalities prescribed in clause 6.4 and any formalities or requirements associated with applications for planning approval contained in any other provision of the Scheme, the Council may require an applicant for planning approval, where the proposed development may affect a place of cultural heritage significance or a heritage precinct, to provide one or more of the following to assist the Council in its determination of the application—

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

6.6 Variations to Scheme Provisions

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

- (a) consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to clause 3.5; and
- (b) have regard to any expressed views prior to making its decision to grant the variation.

6.6.2 In granting variations under sub-clause 6.6.1 the Council may enter into a heritage agreement under Part 4 of the Heritage of Western Australia Act 1990 with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

PART 7—GUIDED DEVELOPMENT AREA

7.1 The Subject Land

The provisions of this Part relate to the area (hereinafter referred to as the 'Development Area') shown upon the Guided Development Area Plan (hereinafter referred to as the 'Development Plan' and included as Map 2 forming part of this Scheme) and in respect of which land Council will co-ordinate and guide future subdivision and development.

7.2 General Objectives

- (a) to facilitate, co-ordinate and promote the progressive subdivision of the land within the Development Area.
- (b) to indicate a pattern of subdivision which the Council will pursue unless an alternative or modified design is proposed and approved by Council pursuant to the following provisions of this Part.
- (c) to set aside land for Public Open Space and vesting the same in the Crown as a Reserve for Recreation.
- (d) to provide for the sharing of the costs of the Development Plan among land owners.
- (e) to provide for the proper drainage of those parts of the Development Area that require drainage, including the provision of satisfactory connections to other drainage systems outside the Development Area.
- (f) to provide the Council with the power to resume land where necessary to achieve the objectives of the Development Plan.

7.3 Method By Which Objectives Are To Be Achieved

7.3.1 Subdivision

In general, the Council will not seek to compel an owner to subdivide his land unless the failure to do so would, in the Council's view, impede the progressive implementation of the Development Plan.

Subdivision and development of land within the Development Area shall be carried out generally in accordance with the plan of subdivision shown on the Development Plan or in accordance with

alternative plans of subdivision which may be approved by the Western Australian Planning Commission provided that any such approval is only given—

- (i) where the Western Australian Planning Commission, following consultation with the Council, is satisfied that the objectives of the Development Plan will still be capable of achievement;
- (ii) where it can be demonstrated that the alternative form of subdivision will not prejudice the proper and/or orderly subdivision of the remainder of the land within the Development Area, in accordance with a revised overall plan indicating the manner on which coordinated subdivision may be achieved, together with the provision of services, and in particular, surface water drainage. Subdivision and Development pursuant to this Clause may be carried out—
 - (a) by the owners of the land;
 - (b) by groups of owners of the land;
 - (c) by the Council, being an owner of land within the Development Area acquired pursuant to the provisions of this Scheme; or
 - (d) by any body or corporation appointed by the owners of land within the Development Area of the Council for the purpose of developing that land.

7.3.2 Roads and Footways

- (i) Upon the grant by the Western Australian Planning Commission of its final approval to a plan of subdivision, any owner of land within the Development Area, when subdividing his/her land shall—
 - (a) Make available all land necessary for all roads, rights of way, footways and pedestrian access ways and,
 - (b) subject to the following clauses, carry out all work necessary for the survey, construction, paving and drainage of all roads, rights of way and pedestrian access ways, or
 - (c) pay the Council the cost of all or part of such work he/she may request the Council to carry out on his/her behalf.
 - (d) in cases where existing lots have frontage to Terry Road and Gibbs Street, pay to the Council one half ($\frac{1}{2}$) of the cost of constructing these roads to the same standard as those new roads within the Development Area.
- (ii) Where work involving the survey, construction, paving and drainage of any road, right of way, footway, or pedestrian access way is carried out by an owner on his/her land, but such work serves or benefits other land within the Development Area, then the owners of the land so served or benefited shall contribute to the cost of such works in such proportions as the Council may, at its discretion, determine. In the event that the owners of the land and the Council are unable to agree upon the proportion of the costs payable by each of them, the amount (if any) payable by each owner shall be determined by arbitration in the manner hereinafter provided.
- (iii) The Council may survey, construct, pave and drain any new roads and footways within the Development Area and acquire the land necessary for that purpose. If the Council does so prior to the subdivision of the land adjoining such road or footway, the costs of the survey, construction, paving and drainage of the said road or footway and all compensation and other costs consequent upon the acquisition of the land shall be paid to the Council by owners of the land adjoining the road or footway in accordance with the foregoing provisions prior to the grant by the Western Australian Planning Commission of final approval to the subdivision of this land or at such later date as may be agreed in writing between the subdivider and the Council.
- (iv) If any owner subdivides his/her land and if he/she or any predecessor in title, has claimed, or has been paid compensation for a new road or footway within the Development Area, he/she shall, before the final approval by the Western Australian Planning Commission to his/her plan of subdivision, release the Council from the compensation paid by it to him/her, to his/her predecessors in title as the case may be.

7.3.3 Public Open Space

- (i) It is intended that the land shown as 'Public Open Space' on the Development Plan shall be vested in the Crown as a Reserve for Recreation.
- (ii) The Council may, as and when it deems fit, acquire the said land shown as Public Open Space, or any parts thereof, either by purchase or resumption or partly by one another.
- (iii) When land set aside for Public Open Space pursuant to this Development Plan has been acquired by Council and the surrounding subdivision has been completed, Council shall vest such Public Open Space in the Crown as a Reserve for Recreation.
- (iv) Each owner of land, upon final approval by the Western Australian Planning Commission to the Diagram or Plan of Survey giving effect to the subdivision of his/her land or any part thereof, and subject to the ensuing provisions of this part shall—
 - (a) vest in the Crown as Reserves for Recreation all of the land as shown as being set aside for Public Open Space on the Development Plan.
 - (b) Where no Public Open Space is shown affecting a landowner's present holding, transfer to the Council an area of land equal to ten per centum (10%) of the gross area of that land holding.
 - (c) Where an area of less than ten per centum (10%) of Public Open Space is shown affecting an owner's present land holding, transfer to the Council, following compliance with Sub-clause (a), an area of land equal to the amount by which the Public Open Space falls short of the said ten per centum of the gross area of that land holding.

- (v) If within an owner's land, more than the said ten per centum is required by the Council for Public Open Space, the owner shall, upon the subdivision of his/her land or any part thereof, vest in the Crown as a Reserve for Recreation the land required for that purpose and the Council shall pay to the owner, by way of compensation, the value of the land exceeding the said one tenth. If the Council and the owner so agree, the Council may transfer to the said owner other land acquired by it for that purpose to compensate him/her for the land in excess of the said one tenth required by the Council in which case the amount of compensation payable by the Council to that owner shall be reduced accordingly.
- (vi) If, pursuant to Sub-Clause (iv) (b), it is not possible for an owner to transfer an area of land exactly equal to one tenth of the gross area being subdivided, he/she shall transfer to the Council land as nearly as possible equal to the said one tenth of the gross area being subdivided and the Council shall pay to, or receive from, the owner a cash adjustment representing the value of the area of land by which the area transferred exceeds or is less than the said one tenth or the Council may agree on a cash payment in lieu of the transfer of any land.
- (vii) Land to be transferred to the Council pursuant to Clause (iv) shall not include any land which is, or is intended to be, a road or part of a road created by the subdivision or a pedestrian access way or drainage reserve unless in the latter the land can serve a dual function.
- (viii) The Council may sell or otherwise dispose of any land transferred to it under the preceding clauses and, as required by it for Public Open Space purposes, provided that all monies received by the Council in respect of such sales shall, after making all necessary payments to owners under the foregoing clauses and, after payment to it of the cost of land (if any) acquired for transfer to owners under the Clause (v), be expended by the Council in the acquisition or improvement of land for Public Open Space within the Development Area.
- (ix) If the Council resumes land for Public Open Space, roads, footways or recreation or community uses or drainage purposes, it shall be reimbursed for all the compensation and costs of monies received from the sale of land under the preceding clauses.
- (x) If the Council resumes land for Public Open Space, roads, footways or for drainage purposes, the amount and value of the said one tenth of an owner's land shall be assessed on the basis that such land has not been resumed.
- (xi) For the purpose of the foregoing clauses, the valuations shall be made on the basis that the whole of the owner's land is offered for sale taking into account that the subdivision can be approved but not on the basis of the total of the values of the individual lots in the subdivision.
- (xii) If an owner of land subdivides his/her land and if he/she or any predecessor in title has claimed or has been paid compensation by reason of the resumption by the Council of land for Public Open Space within the Development Area, the amount of compensation paid shall be taken into account in assessing the payments to, or by, an owner in accordance with the foregoing Clauses and if no compensation has then been paid the owner shall release the Council from the payment of any such compensation.
- (xiii) Council shall exercise its powers under this section of the Scheme in accordance with the provisions of Section 20C(2) of the *Town Planning and Development Act 1928*.

7.3.4 Drainage

The Council shall, at the appropriate time or times, carry out such drainage works as, in its opinion, are necessary for the proper drainage of the Development Area where such works by virtue of their size and location cannot be undertaken by the subdividers or individual land holders within the Development Area. The Council may undertake such works and may acquire all necessary easements for drainage purposes both within and outside the Development Area. The costs of providing drainage facilities and works, except those required to be met by each land owner to service his land, and the cost of acquiring land and easements within, or outside the Development Area, shall be borne by the Council as a Development Plan Cost.

7.3.5 Water Supply

A reticulated water supply service is to be made available in the Development Area and each subdividing owner shall be responsible for the cost of the reticulation of that service throughout the land owned by him/her.

If water supply head works are required to enable the service to be provided, then the cost thereof shall be borne by the owners in the same proportions set out hereunder in Clause 7.5.1.

7.4 Development Plan Costs

7.4.1 For the purpose of this Part, Development Plan Costs (hereinafter called Plan Costs) are as follows—

- (a) the costs of an incidental to the preparation, administration and implementation of the Development Plan including amounts to reimburse Council for—
 - (i) all administration costs incurred in the preparation of the Development Area by Council's officers, agents or servants.
 - (ii) all administration costs incurred in the implementation and supervision of the effective operation of the Plan by Council's officers, agents or servants.
 - (iii) All legal costs, planning costs, payment to planning consultants and other professional consultants and valuation costs.
- (b) the cost of any survey carried out by Council in the Development Area except those surveys carried out by or for the Council acting as a land owner.
- (c) the cost of any drainage works necessary for the proper drainage of the Development Area and acquisition of lands or easements for that purpose, both within and outside the Development Area, excluding those costs to be paid by subdividers as subdivision costs.

- (d) the cost of supplying water to and throughout the Development Area, as provided for in Clause 7.3.5.
- (e) the costs (if any) of the resumption or other acquisition of Public Open Space within the Development Area.
- (f) all compensation payable and all costs and expenses incurred in determining and settling compensation.
- (g) all interest accruing from time to time on monies borrowed by Council for the purpose of the Development Plan.
- (h) all other costs and expenses which the Council shall be required to meet or consider to be necessary to implement and complete the Development Area which are not recoverable by virtue of the other provisions of this Plan.

7.4.2 Costs and expenses not referred to in the foregoing Clause are deemed to be subdivision costs and shall be borne by the subdivider in each case.

7.5 Payment Of Plan Costs

7.5.1 An owner's proportion of Plan Costs is the proportion which the nett subdivisible area of his/her land bears to the whole of the nett subdivisible area of land in the Development area.

7.5.2 Schedule No. 7 shows land ownership as at the date of the Scheme and the appropriate land area together with calculations of nett subdivisible areas prepared from the Development Plan. The figures in this Schedule may be adjusted by Council in the light of survey information and any alteration to the Plan may be approved pursuant to this Scheme.

7.5.3 Each owner shall, prior to the final approval of the Western Australian Planning Commission to the subdivision of his/her land, pay to the Council the owner's proportion of the Plan Costs, but the Council shall not demand nor seek to enforce payment before the day upon which the owner makes application to the Commission for that final approval, unless the owner has agreed to pay his/her proportion of the Plan costs before that date.

7.5.4 The Council may accept the transfer to it of subdivided, serviced lots or other land within the Development Area in satisfaction or partial satisfaction of an owner's liability to pay his/her proportion of Plan Costs.

7.5.5 In the event of a dispute arising between the Council and a land owner about the payment of and/or calculation of Plan Costs the matter shall be referred, either by the owner of the land or Council, for determination by an arbitrator under the *Commercial Arbitration Act 1985*.

7.6 Estimate Of Plan Costs

If any of the items of Plan Costs have not been paid or ascertained at the time of the subdivision of a parcel of land at the time of the giving of a notice by the Council as aforesaid, the Council may estimate the cost of such items of Plan Costs. An estimate may be revised from time to time.

7.6.1 Prior to the commencement of any subdivision and associated development within the Guided Development Area, Council shall prepare a Schedule setting out Plan Costs and the obligations of all relevant parties in so far as that subdivision and associated development are concerned, and give notice of the preparation of this Schedule on all relevant land owners within the Guided Development Area.

7.7 Development Standard

For the purpose of Parts 3 and 5 of this Scheme Text, Council, in making its decisions upon applications for planning approval, will endeavour, within the Development Area, to set and maintain a high standard of building design, construction and appearance by requiring that—

- (i) all new buildings be constructed of brick, stone or masonry or similar material giving a pleasing external appearance with tiled or simulated roofs, or
- (ii) buildings constructed of materials not mentioned in Clause (i) above be finished externally with supplementary site works to ensure harmony with the quality of residential development normally encountered in areas where large residential brick and tiled buildings have been constructed.
- (iii) no relocated dwellings constructed of second hand building materials may be erected in the Development Area.

PART 8—CONTROL OF ADVERTISEMENTS

8.1 Power To Control Advertising

8.1.1 For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose in development within the definition of the Act requires, except as otherwise provided, the prior approval of the Council. Such planning consent is required in addition to any licence pursuant to Council's Signs, Hoarding and Bill Posting Bylaws.

8.1.2 Application for Council's consent pursuant to this Part shall be submitted in accordance with the provisions of Clause 3.4 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Schedule 8 giving details of the advertisement(s) to be erected, placed or displayed on the land.

8.2 Existing Advertisements

Advertisements which—

- (i) were lawfully erected, placed or displayed prior to the approval of this Scheme; or
- (ii) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme, hereinafter in this part referred to as 'existing advertisements';

may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

8.3 Consideration Of Applications

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

8.4 Exemptions From The Requirement To Obtain Consent

Subject to the provisions of the Main Roads (Control of Signs) Regulations, 1983 and notwithstanding the provisions of Clause 8.1.1, the Council's prior consent is not required in respect of those advertisements listed in Schedule 9 which, for the purpose of this Part, are referred to as 'exempted advertisements'. The exemptions listed in Schedule 9 do not apply to places, buildings, conservation areas or landscape protection zones which are either—

- (i) listed by the National Trust;
- (ii) listed in the register of the National Estate;
- (iii) listed in the Heritage List referred to in Part 6 of this Scheme.

8.5 Discontinuance

Notwithstanding the Scheme objectives and Clause 8.4, where the Council can demonstrate exceptional circumstances which can cause an exempted or existing advertisement to seriously conflict with the objectives of this Part, it may, by notice in writing (giving clear reasons), require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

8.6 Derelict Or Poorly Maintained Signs

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

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

8.7 Notices

8.7.1 'The advertiser' shall be interpreted as any one or any group comprised of the land owner, occupier or licensee.

8.7.2 Any notice served in exceptional circumstances pursuant to Clause 8.5 or pursuant to Clause 8.6 shall be serviced upon the advertiser and shall specify—

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

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

8.8 Scheme To Prevail

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

8.9 Enforcement And Penalties

The offences and penalties provisions specified in Clause 9.2 of the Scheme apply to the advertiser in this Part.

PART 9—ADMINISTRATION

9.1 Powers Of The Scheme

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

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

9.2 Offences

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

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

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

9.3 Compensation

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

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

9.4 Election To Purchase And Valuation

9.4.1 Where compensation for injurious affection is claimed pursuant to either sub-clauses 9.3.1 or 9.3.2, the Council may, at its option elect to acquire the land so affected instead of paying compensation.

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

9.4.3 Where the Council elects to acquire land as provided in sub-clause 9.4.1, if the Council and the owner of the land are unable to agree as to the price to be paid for the land by the Council, the price at which the land may be acquired by the Council shall be the value of the land as determined in accordance with sub-clause 9.4.4.

9.4.4 The value of the land referred to in sub-clause 9.4.3 shall be the value thereof on the date that the Council elects to acquire the land and that value shall be determined—

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

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

9.4.5 The Council may deal with or dispose of land acquired for a Local Reserve or pursuant to the preceding sub-clause 9.4.4 upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.

9.5 Rights Of Appeal

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

9.6 Planning Policies

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

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

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

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

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

- (d) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.

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

9.6.4 An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in sub-clause 9.6.2.

9.6.5 A Policy may be rescinded by—

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

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

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

9.7 Delegation

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

- (a) a member of the Council being the Chairman of the committee required at the direction of Council to consider and report upon all applications for planning approval within its municipal district, and being qualified by experience with the work of any such committee; and/or
- (b) that officer of the Council, holding or eligible to hold a Municipal Town Planners Certificate, appointed to the position of Town Planner for the purpose of the *Local Government Act* with overall responsibility for the planning functions of the Council or appointed by the Council to supervise the development control functions of the Council or, in the absence of such an officer, the Chief Executive Officer,

or those persons who from time to time occupy the positions referred to in a) and b) above.

9.7.2 Any delegation made under sub-clause 9.7.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.

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

9.7.4 The performance of the function by a delegate under sub-clause 9.7.1 shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.

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

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

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

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

9.8 Amendments To The Scheme

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

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

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

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

9.9 Notice For Removal Of Certain Buildings

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

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

9.10 Powers & Authority of Council—Guided Development Area

In addition to the power and authorities of Council referred to in Part 7, the Council shall have the following powers and authorities—

- (a) to resume any land within the Development Area for the purpose of a road, right of way, footway, pedestrian access way or for public open space, educational establishments, community use, or for drainage or for any other purpose necessary for the effective implementation of the Plan.
- (b) If any owner of land within the Development Area does not proceed with the subdivision or development of his/her land in accordance with the Plan or by reason of the nature of his/her land, he/she is unable to subdivide or develop and his/her failure to do so in the opinion of the Council will unduly delay the subdivision and development of the Development Area, the Council may resume or purchase the land of such owner of any part or parts thereof and proceed with the subdivision and development of the said land in accordance with the provisions of the plan.
- (c) In the event of the Council exercising its powers under Clause (b) it shall have the powers of an owner in the subdivision, development and disposal of the said land. If land shall have been resumed and if the owner shall not have been paid compensation by reason of the resumption, the Council before selling the new land so subdivided and developed, shall offer the new lots to the original owner upon paying to the Council all Plan Costs involving all costs and expenses consequent upon the resumption, subdivision or development of the said land and upon his/her releasing the Council from all claims for compensation in respect of such resumption. The said offer shall be made in writing and if not accepted within one calendar month of the service thereof, the Council may proceed with the sale of the subdivided lots. All monies received by it from such sale shall be applied firstly in payment of all costs and expenses consequent upon such subdivision and secondly in payment of all compensation in respect of the resumption of the land. The balance, if any, of such moneys may be retained by the Council and shall be applied to the development of Public Open Space within the Development Area.
- (d) If the offer mentioned in Sub-Clause (c) hereof be not accepted, the Council may retain all or any part of the said land. If it does so it shall be responsible to pay such costs of subdivision of the land and compensation for its resumption as are then unpaid.
- (e) To dispose of any lots to which it becomes entitled whether under Sub-Clause (b) hereof or otherwise upon such terms and conditions as it may think fit and without limiting the generality of the foregoing, the Council may sell the lots singly or in groups and on the condition that buildings of a specific character with specified parking or other facilities shall, within a limited period, be constructed thereon or that the land and buildings be used for a specific purpose.
- (f) To extend the time within which payments are to be made to the Council and agree to the securing of such payments.
- (g) To transfer any land owned by it or acquired by it and pursuant to the Scheme as compensation or part compensation and to enter into agreements relative to the determination and settling of compensation.

SCHEDULE 1**INTERPRETATIONS**

As provided for in Clause 1.7 to this Scheme, the following terms, unless the context otherwise requires, shall have the respective meanings and interpretations set out hereunder—

- “Act” means the Town Planning and Development Act 1928 (as amended).
- “Advertisement” means any word, letter, model, sign, placard, board, hoarding, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisements, announcement or direction and includes any structure, erection or wall converted to such use.
- “Afforestation” means the planting and husbanding of commercial value trees other than fruit and nut trees, vines and nursery trees up to two years old and occupying an area greater than 400 square metres on any one lot.
- “Applicant” means the registered owner or owners of the premises or their agents appointed in writing.
- “Art Gallery” means premises used for the showing of works of art.
- “Building Envelope” means that portion of a lot defined and depicted on a plan outside which building development is not permitted.
- “Camping Area” means land used for the lodging of persons in tents or other temporary shelter.
- “Caravan Park” means land and buildings used for the parking of caravans in conformity with the Caravan and Camp Regulations, 1961 made pursuant to the provisions of the Health Act 1911 (as amended) and the Local Government Model By-law (Caravan Park) Act 1960 (as amended) and any amendments to those Regulations or to that Model By-Law.
- “Caretakers House” means a building or part of a building used as a residence by the proprietor or manager of an industry, business, office or recreation area carried on or existing on the same site.

- “Carpark” means a site or building used primarily for parking private cars or taxis.
- “Cemetery” shall have the same meaning as is given to it in the Cemeteries Act 1986 (as amended).
- “Child Care Centre” means land and buildings used for the daily occasional care of children in accordance with the Child Welfare (Care Centre) Regulations, 1968 (as amended).
- “Civic Building” means a building designed, used or intended to be used, by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purposes.
- “Commercial Vehicle” Any vehicle which Council considers to be used for, or engaged in, commerce.
- “Consulting Rooms” means a building or part of a building (other than a hospital) used in practise of his profession by legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments.
- “Cottage Industry” means an industry which produces arts and crafts goods which cannot be carried out under the provisions relating to a “home occupation” and that—
- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products;
 - (b) where operating in a Residential Zone, does not entail the employment of any person not a member of the occupier’s family normally resident on the land;
 - (c) is conducted in an out-building which is compatible to the zone and its amenity and does not occupy an area in excess of 55m².
 - (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and
 - (e) does not display a sign exceeding 0.2m² in area.
- “Council” means the Council of the Shire of Boyup Brook.
- “Development” shall have the same meaning given it in and for the purposes of the Act.
- “District” means the District of the Shire of Boyup Brook.
- “Dry Cleaning Premises” means commercial premises used for the cleaning of garments and other fabrics by chemical processes.
- “Educational Establishment” means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory.
- “Extractive Industry” means an industry which involves the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals or similar substance from the land, also the storage, treatment or manufacture of products from those materials carried out on land adjacent thereto.
- “Factory Unit” means an industrial building designed, used or adapted for use as two or more separately occupied production or storage areas.
- “Fast Food Outlet” means land and building used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises.
- “Fuel Depot” means land and buildings used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station.
- “Funeral Parlour” means land and buildings occupied by undertakers where bodies are stored and prepared for burial or cremation.
- “Gazetted Date” means the date of which this Scheme is published in the *Government Gazette*.
- “General Industry” means any industry other than a hazardous, light, noxious, rural, extractive or service industry.
- “Hazardous Industry” means an industry which by reason of the process involved or the methods of manufacture, or the nature of the materials used or produced, requires isolation from other buildings.
- “Health Centre” means a maternal or x-ray centre, a district clinic, a masseur’s establishment, or a medical clinic.
- “Health Studio” means a building designed and equipped for recreation and sporting activities and includes outdoor recreation and sporting activities and includes outdoor recreation if specifically approved by Council.
- “Heavy Haulage Vehicle” Any vehicle normally associated with the transportation of goods, livestock or other uses (and includes buses) which Council considers to be of a commercial nature which, due to its size or load, is unable to be completely housed in a domestic garage or domestic outbuilding having a maximum floor area of 45m² and in which no horizontal dimension is more than 15 metres.
- “Holiday Cottage(s)” means a detached dwelling on one lot let for holiday purposes, which may not be occupied by the same tenant for a continuous period of more than four months.
- “Home Occupation” means a business or activity carried on with the written permission of the Council within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that—
- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interferences, smell, fumes, smoke,

vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products, or the unsightly appearance of the dwelling house or domestic outbuilding on the land on which the business is conducted;

- (b) does not entail the employment of any person not a member of the occupiers family;
- (c) does not occupy an area greater than twenty square metres;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;
- (e) does not display a sign exceeding 0.2m² in area;
- (f) in the opinion of the Council it is compatible with the principle uses to which land in the zone in which 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;
- (g) does not entail the presence of more than one commercial vehicle and does not include provision for the fuelling or repairing of motor vehicles within the curtilage of the dwelling house or domestic out-building.

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

“Hotel” means land and buildings providing accommodation for the public the subject of a Hotel License granted under the provisions of the Liquor Act 1970 (as amended).

“Industry” means the carrying out of any process for, and incidental to, one or more of the following—

- (a) the making, altering, repairing, painting, finishing, cleaning, packing, canning, adapting for sale, breaking up or demolition of an article or part of any article.
- (b) the winning, processing or treatment of minerals;
- (c) the generation or the production of gas;
- (d) the manufacture of edible goods for human and animal consumption, 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 the wholesaling of foods 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 works on buildings, work on land;
 - (iii) in the case of edible foods, the preparation of food for sale from the premises;
 - (iv) panel beating, spray painting or motor vehicle wrecking.

“Infant Health Centre” means land and buildings used for the purpose of caring for infants.

“Intensive Agriculture” means agricultural practises which are carried out with the aid of techniques including water reticulation to render the land capable of sustaining considerable greater number of stock, higher crop yields, or different types of crops than could be produced without the aid of those techniques.

“Intensive Stock Rearing” means land and buildings which are used for the keeping, breeding and rearing of any species of farm animals at intensities well in excess of the stocking rate recommended by the Department of Agriculture.

“Kennels” means land and buildings used for the purpose of keeping, breeding and temporary care of dogs except that the expression shall not include the keeping of up to two dogs by a land owner for his own use and enjoyment. The maximum number of dogs which may be kept in kennels shall be determined in each case by the Council.

“Kindergarten” means land and building set aside for and used for, the care and teaching of pre-school children.

“Land” shall have the same meaning given to it in and for the purposes of the Act.

“Laundromat” means a building open to the public, in which coin-operated or other washing machines, with or without provision for drying clothes, are available for use.

“Light Industry” 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, ash, dust, waste water or other waste products; and
- (b) the establishment of which will not, or the conduct of which does not impose undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.

“Liquor Store” means any land or buildings the subject of a Store License granted under the provisions of the Liquor Licensing Act 1988 (as amended).

“Lot” shall have the meaning given to it in and for the purposes of the Act, and allotment has the same meaning.

“Market Garden” means land and buildings used for intensive horticulture in the growing of vegetables or flowers.

“Medical Clinic” means premises in which facilities are provided for the practise of more than one medical practitioner or dental practitioner, physiotherapist, chiropractor or masseur.

- “Milk Depot” means a depot to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.
- “Minister” means the Minister for Planning.
- “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.
- “Motor Vehicle Repairs” means land and buildings used for the mechanical repair and overhaul of motor vehicles including recapping, retreating, panel beating, spray painting and chassis reshaping, but does not include motor vehicle wrecking.
- “Motor Vehicle Wrecking” means land and buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.
- “Museum” means land and buildings used for storing and exhibiting objects illustrative of antiquities, natural history, art, nature and curiosities.
- “Non-Conforming Use” means the use of land which, though lawful immediately prior to the coming into operation of this Scheme is not in conformity with the Scheme.
- “Noxious Industry” 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 a fish shop, dry cleaning premises, laundromat, piggery or poultry farm.
- “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 any 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 lessee or licensee from the Crown, or;
 - (d) is entitled to receive, or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.
- “Parking—Commercial Vehicles” means the use of a site or building for the parking or temporary storage of commercial vehicles (as defined above) but does not include any part of a public road used for parking of such vehicles or any land or buildings in which such vehicles are displayed for sale.
- “Parking—Heavy Haulage Vehicles” means the use of a site or building for the parking or temporary storage of heavy haulage vehicles (as defined above) but does not include any part of a public road used for parking of such vehicles or any land or buildings in which such vehicles are displayed for sale.
- “Piggery” shall have the same meaning given to it in, and for the purposes of, the Health Act 1911 (as amended).
- “Plant Nursery” means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden decor.
- “Potable Water” means water in which levels 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 Organisation—1971.
- “Poultry Farm” means land and buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act 1911 (as amended).
- “Private Club” means land and buildings controlled exclusively by an organisation comprised of a restricted membership and to which the public is not normally admitted except by the express permission of the organisation concerned.
- “Private Recreation” means the use of land for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.
- “Professional Office” means a building used for the purposes of his profession by an accountant, architect, artist, author, barrister, chiroprapist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), town planner, or valuer, or a person having 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 Assembly—Place Of” means land and buildings used as a special place of assembly including grounds for athletics, all sporting grounds with spectator provision, race courses, trotting tracks, studio or showgrounds.
- “Public Worship—Place Of” means any land or buildings used primarily for religious activities but does not include an institution for primary, secondary, or higher education, or a residential training institution
- “Public Authority” shall have the same meaning given to it in and for the purposes of the Act.

- “Public Utility” means any works or undertaking constructed or maintained by a public authority or municipality as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.
- “Public Worship—Place Of” 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.
- “Radio/T.V. Installation” means land and building used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.
- “Residence—Resited or Transportable” means a building intended for residential use which has been constructed in a wholly of substantially completed form prior to establishment on a lot.
- “Residential Building” means a building other than a dwelling house or flats designed for use for human habitation together with such outbuildings as are ordinarily used therewith, and the expression includes a hostel, an unlicensed hotel designed primarily for residential purposes and a residential club.
- “Residential Planning Codes” means the Residential Planning Codes of Western Australia adopted as a policy of the Western Australian Planning Commission of December, 1991 together with all amendments or additions thereto or any code, By-laws or regulations replacing them and applying or being applicable within the District.
- “Restaurant” means a building 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.
- “Rural Industry” means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop, servicing plant or equipment used for rural purposes in the locality.
- “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 goats, sheep, cattle or beasts of burden;
 - (c) the stabling, agistment or training of horses;
 - (d) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens;
 - (e) the sale of produce grown solely on the lot but does not include the following except as approved by the Council—
 - (i) the processing, treatment or packing of produce;
 - (ii) the breeding, rearing or boarding of domestic pets.
- “Schedule” means a schedule to the Scheme.
- “Service Industry” means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having retail shop front and used as a department for receiving goods to be serviced.
- “Service Station” means land and buildings used for the supply of petroleum products and automotive accessories and includes greasing, tyre repairs and minor mechanical repairs and may include a restaurant or shop incidental to the predominant use, but does not include a transport depot, panel beating, spray painting or wrecking.
- “Shire” means the Shire of Boyup Brook.
- “Shop” means premises wherein goods are kept, exhibited and offered for sale by retail.
- “Showroom” means rooms used in connection with warehousing or offices, and intended for display of goods of a bulky nature.
- “Small Holding” means a small rural allotment as provided for pursuant to this Scheme used, or intended to be used, essentially for residential purposes with associated rural activities and includes a hobby farm, a farmlet, a rural retreat and a bushland retreat.
- “Stables—Commercial” means premises used for the keeping, breeding and rearing of horses and ponies involving the erection of buildings, corrals and compounds and their use for those purposes, excepts that the expression shall not include land used solely for agistment of horses.
- “Tavern” means land and buildings the subject of a Tavern License granted under the provisions of the Liquor Act 1970 (as amended).
- “Timber Mill” means land and buildings where logs or large pieces of timber are sawn but does not included a joinery works unless logs or large pieces of timber are sawn therein.
- “Trade Display” means land and buildings used for the display of trade goods and equipment for the purposes of advertisement.
- “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 vehicles and includes maintenance, management and repair of the vehicles used, but not of other vehicles.
- “Vehicle Sales Premises” means land and buildings used for the display and sale of new or secondhand motorcycles, cars, trucks, caravans and boats and may include the servicing of motor vehicles sold from the site.

“Veterinary Clinic” means land or a building or buildings used for, or in conjunction with, the treatment of sick or injured animals and includes the accommodation of such animals.

“Veterinary Hospital” means any premises used or designed or adapted for use in the practise of his profession by a registered veterinary surgeon which premises include provision for the hospitalisation or boarding of animals whilst receiving treatment.

“Warehouse” means a building wherein goods are stored and may be offered for sale by wholesale.

“Wayside Stall” means a building situated on private land which offers for sale to the general public produce or any commodity which is produced on the land upon which the buildings are located.

“Woodyard” means land used for the purpose of storing firewood and includes the retailing of that firewood.

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

SCHEDULE 2

NON-CONFORMING USES

<u>Non-Conforming Use</u>	<u>Property Description</u>	<u>Remarks</u>
1. Dwelling	Lot 333 Abel Street, Boyup Brook. Zoned: Light Industrial	Developed before Scheme 1.
2. Transport Depot	Location 211 Inglis Street Boyup Brook Zoned: Residential	Developed before Scheme 1.
3. Transport Depot	Lot 39 Barron Street Boyup Brook Zoned: Residential	Developed before Scheme 1.
4. Dwelling	Lot 2 Jayes Road Boyup Brook Zoned: Light Industrial	Developed before Scheme 1.
5. Dwelling	Lot 200 Jayes Road Boyup Brook Zoned: Light Industrial	Developed before Scheme 1.

SCHEDULE 3

SPECIAL RURAL ZONES

Special Provision

LOCATION OF ZONE

PERMITTED USES AND CONDITIONS OF DEVELOPMENT

Special Rural Zone No. 1

Lots 15, 16, 158 & 160 Doust Street,
Lots 148-151 (inclusive) and Lots
154-157 (inclusive) Jayes Road and
Lots 152, 153 & 212 Ritson Street and
land north of Witham Street having
frontage to Jayes Road, Boyup Brook

- i) Subdivision to be generally in accordance with the Subdivision Guide Plan adopted for Special Rural Zone No. 1 by the Council.
- ii) The minimum lot size that shall be recommended shall be 2ha.
- iii) No further fragmentation of lots shall be recommended.
- iv) Uses permitted within the zone are—

Single House	(P)
Public Recreation	(P)
Public Utility	(P)
Rural Pursuit	(AA)
Home Occupation	(AA)
Industry—Cottage	(AA)
Stables (Commercial)	(SA)
Industry—Light	(SA)
Industry—Rural	(SA)
Transport Depot	(SA)
Woodyard	(SA)

All other uses are not permitted.

- v) Notwithstanding the requirements of Table No. 2, no building shall be erected closer than 15 m to any street or road boundary or 7.5m in respect of any other boundary.

SCHEDULE 3—continued**LOCATION OF ZONE****PERMITTED USES AND CONDITIONS OF DEVELOPMENT**Special Rural Zone No. 2

Part Nelson Locations 1005 & 799
Bridgetown—Boyup Brook Road,
Boyup Brook

- i) Subdivision to be generally in accordance with the Subdivision Guide Plan adopted for Special Rural Zone No. 2 by the Council.
- ii) The minimum lot size that shall be recommended shall be 2ha.
- iii) No further fragmentation of lots shall be recommended.
- iv) Uses permitted within the zone are—

Single House	(P)
Public Recreation	(P)
Public Utility	(P)
Rural Pursuit	(AA)
Home Occupation	(AA)
Industry—Cottage	(AA)
Stables (Commercial)	(SA)

All other uses are not permitted.

- v) No trees or substantial vegetation shall be felled or removed from the site except where—
 - (a) required for approved development works;
 - (b) required for fire protection purposes by regulation or bylaw; or
 - (c) trees are diseased, dead or dangerous.
- vi) In order to protect soil erosion, Council may specify stocking rates where it deems appropriate. If, in the opinion of Council or the Department of Agriculture, the activities of livestock on any lot are contributing to erosion, pollution or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom. Alternatively, the land-owner may be required to remove, or Council may, at the expense of the landowner, remove livestock from the lot.

Special Rural Zone No. 3

Nelson Locations 711 & 695 &
Part Location 8391 Terry Road,
Boyup Brook

- i) Subdivision to be generally in accordance with the Subdivision Guide Plan adopted for Special Rural Zone No. 3 by the Council.
- ii) The minimum lot size that shall be recommended shall be 2ha.
- iii) No further fragmentation of lots shall be recommended.
- iv) Uses permitted within the zone are—

Single House	(P)
Public Recreation	(P)
Public Utility	(P)
Rural Pursuit	(AA)
Home Occupation	(AA)
Industry—Cottage	(AA)
Stables—Commercial	(SA)

All other uses are not permitted.

- v) No trees or substantial vegetation shall be felled or removed from the site except where—
 - (a) required for approved development works;
 - (b) required for approved development works;
 - (c) trees are diseased, dead or dangerous.
- vi) In order to protect the natural environment and to prevent soil erosion, Council may specify stocking rates where it deems appropriate. If, in the opinion of Council or the Department of Agriculture, the activities of livestock on any lot are contributing to erosion, pollution or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom. Alternatively, the landowner may be required to remove, or Council may, at the expense of the landowner, remove livestock from the lot.

SCHEDULE 3—continued

LOCATION OF ZONE

PERMITTED USES AND CONDITIONS OF DEVELOPMENT

Special Rural Zone No. 4
 Lot 1 of Nelson Location 1302
 Abels Road, Boyup Brook

- vii) As a condition of planning consent on lots created, Council shall require the planting and maintenance of thirty (30) native trees capable of growing to at least 3 metres in height on each lot significantly denuded of vegetation. The planting shall be concentrated around the proposed buildings and within the front setback.
- viii) The subdivider will contribute to the provision of bush fire fighting facilities to the specification and satisfaction of the Bush Fires Board and Council at the time of Subdivision.
- i) Subdivision to be generally in accordance with the Subdivision Guide Plan adopted for Special Rural Zone No. 4 by the Council.
- ii) The minimum lot size that shall be recommended shall be 7 ha.
- iii) No further fragmentation of lots shall be recommended.
- iv) Uses permitted within the zone are—

Single House	(P)
Public Recreation	(P)
Public Utility	(P)
Rural Pursuit	(AA)
Home Occupation	(AA)
Industry—Cottage	(AA)
Stables—(Commercial)	(SA)
- v) In order to protect the natural environment and to prevent soil erosion Council may specify stocking rates where it deems appropriate. If, in the opinion of Council or the Department of Agriculture, the activities of livestock on any lot are contributing to erosion, pollution or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom. Alternatively, the landowner may be required to remove, or Council may at the expense of the landowner, remove livestock from the lot.
- vi) No dwelling house, outbuilding or structure shall be constructed unless it is within a building envelope defined on the Subdivision Guide Plan.
- vii) Where, for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of a site dictate, Council may set an alternative building envelope.
- viii) As a condition of planning consent on lots created, Council shall require the planting and maintenance of thirty (30) native trees capable of growing to at least 3 metres in height on each lot significantly denuded of vegetation. The planting shall be concentrated around the proposed buildings and between the street alignment and the building setback line unless otherwise stipulated by Council.
- ix) The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers are advised of the special provisions which apply to this Special Rural Zone and such other provisions of the Scheme that may affect it.
- x) No trees or substantial vegetation shall be felled or removed from the site except where—
 - (a) required for approved development works;
 - (b) required for fire prevention purposes by regulation or by-law; or
 - (c) trees are diseased, dead or dangerous.
- xi) All buildings constructed shall, by virtue of materials and design, be reasonably fire resistant. The Council shall from time to time specify its standards for fire resistant buildings.

SCHEDULE 3—continued

LOCATION OF ZONE

PERMITTED USES AND CONDITIONS OF DEVELOPMENT

Special Rural Zone No. 5

Nelson Location 1044 Banks Road,
Boyup Brook

- xii) The minimum vertical clearance between the bottom of any approved on-site effluent disposal system and the highest known ground water table or bedrock shall be 2.0 metres.
- xiii) Notwithstanding the requirements of Table No. 2, no building or outbuilding shall be erected closer than 20 metres to any street or road boundary or 15 metres in respect of any other boundary.

- i) Subdivision to be generally in accordance with the Subdivision Guide Plan adopted for Special Rural Zone No 5 by the Council.
- ii) The minimum lot size that shall be recommended shall be 3 ha.
- iii) No further fragmentation of lots shall be recommended.
- iv) Uses permitted within this zone are—

Single House	(P)
Caretaker's House	(IP)
Home Occupation	(IP)
Small Holding	(P)
Market Gardens	(AA)
Veterinary Clinic	(SA)
Stables—Commercial	(AA)

All other uses are not permitted.

- v) In order to protect the natural environment and to prevent soil erosion Council may specify stocking rates where it deems appropriate. If, in the opinion of the Council or Agriculture Western Australia, the activities of livestock on any lot are contributing to erosion, pollution or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom. Alternatively, the landowner may be required to remove, or Council may, at the expense of the landowner, remove livestock from the lot.
- vi) The siting of any dwelling house, outbuilding or structure on lots created will be subject to Council approval. Council shall take into account the factors of outlook, screening by existing vegetation, practicalities of building, privacy and conservation of existing vegetation when considering approval for such siting.
- vii) As a condition of development approval, Council may require the developer to plant and maintain thirty (30) native trees capable of growing to at least 3 metres in height on each lot significantly denuded of vegetation. The planting shall be concentrated around the proposed buildings and between the street alignment and the building setback line unless stipulated by Council.
- viii) No trees or substantial vegetation shall be felled or removed from the site except where—
 - (a) required for approved development works;
 - (b) required for fire prevention purposes by regulation or by-law; or
 - (c) trees are diseased, dead or dangerous.
- ix) Notwithstanding the provisions of Clause 5.3, no building, outbuilding or fence shall be constructed of materials or be of a colour which, in the opinion of the Council, is detrimental to the character of the natural landscape of the locality.
- x) All buildings constructed shall, by virtue of materials and design, be reasonably fire resistant. The Council shall from time to time specify its standards for fire resistant buildings.

SCHEDULE 3—continued

LOCATION OF ZONE

PERMITTED USES AND CONDITIONS OF DEVELOPMENT

- xi) The minimum vertical clearance between the bottom of any approved on-site effluent disposal system and the highest known ground water table or bedrock shall be 2.0 metres.
- xii) Council shall request at the subdivision stage appropriate bush fire reduction measures.

Special Rural Zone No. 6

Nelson Locations 735 and 1284 Banks Road, Nelson Location 1073 Zig Zag Road and Portion of Nelson Location 1302 Zig Zag Road, Boyup Brook

- i) Subdivision to be generally in accordance with the Subdivision Guide Plan adopted for Special Rural Zone No 6 by the Council.
- ii) The minimum lot size that shall be recommended shall be 2ha except where it is proposed to connect lots to a reticulated water supply in which case the minimum lot size that shall be recommended shall be 1ha.
- iii) No further fragmentation of lots shall be recommended.
- iv) Uses permitted within the zone are—

Single House	(P)
Caretaker's House	(IP)
Home Occupation	(IP)
Small Holding	(P)
Market Gardens	(AA)
Veterinary Clinic	(SA)
Stables—Commercial	(AA)

All other uses are not permitted.

- v) In order to protect the natural environment and to prevent soil erosion Council may specify stocking rates where it deems appropriate. If, in the opinion of Council or Agriculture Western Australia, the activities of livestock on any lot are contributing to erosion, pollution or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom. Alternatively, the landowner may be required to remove, or Council may at the expense of the landowner, remove livestock from the lot.
- vi) Buildings, structures and on-site effluent disposal systems may not be constructed within the 'building exclusion area' which is defined as being—
 - 30m from road;
 - 20m from side boundaries;
 - 25m from rear boundaries;
 - 30m from
 - (i) the centreline of water courses;
 - (ii) heavily vegetated areas as may be defined by Council; and
 - (iii) skylines.
- vii) Where, for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of a site dictate, Council may vary the 'building exclusion area' as defined in provision (vi) above.
- viii) As a condition of planning consent on lots denuded of natural vegetation, Council shall require the planting and maintenance of thirty (30) native trees capable of growing to at least 3 metres in height on each lot significantly denuded of vegetation. The planting shall be concentrated around the proposed buildings and between the street alignment and the building setback line unless otherwise stipulated by Council.

SCHEDULE 3—continued

LOCATION OF ZONE

PERMITTED USES AND CONDITIONS OF DEVELOPMENT

- ix) No trees or substantial vegetation shall be felled or removed from the site except where—
- (a) required for approved development works;
 - (b) required for fire prevention purposes by regulation or by-law; or
 - (c) trees are diseased, dead or dangerous.
- x) Notwithstanding the provisions of Clause 5.3, no building, outbuilding or fence shall be constructed of materials or be of a colour which, in the opinion of the Council, is detrimental to the character of the natural landscape of the locality.
- xi) All buildings constructed shall, by virtue of materials and design, be reasonably fire resistant. The Council shall from time to time specify its standards for fire resistant buildings.
- xii) The minimum vertical clearance between the bottom of any approved on-site effluent disposal system and the highest known ground water table or bedrock shall be 2.0 metres.
- xiii) On-site disposal of effluent shall be to the specification and satisfaction of Council and the Health Department of Western Australia.

SCHEDULE 4

SPECIAL USE ZONE

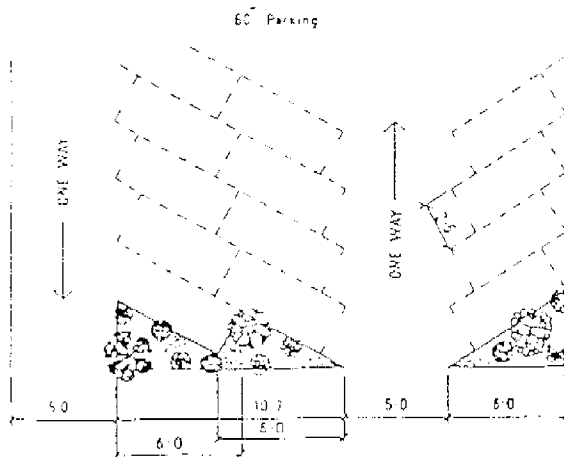
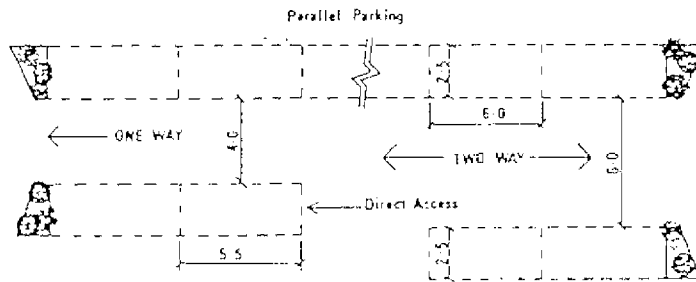
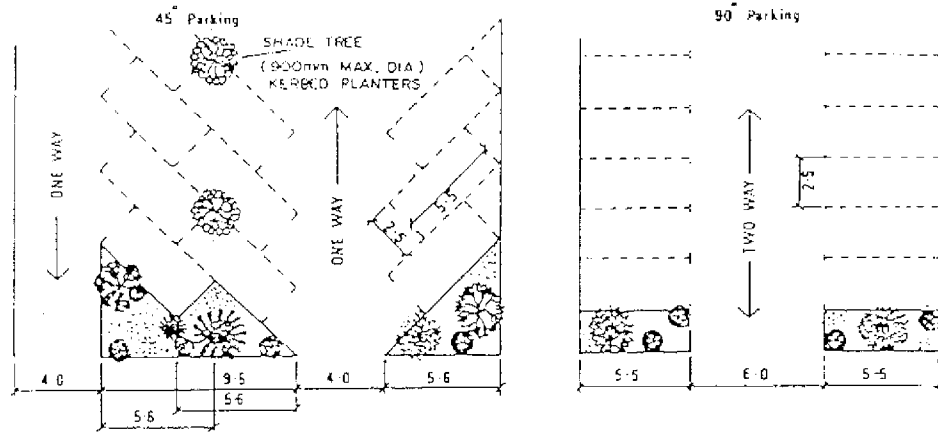
<u>Street</u>	<u>Particulars of Land</u>	<u>Only Use Permitted</u>
Barron Street	Part Nelson Location 336	Flax Mill Site— <ul style="list-style-type: none"> – Caravan Park – Camping Ground – Holiday Accommodation – Special Events as approved by Council. <p><u>Conditions</u></p> Uses to be contained wholly within the former Flax Mill site.

SCHEDULE 5

ADDITIONAL USE ZONE

<u>Street</u>	<u>Particulars of Land</u>	<u>Additional Use Permitted</u>
Boyup Brook— Arthur Road	Part Nelson Location 482	Country Music Centre Place of Public Assembly Short Stay Accommodation Private Caravan Park Private Camping Ground <p><u>Conditions</u></p> Uses only permitted to operate in conjunction with Special events conducted at the Country Music Centre.

**SCHEDULE 6
CAR PARKING LAYOUT**



NOTES

BAY SIZES - 2.5 m X 5.5 m

PARALLEL PARKING
BAY SIZES - 2.5 m X 6.0 m

ASILE WIDTH - 4m ONE WAY
6m TWO WAY

(COUNCIL MAY REQUIRE GREATER AISLE WIDTHS WHERE FREQUENCY OF USE DETERMINES)

LANDSCAPING & SHADE TREE PLANTING (DIAGRAMMATIC ONLY) DETAILS TO BE APPROVED BY COUNCIL IN EACH CASE.

ALL DIMENSIONS IN METRES

SCHEDULE 7
LAND OWNERSHIP
 Guided Development Area

Lot No.	Owner	Gross Area	Public Open Space	Nett Subdividable Area	Percentage of Nett Subdividable Area
Part Lot 1 of 185	M. L. Chambers	1.4290 ha	0.0290 ha	1.4 ha	16.19%
Part Lot 2 of 185	F. & M. Ritson	2.9972 ha	—	2.9972 ha	34.67%
Lot 186	M. E. & G. M. Chambers	5.1675 ha	0.948 ha	4.2485 ha	49.14%
	Total Areas	9.5937 ha	0.948 ha	8.6457 ha	100.0%

SCHEDULE 8
CONTROL OF ADVERTISEMENTS

Additional Information Sheet for Advertisement Approval

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

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

 2. Address in full—

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

 4. Details of proposed sign—
 Height: Width: Depth:
 Colours to be used:
 Height above ground level (to top of Advertisement):
 (to underside):
 Materials to be used—

 Illuminated: Yes/No
 - If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating, etc—

 * - If yes, state intensity of light source:
 5. State period of time for which advertisement is required—

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

- NB. Application should be supported by a photograph of photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6 above.
- Signature of Advertiser(s):
 (if different from land owners) Date:

SCHEDULE 9**EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 8.4**

<u>LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT</u>	<u>EXEMPTED SIGN TYPE AND NUMBER</u>	<u>MAXIMUM AREA OF EXEMPTED SIGN</u>
	(Includes the change of poster on poster signs and applies to non-illuminated signs unless otherwise stated)	
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-In Theatres advertisement	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	N/A
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level	Total area of any such advertisement shall not exceed 15m ² . Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ²
Showroom, race courses major racing tracks, sports stadiums, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets	N/A
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited, or on behalf of any such body, and b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a municipality, and	N/A N/A

SCHEDULE 9—continued

<u>LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT</u>	<u>EXEMPTED SIGN TYPE AND NUMBER</u>	<u>MAXIMUM AREA OF EXEMPTED SIGN</u>
	c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at or upon a railway station.	No sign shall exceed 2m ² in area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows)—		
i) Dwellings	One Advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
ii) Multiple Dwellings, Shop, Commercial and Industrial projects	One sign as for (i) above.	5m ²
iii) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height	One sign as for i) above. One additional sign showing the name of the project builder	10m ² 5m ²
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
Property Transactions		
Advertisement signs displayed or the duration of the period over which property transactions are offered and negotiated as follows—		
a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m ²
b) Multiple Dwellings, Shops, Commercial and Industrial Properties	One sign as for (a) above.	Each sign shall not exceed an area of 5m ²

SCHEDULE 9—continued

<u>LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT</u>	<u>EXEMPTED SIGN TYPE AND NUMBER</u>	<u>MAXIMUM AREA OF EXEMPTED SIGN</u>
c) Large properties comprised of shopping centres buildings in excess of four storeys and rural properties in excess of 5ha.	One sign as for (a) above.	Each sign shall not exceed an area of 10m ²
Display Homes Advertisement signs displayed for the period over which homes are on display for public inspection	i) One sign for each dwelling ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m ² 5m ²

SCHEDULE 10*Local Government Authority of Boyup Brook***APPLICATION FOR APPROVAL**

Please tick which approval is being sought and fill in the appropriate section(s) only—

**PLANNING APPROVAL
DEMOLITION LICENCE**

**BUILDING LICENCE
SIGN LICENCE**

 PROPERTY DETAILS—

Lot No.*	House Street No.	Location No.*	Plan or Diagram*
Certificate of Title:	Vol.*	Folio*	Lot Area (m ²)
Title Encumbrances*			
Street Name		Suburb	
Nearest Street Intersection*			
Ward*			

Note: These details should be provided where known to assist in the processing of this application.* **OWNER DETAILS—

Name		
Address		
		Postcode
Phone (Work)	(Home)	Fax
Contact Person		
Signature(s)		
Signature(s)		Date

The signature of the landowner(s) is required for Planning Approval. This application will not proceed without that signature. **APPLICANT DETAILS—(To be completed *only* if different from owner)**

Name		
Address		
		Postcode
Phone	Fax	
Contact Person		
Signature(s)	Date	

OFFICE USE ONLY

Accepting Officer's Initials:	Date Received:	Our Reference No.:
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SCHEDULE 10—continued **PLANNING APPROVAL—**

Existing Building/Land Use:

Approx. Cost of Development: \$

Est. Date of Completion:

Description of Development/or Proposed Use:

 BUILDING LICENCE—

Type of Work:	New Buildings	Alterations/Internal Additions	Outbuildings
1A <input type="checkbox"/>	New Building	2A <input type="checkbox"/>	Habitable
1B <input type="checkbox"/>	Display Home	2B <input type="checkbox"/>	Internal Additions
1C <input type="checkbox"/>	Preliminary Application	2C <input type="checkbox"/>	Garage
<input type="checkbox"/>	Other (specify)	2D <input type="checkbox"/>	Carport
		2E <input type="checkbox"/>	Verandah
		<input type="checkbox"/>	Other (specify)
			9A <input type="checkbox"/>
			Habitable
			9B <input type="checkbox"/>
			Workshop
			9C <input type="checkbox"/>
			Carport
			9D <input type="checkbox"/>
			Above Ground Pool
			9E <input type="checkbox"/>
			Below Ground Pool
			9I <input type="checkbox"/>
			Garage
			9J <input type="checkbox"/>
			Garden Shed
			<input type="checkbox"/>
			Other (specify)
Type of Building:	House	Multi-Residential	Other
11 <input type="checkbox"/>	New Building	21 <input type="checkbox"/>	Single Storey
12 <input type="checkbox"/>	Display Home	22 <input type="checkbox"/>	2 or more storey
19 <input type="checkbox"/>	Preliminary Application	23 <input type="checkbox"/>	1 or 2 storey flat/units
		<input type="checkbox"/>	Other (specify)
			<input type="checkbox"/>
			Other Specify
Type of Building:	Walls	Floor	Roof
11A <input type="checkbox"/>	Double Brick	20A <input type="checkbox"/>	Concrete—85mm
12 <input type="checkbox"/>	Brick Veneer	20B <input type="checkbox"/>	Concrete—Other
11B <input type="checkbox"/>	Thermalite interior	10 <input type="checkbox"/>	Timber
60A <input type="checkbox"/>	'Colorbond'	<input type="checkbox"/>	Other (specify)
60B <input type="checkbox"/>	'Zincalume' Walls		
60C <input type="checkbox"/>	Steel Columns		
60D <input type="checkbox"/>	Timber Posts		
50A <input type="checkbox"/>	Fibreglass (pools)		
<input type="checkbox"/>	Other (specify)		
			10 <input type="checkbox"/>
			Tiles
			60A <input type="checkbox"/>
			'Colorbond'
			60B <input type="checkbox"/>
			'Zincalume'
			<input type="checkbox"/>
			Other (specify)

Builder: Name

Address

Registration No.

Phone

Fax

Building Details: Area (m²)Outbuildings Area (m²)

Contract Value \$

Building Height

Signature:

 DEMOLITION LICENCE—

Type of Building/Structure

Number of Storeys

Rat Bait Certificate Issued Yes No

Type/Date Laid

Whole or Part Demolition—Details

Demolition Contractor:

Name

Address

Phone

Fax

Signature

 SIGN LICENCE—

Type of Sign

Position

Dimensions

Materials

Illumination—Internal/External

Wording/Illustration (Plan/Design attached)

SCHEDULE No. 11

Shire of Boyup Brook

TOWN PLANNING SCHEME No. 2

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

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

LAND DESCRIPTION

Lot No..... Street

Proposal

Details of the proposal are available for inspection at the Council office. Comments on the proposal may be submitted to the Council in writing on or before the day of..... 19.....

.....
Chief Executive Officer Date

ADOPTION

Adopted by resolution of the Council of the Shire of Boyup Brook at the Ordinary meeting of the Council held on the 16th day of December 1994.

D. I. MILLER, President.
P. R. WEBSTER, Shire Clerk.

FINAL APPROVAL

Adopted for final approval by resolution of the Shire of Boyup Brook at the Ordinary meeting of the Council held on the 15th day of August 1997.

D. I. MILLER, President.
P. R. WEBSTER, Shire Clerk.

Recommended/Submitted for Final Approval—

Dated: 16 September 1997.

M. SCHRAMM, for Chairperson of the
Western Australian Planning Commission.

Final Approval Granted—

G. D. KIERATII, Minister for Planning.

POLICE

PE501

POLICE AUCTION

Under the provisions of the Police Act 1892, unclaimed found and stolen property and bicycles will be sold by public auction at Ross's Auctioneers, 241 Railway Parade, Maylands on Saturday, 15 November 1997 at 9.00 am.

The auction is to be conducted by Mr Frank Lee.

R. FALCONER, Commissioner of Police,
West Australian Police Service.

STATE REVENUE

SX301

STAMP ACT 1921

STAMP AMENDMENT REGULATIONS (No. 3) 1997

Made by the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Stamp Amendment Regulations (No. 3) 1997*.

Principal regulations

2. In these regulations the *Stamp Regulations 1979** are referred to as the principal regulations.

[* *Reprinted as at 10 March 1997.*
For amendments to 28 October 1997 see Gazette 18 July 1997,
pp. 3783-4.]

Regulation 8AAA amended

3. Regulation 8AAA (2) of the principal regulations is amended by deleting the definitions of "loan contract" and "personal loan" and inserting, in the appropriate alphabetical positions, the following definitions —

“

“**credit**” is provided if under a contract —

- (a) payment of a debt owed by one person (the debtor) to another (the credit provider) is deferred; or
- (b) one person (the debtor) incurs a deferred debt to another (the credit provider);

“**personal loan**” means credit (other than credit secured by a mortgage, charge or otherwise by property or the deposit of title deeds) provided under a contract that —

- (a) does not involve the provision of credit by way of overdraft;
- (b) is not a short term money market dealing; and
- (c) is not a contract under which —
 - (i) multiple advances of credit are contemplated; and
 - (ii) the amount of available credit ordinarily increases as the amount of credit is reduced.

”.

Ninth Schedule amended

4. The Ninth Schedule to the principal regulations is amended by inserting after “Hong Kong Stock Exchange” the following —

“ Montreal Stock Exchange ”.

By Command of the Governor,

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

TRAINING

TB401***VOCATIONAL EDUCATION AND TRAINING ACT 1996****HEDLAND COLLEGE (INTERIM GOVERNING COUNCIL) NOTICE 1997**

Made by the Minister for Employment and Training under section 41 of the *Vocational Education and Training Act 1996*.

Citation

1. This notice may be cited as the *Hedland College (Interim Governing Council) Notice 1997*.

Commencement

2. This notice takes effect on the day on which it is published in the *Government Gazette*.

Interpretation

3. In this notice unless the contrary intention appears —

“the Act” means the *Vocational Education and Training Act 1996*.

“interim governing council” means the interim governing council appointed under clause 4.

Appointment of interim governing council

4. The persons whose names are listed below are appointed to be members of the interim governing council of Hedland College, namely —

Russell Boylan
John Woolfrey
John Jakobson
Anita Grace
James Henry Thorpe

- a. Russell Boylan is appointed to be chairperson of the interim governing council.
- b. The term of a member of the interim governing council expires as at close of business on 31 December 1997.

Schedule 1 applies

5. Schedule 1 of the Act applies to the terms of appointment of and the procedures to be followed by the interim governing council.

Powers of interim governing council

6. The interim governing council is authorised to exercise all the powers conferred on a governing council of a college under the Act.

Dated this 4th day of November 1997.

CHERYL EDWARDES, Minister for Employment and Training.

TB402***VOCATIONAL EDUCATION AND TRAINING ACT 1996****PUNDULMURRA COLLEGE (INTERIM GOVERNING COUNCIL) NOTICE 1997**

Made by the Minister for Employment and Training under section 41 of the *Vocational Education and Training Act 1996*.

Citation

1. This notice may be cited as the *Pundulmurra College (Interim Governing Council) Notice 1997*.

Commencement

2. This notice takes effect on the day on which it is published in the *Government Gazette*.

Interpretation

3. In this notice unless the contrary intention appears —

“the Act” means the *Vocational Education and Training Act 1996*.

“interim governing council” means the interim governing council appointed under clause 4.

Appointment of interim governing council

4. a. The persons whose names are listed below are appointed to be members of the interim governing council of Pundulmurra College, namely —

Leon van Erp
Jean Agale
Roger Thomas
Iris Prouse
Terry Whitby

- b. Jean Agale is appointed to be chairperson of the interim governing council.
- c. The term of a member of the interim governing council expires as at close of business on 31 December 1997.

Schedule 1 applies

5. Schedule 1 of the Act applies to the terms of appointment of and the procedures to be followed by the interim governing council.

Powers of interim governing council

6. The interim governing council is authorised to exercise all the powers conferred on a governing council of a college under the Act.

Dated this 4th day of November 1997.

CIERYL EDWARDES, Minister for Employment and Training.

PUBLIC NOTICES

ZZ101**PUBLIC TRUSTEE ACT 1941**

Notice is hereby given that pursuant to Section 14 of the Public Trustee Act, 1941 and amendments the Public Trustee has elected to administer the estates of the undermentioned deceased persons.

Dated at Perth the 4th day of November 1997.

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

Name of Deceased; Address; Date of Death; Date Election Filed.

Jilgai, Judy; Derby; 3 May 1997; 24 October 1997.

Kingma, Franciscus Jozeph Hubertus; Perth; 23 April 1997; 30 October 1997.

Murray, Edith May; Mount Lawley; 8 October 1997; 30 October 1997.

Parker, Elaine Margaret; Nedlands; 8 July 1997; 30 October 1997.

McFadyen, Patricia Ethel; Cooloongup; 31 August 1997; 30 October 1997.

Hicks, Johnson; Karratha; 9 January 1997; 31 October 1997.

Stepanek, Karel; Perth; 22 July 1997; 31 October 1997.

McLachlan, Ian David; Nedlands; 21 July 1997; 31 October 1997.

WESTERN AUSTRALIA
RETIREMENT VILLAGES ACT 1992

Price: \$28.30 Counter Sales
Plus Postage on 695 grams

RETIREMENT VILLAGES REGULATIONS 1992

*Price: \$2.50 Counter Sales
Plus Postage on 25 grams

* Prices subject to change on addition of amendments.

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