

WESTERN AUSTRALIAN GOVERNMENT Gazette



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- Extraordinary gazettes not circulated to all subscribers—these notices appear in the following general edition of the gazette.

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

JOHN A. STRIJK,
Government Printer.

PROCLAMATIONS

AA101

PROFESSIONAL STANDARDS ACT 1997

(No. 22 of 1997)

PROCLAMATION

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

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

I, the Governor, acting under section 2 of the *Professional Standards Act 1997*, and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which the provisions of that Act come into operation.

Given under my hand and the Public Seal of the State on 7 April 1998.

By Command of the Governor,

PETER FOSS, Attorney General.

GOD SAVE THE QUEEN !

AGRICULTURE

AG401

HERD IMPROVEMENT SERVICE ACT 1984

Agriculture Western Australia,
South Perth WA 6151.

Agric. 291/88 V2

His Excellency the Governor in Executive Council has been pleased to appoint pursuant to section 5(1)(b) of the Herd Improvement Service Act 1984, Mr Barry Bell as Member of the Board of Management of the Herd Improvement Service of Western Australia for a term of office expiring on 31 January 2002.

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

CEMETERIES

CC401

CEMETERIES ACT 1986

BUNBURY CEMETERY BOARD

Scale of Fees and Charges

In pursuance of the powers conferred upon it by section 53 of the Cemeteries Act, the Bunbury Cemetery Board hereby records having resolved on the 2nd April 1998 that the following Bunbury Cemetery Board fees and charges shall apply from 1/7/1998.

Schedule of Fees and Charges

GENERAL CEMETERY

A: IN OPEN GROUND

\$

Interment in grave any depth to 2.13m including registration fee and use of number plate	470.00
Interment of any stillborn child in ground set aside for that purpose	100.00

B: IN PRIVATE GROUND

Ordinary land for grave 2.44m x 1.22m where directed	630.00
Ordinary land for grave 2.44m x 2.44m where directed	1180.00
Ordinary land for grave 2.44m x 0.30m where directed	260.00
Interment in grave any depth to 2.13m including registration fee and use of number plate	470.00
Interment of a stillborn child	100.00

C: EXTRA CHARGES	\$
Interment in open ground, without due notice	250.00
Interment in private ground, without due notice	250.00
Interment not in usual hours, as prescribed	250.00
Interment on a Saturday, Sunday or Public Holiday	280.00
Interment of cremated ashes	100.00
Fee of exhumation	950.00
Re-interment in new grave	470.00
Plaque for stillborn grave	110.00
LAWN CEMETERY	
A: Ordinary land for grave 2.44m x 1.22m	630.00
Interment in grave any depth to 2.13m including registration fee and use of number plate	470.00
Interment of a stillborn child	100.00
Limited access graves	450.00
Interment of cremated ashes	100.00
B: EXTRA CHARGES	
Interment without due notice	250.00
Interment not in usual hours as prescribed	250.00
Interment on Saturday, Sunday or Public Holiday	280.00
Fee of exhumation	950.00
Re-interment in new grave	470.00
VAULTS	
Standard vault including reservation for two interments (excluding land fee)	4000.00
First interment	470.00
Second Interment	470.00
Interment without due notice	250.00
Interment not in usual hours as prescribed	250.00
Interment on Saturday, Sunday or Public Holiday	280.00
MISCELLANEOUS CHARGES	
Funeral Director's Annual Licence Fee	200.00
Single Funeral Permit (Funeral Directors Only)	100.00
Single Funeral Permit (Other than Funeral Director)	300.00
Monumental Mason's Annual Fee	200.00
Single Monument Permit (Monumental Masons Only)	100.00
Permit to erect a headstone	110.00
Copy of By-laws and regulations	20.00
Copy of Grant of Right of Burial	40.00
Refund of an unexpired Grant of Right of Burial not to exceed the amount originally paid, less an administration fee of	65.00
Renewal of Grant of Right of Burial	130.00
Attendance at Placement of Ashes in any grave—	
Monday to Friday 9.00 am to 4.00 pm, flexible appointment time	\$ nil
Fixed Time appointment	40.00
Weekends and Public Holidays	120.00
Penalty Fees: (Extra to Schedule Fees) Late Arrival (By-Laws 28.1)	65.00
CREMATORIUM	
A: CREMATION FEES	
Persons thirteen (13) years or over.	490.00
Child under thirteen (13) years	300.00
Stillborn child	100.00
B: EXTRA CHARGES	
Cremation without due notice	250.00
Cremation not in usual hours as prescribed	250.00
Cremation on a Saturday, Sunday or Public Holiday	280.00
Use of crematorium chapel (service only)	300.00
Penalty Fee: Late arrival/commencement (By-Law)	65.00
C: DISPOSAL OF ASHES	
1: NICHE WALLS	
Placement in single niche including bronze plaque and inscription	260.00
Placement in double niche including bronze plaque and first inscription	360.00
Second inscription	120.00
Plaque for reserved position: Single Niche	110.00
Plaque for reserved position: Double Niche	160.00
2: GARDEN OF REMEMBRANCE	
Interment including chrome plated plaque and reservation for a second interment	260.00
Second interment and plaque	260.00

2:1 GARDEN OF REMEMBRANCE	\$
Interment including bronze plaque 76mm x 64mm and reservation for a second interment	260.00
Second interment and plaque	260.00
3: KERBED GARDEN MEMORIALS	
Interment including bronze plaque and reservation for a second interment	260.00
Second interment and plaque	260.00
4: MEMORIAL GARDEN OF REMEMBRANCE	
Interment including bronze plaque and reservation for three additional interments	475.00
Second, third and fourth interments and plaque (each)	270.00
5: MEMORIAL GARDEN	
Interment with Family Rose Bush or Shrub, including 229mm x 184mm bronze plaque and reservation for three additional interments	770.00
Second, third and fourth interments and plaque	305.00
5:1 MEMORIAL GARDEN DUAL POSITION	
Interment with Family Rose Bush or Shrub including bronze plaque 229mm x 184mm and reservation for one additional interment	590.00
Additional interment and plaque	305.00
6: SELECTED FAMILY SHRUBS	
Interment with selected Shrub or Tree including 229mm x 229mm bronze plaque and reservation for three additional interments	1050.00
Second, third and fourth interments and plaque	310.00
7: MEMORIAL WALLS	
Single position including bronze plaque and interment	370.00
Reservation for second position	60.00
8: NATURE SERIES GROUND NICHEs	
Interment in selected position including bronze plaque 229mm x 229mm and reservation for one additional interment:	
Bushland Niche	540.00
Parkland Niche	540.00
Lakeside Niche	630.00
9: OTHER FEES	
Interment in family grave	100.00
Scattering to the winds	65.00
Postage of Ashes within Australia	75.00
Administration and registration fee for collection of Ashes from crematorium	65.00
Transfer of Ashes to a new position (plus cost of plaque if required)	65.00
Acceptance and registration of Ashes from other crematoria	65.00
Storage of cremated remains per month after six months	5.00
Garden position reservation	60.00
Other memorials	By quotation
Attendance at Placement of Ashes—	
Monday to Friday: 9.00 am to 4.00 pm flexible appointment	\$ nil
Monday to Friday: Fixed time appointments	40.00
Weekends and Public Holidays	120.00

BUNBURY CEMETERY BOARD
SCHEDULE OF PRE-NEED SERVICES

GENERAL CEMETERY

Pre-Need Purchase of Certificate for Grave Site 2.44m x 1.22m	730.00
Reserved Position	160.00
Pre-Need Purchase of Certificate for Interment	520.00

LAWN CEMETERY

Pre-Need Purchase of Certificate for Grave Site 2.44m x 1.22m	730.00
Pre-Need Purchase of Certificate for Interment	520.00

CREMATION

Pre-Need Purchase of Certificate for Cremation	540.00
Single Niche Position and Plaque	310.00
Double Niche Plaque and First Inscription	410.00
Double Niche Plaque and two Inscriptions	560.00
Garden of Remembrance with Chrome Plaque each	310.00
Garden of Remembrance with Bronze Plaque each	310.00
Kerbed Memorial Garden and Bronze Plaque each	310.00
Memorial Garden of Remembrance: 1 interment and Bronze Plaque	525.00
Memorial Garden of Remembrance: 2 interments and Bronze Plaques	835.00
Memorial Garden: 1 interment and Bronze Plaque	830.00

	\$
Memorial Garden: 2 interments and Bronze Plaques	1180.00
Family Rose Dual Position: 1 interment and Bronze Plaque	640.00
Family Rose Dual Position: 2 interments and Bronze Plaques	995.00
Family Shrub: 1 interment and Bronze Plaque	1120.00
Family Shrub: 2 interments and Bronze Plaques	1480.00
Memorial Wall Position with Bronze Plaque	420.00
Bushland Niche Position with Bronze Plaque	590.00
Parkland Niche Position with Bronze Plaque	590.00
Lakeside Niche Position with Bronze Plaque	680.00
Refund of Pre-Need certificate is not to exceed the amount originally paid, less an Administration Fee	65.00

If a specific position is selected, a Reservation Fee will apply.

D. LUTTRELL, Chairman.
P. DEN BOER, Manager.

ELECTORAL COMMISSION

EL401

MARKETING OF POTATOES ACT 1946

POTATO MARKETING CORPORATION OF WESTERN AUSTRALIA

Election of Elective Member of the Corporation

Commercial producers are hereby notified that it is intended to hold an election to fill the vacancy as an elective member of the Potato Marketing Corporation which will occur on 8 August 1998 due to the effluxion of time.

The following dates have been fixed:

Nominations Close: 12 Noon on Wednesday 3 June 1998.

Close of polling in the event of a contest: 4.00 pm on Wednesday 8 July 1998.

Nominations must be made in writing in the prescribed form, signed by the candidate personally, and also by a proposer and a seconder, both of whom must be persons enrolled on the electoral roll to be used at the election.

Nominations must be sent or delivered to the Returning Officer so as to be in his hands no later than 12 Noon on Wednesday 3 June 1998.

Returning Officer
Potato Marketing Corporation of Western Australia
Western Australian Electoral Commission
4th Floor, 480 Hay Street
Perth WA 6000

OR

GPO Box F316
Perth WA 6841

Nomination forms are available from the organisation's office or from the Returning Officer at the above address.

MATTHEW COLLEY, Returning Officer.

Telephone (08) 9221 4454

Facsimile (08) 9221 3205

ENVIRONMENTAL PROTECTION

EP401

ENVIRONMENTAL PROTECTION ACT 1986

(Section 20)

Delegation (No. 26)

1. Subject to 2, the Chief Executive Officer by this instrument delegates to the holder for the time being of the office of Director, Waste Management Division, Department of Environmental Protection ("the delegate"), all the powers and duties conferred or imposed on the Chief Executive Officer under Regulations 4(2), 5(1), 6, 9, 10(2), 10(3), 10(4), 13, 14, 15(2), 16, 17, 18(b), 18(d), 19(3), 19(4), 24(2), 24(3), 26(1), 28(3), 30, 32(3), 32(4), 33(c), 33(e), 33A, 34, 35(2), 36(3), 39(4), 39(5), 45(3), 47 and 50 of the Environmental Protection (Liquid Waste) Regulations 1996.

2. The powers and duties under Regulation 10 hereby delegate shall only be exercised by the delegate for the purposes of or in relation to Division 3 of the regulations.

Pursuant to section 59(1)(e) of the Interpretation Act 1984 delegation number 22 dated the 20th day of June 1996 is hereby revoked.

Dated this 1st day of April 1998.

(Dr) BRYAN JENKINS, Chief Executive Officer.

Approved—

HON. CHERYL EDWARDES, Minister for the Environment.

EP402**ENVIRONMENTAL PROTECTION ACT 1986**

(Section 20)

Delegation (No. 27)

1. Subject to 2, the Chief Executive Officer by this instrument delegates to the holder for the time being of the office of Assistant Director, Waste Disposal, Waste Management Division, Department of Environmental Protection ("the delegate"), all the powers and duties conferred or imposed on the Chief Executive Officer under Regulations 4(2), 5(1), 6, 7, 9, 10(2), 10(3), 11, 13, 14, 15(2), 16, 17, 18(b), 18(d), 19(3), 19(4), 24(2), 24(3), 26(1), 28(3), 30, 32(3), 32(4), 33(c), 33(e), 33A, 35(2), 36(3), 39(4), 39(5), 45(1), 45(3) and 50 of the Environmental Protection (Liquid Waste) Regulations 1996.

2. The powers and duties under Regulation 10 hereby delegate shall only be exercised by the delegate for the purposes of or in relation to Division 3 of the Regulations.

Pursuant to section 59(1)(e) of the Interpretation Act 1984 delegation number 23 dated the 20th day of June 1996 is hereby revoked.

Dated this 1st day of April 1998.

(Dr) BRYAN JENKINS, Chief Executive Officer.

Approved—

HON. CHERYL EDWARDES, Minister for the Environment.

EP403**ENVIRONMENTAL PROTECTION ACT 1986**

(Section 20)

Delegation (No. 28)

The Chief Executive Officer by this instrument delegates to the holder for the time being of the office of Manager, Liquid Waste of the Waste Management Division, Department of Environmental Protection ("the delegate"), all the powers and duties conferred or imposed on the Chief Executive Officer under Regulations 4(1), 6, 9, 13, 14, 15(2), 16, 17, 19(3), 19(4), 24(2), 24(3), 26(1), 28(3), 30, 32(3), 33(c), 33A(1), 33A(6), 35(2), 36(3), 39(5) and 50 of the Environmental Protection (Liquid Waste) Regulations 1996.

Pursuant to section 59(1)(e) of the Interpretation Act 1984 delegation number 24 dated the 20th day of June 1996 is hereby revoked.

Dated this 1st day of April 1998.

(Dr) BRYAN JENKINS, Chief Executive Officer.

Approved—

HON. CHERYL EDWARDES, Minister for the Environment.

HEALTH

HE401***OSTEOPATHS ACT 1997**

OSTEOPATHS REGISTRATION BOARD

(APPOINTMENT OF MEMBERS) INSTRUMENT 1998

Made by the Minister for Health pursuant to section 6 of the Act.

Citation

1. This instrument may be cited as the *Osteopaths Registration Board (Appointment of Members) Instrument 1998*.

Interpretation

2. In this instrument—

“table” means the table in the schedule to this instrument;

“the Act” means the *Osteopaths Act 1997* (WA);

“the Board” means the Osteopaths Registration Board constituted under section 6 of the Act.

Appointed Members

3. Each of the persons named in column 1 of the table are appointed as members of the Board, pursuant to the provisions of the section of the Act specified in column 2 of the table adjacent to the name of that person, for the period specified in column 3 of the table.

COLUMN 1	TABLE COLUMN 2	COLUMN 3
Member	Provision of the Act	Expiry Date
Mr Gary Ronald Potter	6(1)(a)	17 March 2001
Ms Rosemary Anna Latto	6(1)(a)	17 March 2001
Mr Bruce James Goetze	6(1)(d)	17 March 2001
Mr Colin Thomas McFarlane	6(1)(b)	17 March 2000
Mrs Helene Margaret Knox	6(1)(a)	17 March 2000
Mr Kenneth Robert Grogan	6(1)(c)	17 March 2000

Date: 25 March 1998.

KEVIN PRINCE, Minister for Health.

JUSTICE**JM101***CORRECTION***JUSTICES ACT 1902**

An error occurred in the notice published under the above heading on page 1975 of the *Government Gazette* dated 3 April 1998 and is corrected as follows. Delete reference to the appointment of Synove Edmond Hansson to the Office of Justice of the Peace and replace with—

DECLARATIONS AND ATTESTATIONS ACT 1913

It is hereby notified for public information that the Hon Attorney General has approved the appointment of Mr Synove Edmond Hansson of 52 Beach Street, Bicton as a Commissioner for Declarations under the Declarations and Attestations Act 1913.

RICHARD FOSTER, Executive Director, Courts Division.

JM102*CORRECTION***JUSTICES ACT 1902**

An error occurred in the notice published under the above heading on page 1975 of the *Government Gazette* dated 3 April 1998 and is corrected as follows.

Delete reference to the appointment of Gary Kevin Seward to the Office of Justice of the Peace and replace with—

It is hereby notified for public information that His Excellency the Governor in Executive Council has accepted the resignation of Gary Kevin Seward of 53 Peel Terrace, Busselton, from the Office of Justice of the Peace for the State of Western Australia.

RICHARD FOSTER, Executive Director, Courts Division.

JM301*

PROFESSIONAL STANDARDS ACT 1997

PROFESSIONAL STANDARDS REGULATIONS 1998

Made by the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Professional Standards Regulations 1998*.

Commencement

2. These regulations come into operation on the day on which the *Professional Standards Act 1997* comes into operation.

Fee on application under section 20

3. (1) On making an application to the Council under section 20 (2) or (3) of the Act, an occupational association must pay a fee of \$5 000 to the Council.

(2) The Council may, if it considers that there are special reasons for doing so in a particular case, remit the whole or any part of the fee payable under section 20 (2) or (3) of the Act in relation to the amendment of a scheme or the revocation of a scheme.

Annual fee for occupational associations subject to a scheme

4. (1) This regulation applies to any occupational association whose members are subject to a scheme in force under the Act.

(2) In each scheme year the occupational association must pay to the Council —

(a) a fee that is calculated according to the number of members of the association who are subject to the scheme at any time during the year, as follows:

(i) if the scheme applies only to a class of persons within the association who elect to have the scheme apply to them, \$75 for each of those members; or

(ii) if subparagraph (i) does not apply, \$40 for each of those members;

or

(b) if the fee calculated under paragraph (a) is less than \$2 500, a fee of \$2 500.

(3) Except as provided in subregulation (4), the association must pay the fee before the end of the first quarter of the scheme year.

(4) If, after the occupational association pays the fee —

(a) the scheme becomes applicable to an additional member of the association; and

(b) the fee calculated under subregulation (2) (a) is greater than \$2 500 when the additional member is included in the calculation,

the association must pay the amount relevant to the additional member under subregulation (2) (a) before the end of the quarter of the scheme year in which the scheme becomes applicable to the member.

(5) In this regulation —

“**scheme year**”, in respect of a scheme in force under the Act, means a year beginning on the day the scheme begins or on an anniversary of that day.

By Command of the Governor,

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

JM401**JUSTICES ACT 1902**

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

Mr Adrian George Brahim of 30 Egret Crescent, South Hedland

Mr Peter Geoffrey Male of 18 Flemington Street, Albany

Ms Shirley Ann Simpson of 42 Leslie Loop, Karratha

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

RICHARD FOSTER, Executive Director, Court Services.

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

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

Mr Adrian George Brahim of 30 Egret Crescent, South Hedland.

RICHARD FOSTER, Executive Director, Court Services.

JM403**DECLARATIONS AND ATTESTATIONS ACT 1913**

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the appointment of the following persons as Commissioners for Declarations under the Declarations and Attestations Act 1913—

Mrs Maree Lesley Ayres of 20 Woodlands Grove, Hocking

Ms Kerry Craft of 3935 Jacoby Street, Mundaring.

RICHARD FOSTER, Executive Director, Court Services.

LEGAL PRACTICE BOARD

LE401**LEGAL PRACTICE BOARD RULES 1949****THE LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA**

It is hereby notified for general information in accordance with Rule 10 of the Legal Practice Board Rules that, at a duly convened meeting of the Board held on Wednesday, 8 April 1998, the following practitioners were declared to be duly elected members of the Legal Practice Board for the year commencing Thursday, 9 April 1998—

D. R. Clyne	A. S. Stavrianou
Ms P. J. Keeley	P. A. Tottle
S. Penglis	D. M. Watt
Ms J. Penny	I. Weldon
T. H. Sharp	

Dated this 8th day of April 1998.

A. J. THOMPSON, Secretary to the
Legal Practice Board, Perth, Returning Officer.

LOCAL GOVERNMENT

LG301**SHIRE OF DARDANUP****Amendment to Extractive Industry Local Laws**

The Council of the Shire of Dardanup records having made the following amendment to its local laws relating to extractive industry at a meeting of the Council held on Friday, 27 March 1998.

- (1) In these Local Laws the Extractive Industries Local Laws published in the *Government Gazette* on 15 October 1996 as amended from time to time are referred to as the Principal Local Laws.
- (2) The Principal Local Laws are amended by deleting Local Law 22 and substituting the following—

“Objections & Appeals

22. When the local government makes a decision as to whether it will—

- (a) grant a person a license under this Local Law; or
- (b) renew, vary or cancel a license that a person has under this local law, the provisions of Division 1 of Part of the Act and regulations 33 and 34 of the Local Government (Functions & General) Regulations 1996 shall apply to that decision”.

Dated this 30th day of March 1998.

M. L. CHESTER, Chief Executive Officer.

LG401**DOG ACT 1976**

It is hereby notified for public information that the following persons have been appointed pursuant to the Dog Act 1976, for the Municipality of the Shire of Broome.

Registration Officers—

Rhonda Dale Clarke
Natalie Anne Bennett
Anna Elizabeth Rembisz
Alyson Diane Gale
Jenny Jolliffe

It is hereby notified for public information that the following appointment has been revoked—

Tania Elizabeth Galloway

G. S. POWELL, Chief Executive Officer.

LG402**SHIRE OF MANJIMUP****Appointment of Ranger**

It is hereby notified for public information that the former Ranger, Mark Wilson, is no longer an authorised officer for the Shire of Manjimup and that Julie Karafilis has been appointed as Ranger for the Shire of Manjimup effective from 4 May 1998 as an authorised officer for the following—

Local Government Act
Dog Act
Litter Act
Bush Fires Act

and all Council By-laws.

GARY FITZGERALD, Chief Executive Officer.

MINERALS AND ENERGY

MN101**CORRECTION***PETROLEUM (SUBMERGED LANDS) ACT 1967****NOTICE OF INVITATION FOR APPLICATIONS FOR EXPLORATION PERMITS**

The notice at pages 1373 to 1387 of the *Government Gazette* dated 13 March 1998 listing the Schedule of blocks available for application is corrected as follows:

- (1) under the heading W98-5, Assessed to contain 72 blocks, delete 72 and replace with 70;
- (2) under the heading W98-31, Block No. between 1369 and 1379 insert 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378.

IAN FRASER, Director Petroleum Operations Division.

MN401***PETROLEUM ACT 1967****Notice of Grant of Exploration Permit**

Exploration Permit No. EP412 has been granted to ESU Pty Ltd, Dick Cooper Exploration Pty Ltd and Zadar Holdings Pty Ltd to have effect for a period of six years from 19 March 1998.

IAN FRASER, Director Petroleum Operations Division.

MN402**MINING ACT 1978**

Department of Minerals & Energy,
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 99(1)(a) of the Mining Act 1978 that the undermentioned Exploration Licence is forfeited for breach of covenant, viz; non compliance with expenditure conditions with prior right of application being granted to the plaintiffs under Section 100(2).

NORMAN MOORE, Minister for Mines.

PEAK HILL MINERAL FIELD

Exploration Licence 52/865—Troy Resources NL

MN403

Department of Minerals & Energy,
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 99(1)(a) of the Mining Act 1978 that the undermentioned mining leases are forfeited for breach of covenant, viz; non compliance with expenditure conditions with prior right of application being granted to the plaintiff under Section 100(2).

NORMAN MOORE, Minister for Mines.

SOUTH WEST MINERAL FIELD

Mining Lease 70/783—Australian Chalk & Mineral Resources NL

Mining Lease 70/784—Australian Chalk & Mineral Resources NL

MN404**MINING ACT 1978**

Department of Minerals & Energy,
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 99(1)(a) of the Mining Act 1978 that the undermentioned Mining Lease is forfeited for breach of covenant, viz; non compliance with expenditure conditions with prior right of application being granted to the plaintiff under Section 100(2).

NORMAN MOORE, Minister for Mines.

SOUTH WEST MINERAL FIELD

Mining Lease 70/804—Australian Chalk & Mineral Resources NL

MN405**MINING ACT 1978**

Department of Minerals & Energy,
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 99(1)(a) of the Mining Act 1978 that the undermentioned Exploration Licences are forfeited for breach of covenant, viz; non compliance with expenditure conditions with prior right of application being granted to the plaintiff under Section 100(2).

NORMAN MOORE, Minister for Mines.

KIMBERLEY MINERAL FIELD

Exploration Licence 80/1024—Lees Faith Pty Ltd

Exploration Licence 80/1025—Lees Faith Pty Ltd

MN406**MINING ACT 1978**

Department of Minerals & Energy,
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 96A(1) and 97(1) of the Mining Act 1978 that the undermentioned mining tenements are forfeited for breach of covenant, viz; non payment of rent.

NORMAN MOORE, Minister for Mines.

Number	Holder	Mineral Field
	Exploration Licences	
31/273	Hall, Michael William; O'Kane, Colum Timothy	North Coolgardie
53/656	Tenod Pty Ltd	East Murchison
	Mining Lease	
70/940	Whitsed Resources Pty Ltd	South West

PHARMACEUTICAL COUNCIL

PB401

THE PHARMACEUTICAL COUNCIL OF WESTERN AUSTRALIA
(Regulation 14, Pharmacy Act Regulations)

The following persons have been elected members of the Pharmaceutical Council of Western Australia—

Graham Thomas Greenhill, 20 Millington Street, Ardross WA 6153

Mark Alexander Coles, 2 Balfour Court, Mandurah WA 6210

The following persons have been elected to the offices shown—

President: Kevin Thomas McAnuff, 5 Orana Crescent, Brentwood WA 6153

Deputy President: Neville Peter Garrity, 41 Archdeacon Street, Nedlands WA 6009

R. J. BRENNAN, Registrar.

PLANNING

PD401*

WESTERN AUSTRALIAN PLANNING COMMISSION
METROPOLITAN REGION SCHEME—SECTION 33 AMENDMENT
OUTCOME OF AMENDMENT

‘GROUNDWATER PROTECTION (SOUTH WEST AND SOUTH EAST CORRIDORS)’

It is hereby notified for public information that the ‘Groundwater Protection (South West and South East Corridors)’ Amendment to the Metropolitan Region Scheme has been submitted before both Houses of Parliament in accordance with the provisions of section 33 of the Metropolitan Region Town Planning Scheme Act.

This amendment, as depicted on Western Australian Planning Commission plan number 1.3535/1, is effective in the Metropolitan Region Scheme on and from 1 April 1998.

PETER MELBIN, Secretary,
Western Australian Planning Commission.

PD402*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
SHIRE OF CHITTERING
TOWN PLANNING SCHEME NO. 5—AMENDMENT NO. 60

Ref: 853/3/4/5, Pt. 60.

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

1. Adding Light Industrial Zone to the scheme Maps.
2. Rezoning part of Lot 1040 Bindoon-Dewars Pool Road from Rural 3 Zone—Chittering Valley to Light Industry Zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Great Northern Highway, Bindoon 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 May 29, 1998.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before May 29, 1998.

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.

This amendment is being re-advertised and all persons/organisations who lodged a submission previously are not required to forward a new submission.

R. P. HOOPER, Chief Executive Officer.

PD403*

TOWN PLANNING AND DEVELOPMENT ACT 1928
 TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
SHIRE OF BRIDGETOWN—GREENBUSHES
 TOWN PLANNING SCHEME NO. 3—AMENDMENT NO. 47

Ref: 853/6/5/3, Pt. 47.

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

- 1 Inserting definitions for 'Bed and Breakfast' and 'Child Care Centre' into the Scheme.
- 2 Introducing "Bed and Breakfast" as an "AA" use in the Residential, Residential Development, Rural, Special Residential and Special Rural zones and as an 'X' use in all other zones.
- 3 Introducing 'Child Care Centre' as an 'AA' use in the Residential, Residential Development and Rural Zones and as an 'X' use in all other zones.
- 4 Changing 'Home Occupation' from being an 'X' use to an 'AA' use in the Residential Development zone.
- 5 Changing 'Professional Office' from being an 'X' use to an 'AA' use in the Residential Development zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, corner of Hampton and Steere Streets, Bridgetown 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 May 29, 1998.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before May 29, 1998.

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. I. STEWART, A/Chief Executive Officer.

PD404

TOWN PLANNING AND DEVELOPMENT ACT 1928
 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
CITY OF BUNBURY
 TOWN PLANNING SCHEME NO. 6—AMENDMENT NO. 188

Ref: 853/6/2/9, Pt. 188.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Bunbury Town Planning Scheme Amendment on April 6, 1998 for the purpose of—

The City of Bunbury under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 1928, hereby amends the above Town Planning Scheme by—

A Deleting Sub Clause 5.7 (c) from Part 5 Development Standards of the Scheme Text and inserting the following:

5.7 (c) Within the areas nominated on the Scheme Map as R30 Council will permit development only where it is satisfied that the development complies with the following residential design standards.

Servicing

- i All dwellings must be fully serviced with power, water, deep sewerage and telephone.

Streetscape and Visual Appearance

- ii Fencing on the front boundary shall comply with the following:
 - The maximum height of solid fencing shall be 750 millimetres;
 - Fencing above 750 millimetres shall be visually permeable; and,
 - The maximum height of fencing shall be 1800 millimetres;
- iii The provision of a 1.8 metre high fibro cement, closed picket or masonry fence will be required along the side and rear site boundaries.
- iv Landscaping and reticulation of landscaped areas nominated in Councils Planning Approval is to be undertaken at the construction phase and completed prior to occupation of dwellings.
- v Where an existing dwelling forms part of an application for Planning Approval, Council will require that additional dwellings be of an architectural theme which complements the existing dwelling and visual integration is achieved through consistent treatment of open space, carparking, landscaping and fencing.

Carparking

- vi Each dwelling unit including special purpose dwellings is to be provided with a carport or garage of minimum internal width of 3 metres made of the same materials as the main dwelling, and under the main roof of the dwelling unit. Supports for the carport may intrude into the 3 metres space by a maximum of 150mm.

B Inserting a new Sub Clause 5.7 (d) Part 5 Development Standards of the Scheme Text as follows:

5.7 (d) *Design Guidelines*

Council may impose conditions of development approval to require compliance with design guidelines (planning policies) which may from time to time be adopted by Council, pursuant to Clause 5.7 (f), to assist in achieving a high quality of urban design within a nominated precinct.

C Inserting a new Sub Clause 5.7 (e) Part 5 Development Standards of the Scheme Text as follows:

5.7 (e) *Planning Policies*

- i The Council may prepare a planning policy (herein 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.
- ii 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.
 - (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 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.
- iii The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.
- iv 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 5.7 (f) (ii).
- v 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 or rescission by the Council twice in a local newspaper circulating in the district.
- vi 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.
- vii Any Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises, the Scheme shall prevail.

D Modifying the Scheme Map by recoding precincts nominated on the Scheme Amendment Map to R30.

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

PD701*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME
CITY OF GERALDTON
TOWN PLANNING SCHEME NO. 3

Ref: 853/3/2/7, Vol. 2.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Geraldton Town Planning Scheme No. 3 on February 9, 1998—the Scheme Text of which is published as a Schedule annexed hereto.

P. G. COOPER, Mayor.
G. K. SIMPSON, Chief Executive Officer.

SCHEDULE
THE CITY OF GERALDTON
Town Planning Scheme No.3

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

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PART I—PRELIMINARY

1.1 CITATION

This Town Planning Scheme may be cited as the City of Geraldton Scheme No.3 hereinafter called 'The Scheme' and shall come into operation on the publication of the Scheme in the Government Gazette.

1.2 RESPONSIBLE AUTHORITY

The Authority responsible for implementing the Scheme is the Council of the City of Geraldton, hereinafter called 'The Council'.

1.3 SCHEME AREA

The Scheme applies to the whole of the land in the municipality of the City of Geraldton.

1.4 CONTENTS OF SCHEME

The Scheme comprises—

- (a) This Scheme Text
- (b) The Scheme Map

1.5 ARRANGEMENT OF SCHEME TEXT

The Scheme Text is divided into the following Parts—

- PART I—Preliminary
- PART II—Objectives & Policies
- PART III—Reserves
- PART IV—Zones
- PART V—Development Requirements
- PART VI—Non-Conforming Uses
- PART VII—Planning Consent
- PART VIII—Administration
- SCHEDULES
- APPENDICES

1.6 REVOCATION OF EXISTING SCHEMES

The following Town Planning Schemes are hereby revoked—

- City of Geraldton Town Planning Scheme No.1—Gazetted 13/5/77
- City of Geraldton Town Planning Scheme No.2—Gazetted 27/8/76

1.7 INTERPRETATION

1.7.1 Except as provided in Clause 1.7.2 and 1.7.3, the words and expressions of the Scheme have their normal and common meaning.

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

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

PART II—OBJECTIVES & POLICIES

2.1 GENERAL OBJECTIVES & POLICIES

Council's general objectives for the Scheme area are—

- to secure and enhance the role of the City as the primary centre of the Mid-West Region for commercial, industrial, residential and civic activity;

- to ensure a satisfactory diversity of urban character in all aspects of the City's development, which recognises and, where desirable, takes advantage of established aspects of the natural and built environment;
- to provide for a range of residential opportunities which achieve satisfactory standards of amenity and public health, together with convenient accessibility to services and facilities;
- preservation of the City's landscape setting and environmentally significant elements;
- protection of buildings, places and streetscapes considered to be of significance to the City's heritage and urban character;
- protection of trees and other substantial vegetation which are considered to materially contribute to the City's landscape.

Council's general policies will therefore be to—

- adopt and implement a planning system and development policies which will promote and contribute to the economic opportunities and social well being of the municipality and the community;
- exercise the maximum reasonable discretionary powers over land use and development control within clear and comprehensive guidelines;
- establish planning policies for appropriate aspects of City development, subject to revision from time to time in response to changing circumstances and in accordance with relevant Scheme provisions.

2.2 POWER TO MAKE POLICIES

2.2.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the Control of Development. No such policy or code or any part thereof shall conflict with the provisions of the Scheme.

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

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

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

- (i) preparation and final adoption of a new Policy pursuant to this Clause, specifically worded to supersede an existing Policy;
- (ii) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.

2.2.4 In considering any application for planning consent, Council will take into account any Planning Policy relevant to the application, but a Planning Policy will not be statutorily binding on the Council.

2.3 POLICIES FOR SCHEME PRECINCTS

Council will adopt Policies for the Special Design and Urban Conservation precincts of the Scheme in order to implement development guidelines and conditions of planning consent appropriate to the precinct.

PART III—RESERVES

3.1 SCHEME RESERVES

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

Roads

Primary Distributor

District Distributor

Recreation

Landscape Protection & Coastal Management

Community and Public Purposes

3.2 MATTERS TO BE CONSIDERED BY COUNCIL

Where an application for Planning Consent is made with respect to land within a Local Reserve, the Council shall have regard to the ultimate purposes intended for the Reserve and the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its consent.

3.3 COMPENSATION

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

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

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

PART IV—ZONES**4.1 ZONES**

4.1.1 The Scheme contains the several zones set out hereunder—

City Centre
 Central Geraldton
 Local Centre
 Residential
 Marina
 Industry—General
 Industry—Light
 Industry—Port
 Port
 West End
 Development
 Special Use

4.1.2 The zones are delineated and depicted on the Scheme Map according to the legend thereon. The Scheme Map shows, as overlays to the zoning, precincts within which in addition to other Scheme controls, Council will exercise discretionary powers over land use, permit a variation to Scheme provisions, or impose conditions of planning consent in order to achieve the specific objective for the precinct.

4.2 ZONING TABLE

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

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

‘P’ means that the use is permitted, provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by Council in granting its planning consent.

‘AA’ means that the Council may, at its discretion, permit the use.

‘SA’ means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with the provisions of Clause 7.2.

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

TABLE 1
 ZONING TABLE

USE CLASS	ZONE												
	City Centre	Central Geraldton	Local Centre	Residential	Marina	Industry—General	Industry—Light	Industry—Service	Industry—Port	Port	West End	Development	Special Uses
COMMERCIAL	Amusement Parlour	AA		SA		AA							
	Betting Agency	AA		AA									
	Car Park	P	P	P		P	P	P		P			
	Dry Cleaning/Laundry Premises						P	P	A				
	Fast Food Outlet	P		P	SA	AA				AA			
	Fish Shop	P		P		AA				P	AA		
	Funeral Parlour	P					P	P	P				
	Garden Centre	P		P	SA		P	P	P				

TABLE 1—*continued*
ZONING TABLE

USE CLASS	ZONE											Development	Special Uses	
	City Centre	Central Geraldton	Local Centre	Residential	Marina	Industry—General	Industry—Light	Industry—Service	Industry—Port	Port	West End			
COMMERCIAL	Health Studio	P	P	AA	AA	P	P	P						
	Laundromat	P		P	SA	AA	P	P						
	Liquor Store	P		SA		AA								
	Marine Sales/Service	P				P	P		P	P				
	Motor Vehicle Sales/Service	P					P	P	P	AA				
	Night Club	AA				AA								
	Office	P		P		P	P	P	P	P	P			
	Professional Office	P	AA	P	AA	AA	P	P	AA					
	Public Amusement	AA	AA	AA		AA	P	P	AA					
	Reception Centre	P	AA	P	SA									
	Restaurant	P	AA	P	SA	AA			AA	AA				
	Restricted Premises	SA		SA										
	Service Station	P	SA	P	SA		P	P	AA	AA	P			
	Shop	P	AA	P		AA	AA	AA	AA	AA	AA			
	Shop—Local Convenience				SA								AA	
	Tavern	P		AA		AA	AA	AA	AA					
	Veterinary Consulting Rooms		AA	AA	AA				P					
Video Sales/Hire	P		P					P	P					
RESIDENTIAL	Ancillary Accommodation				AA									
	Aged or Dependent Persons Dwelling		P		AA									
	Caretaker's Dwelling	AA				AA	P	P	P	P	P			
	Home Occupation		AA		AA									
	Residential—Single House	AA	P	AA	P	AA								
	—Grouped Dwelling	AA	AA	AA	AA	AA								
	—Multiple Dwelling	AA	AA	AA	AA	AA								
	Residential Building	AA	AA	AA	AA	AA								
COMMUNITY USES	Civic Use	P	P	P	AA	AA			AA	P				
	Club Premises	P	P		SA	AA	AA	AA	AA					
	Community Service Depot	P	AA	P	AA		P	P	P					
	Consulting Rooms Group	P	AA	P	SA									
	Day/Family Care Centre	P	AA	P	AA									
	Education Establishment	P	P	SA	SA									
	Hospital		P		SA									
	Institutional Building		AA											
	Medical Centre	P	AA	P										
	Museum	P	P			P			AA					
	Occasional Use	AA	AA	AA	AA	AA								
	Public Utility	P	P	P	P	P	P	P	P	P	P	P		
	Public Worship	P	P	P	SA		SA	SA	SA					
Recreation—Active	AA	AA	AA		AA	AA	AA	AA	AA					
—Passive	P	P	P	P	P	P	P	P	P	P	P			
INDUSTRIAL	Boat Building					AA	P	P	AA	P	P			
	Builders Storage Yard						P	AA		P				
	Fish Processing/Sales						P	AA		P	P			
	Fuel Depot						P			P	P			
	Harbour Installation									P	P			
	Hire Service	AA					P	P	P	AA				
	Industry—Cottage				SA									
	—Extractive											AA		
	—General						P			AA	AA			
	—Hazardous													
—Light						P	P	P	AA	AA				

USES LIMITED TO THOSE PERMITTED BY CLAUSE 4.15.2

USES LIMITED TO THOSE LISTED IN SCHEDULE 3

TABLE 1—*continued*
ZONING TABLE

USE CLASS	ZONE											Development	Special Uses		
	City Centre	Central Geraldton	Local Centre	Residential	Marina	Industry—General	Industry—Light	Industry—Service	Industry—Port	Port	West End				
INDUSTRIAL	—Noxious					SA			AA						USES LIMITED TO THOSE PERMITTED BY CLAUSE 4.15.2 USES LIMITED TO THOSE LISTED IN SCHEDULE 3
	—Rural					P	P	AA	AA	AA					
	—Service	AA				P	P	P	AA	AA					
	Machinery Sales Premises					P	AA	AA							
	Marine Dealers Yard					P	AA								
	Marine—Filling Station					AA				P	P				
	—Repair					AA	P				P				
	Motor Vehicle—Repair						P								
	—Wrecking						P								
	Plant Nursery						P	P	AA						
	Public Utility Depot						P	P	P	AA	AA				
	Salvage Yard						P	AA							
	Showroom	P		P		P	P	P	P	P					
	Storage Premises						P	P	P	AA	AA				
	Trade Display	AA					P	P	P	P	P				
	Transport Depot						AA				AA	AA			
	Warehouse						P	P	P	P	P	AA			
SPECIAL USES	Camping Area												AA		
	Caravan Park												P		
	Holiday Accommodation												P		
	Hotel	P	SA			AA									
	Kennels/Cattery						SA								
	Marina					P					P				
	Motel	P	SA			AA									
	Park Home Park												P		
Veterinary Hospital						AA	AA	AA							

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

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

- determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted, or
- determine that the proposed use is consistent with the objectives and purpose of the zone and thereafter follow the provisions of Clause 7.2.2.

4.3 ADDITIONAL USES

Notwithstanding anything contained within the Zoning Table or Part III of the Scheme, the land specified in Schedule 2 and shown by an asterisk on the Scheme Map may, subject to compliance with any condition specified in the Schedule with respect to the land, be used for the purpose set against that land. The use so specified is in addition to the other uses permitted in the zone or reserve in which the land is situated unless any of those uses is excluded or modified by a condition specified in that Schedule.

4.4 SPECIAL USE ZONE

No person shall use land or any building or structure thereon in a Special Use zone, except for the purpose set against that land in Schedule 3 and subject to compliance with any conditions specified in the Schedule with respect to the land.

Setbacks, plot ratio and other site requirements will be determined by Council, taking into account planning objectives, adjacent uses and the amenity of the area, in accordance with adopted policy on standards.

4.5 CITY CENTRE

4.5.1 Zone Objective & Policies

The zone objective is to ensure that development of the City Centre's commercial, civic and residential components is implemented in a manner which will secure the status and attraction of the City as the primary centre for the region.

Council policies will therefore be to—

- permit a wide range of uses appropriate to achieving the objective;
- implement the City Centre Planning Policy in order to guide and control development, and provide a basis for the exercise of discretionary powers and conditions of planning consent;
- prepare and progressively implement strategies to improve accessibility, car parking, streetscape and internal movement within the centre;
- ensure that buildings and streetscapes which impart some distinctive character to the centre are utilised to the fullest extent possible in order to increase the attraction of the centre for residents and visitors.

4.5.2 SITE REQUIREMENTS

Plot Ratio	Minimum Setbacks (Metres)		
	Front	Side	Rear
Residential Uses	All site requirements in accordance with provisions of the Residential Planning Codes.		
Other Uses Variable between 0.5 and 3.0 in accordance with City Centre Planning Policy.	Variable, between nil and 6 metres in accordance with City Centre Planning Policy.		
Landscaping			
Residential Uses	All site requirements in accordance with provisions of the Residential Planning Codes.		
Other Uses	Variable between 2.5% and 10% in accordance with the City Centre Planning Policy.		

Where a lot has frontage to more than one street, Council will determine to which street the front setback will apply, and will permit a reduction of the setback requirement to other streets.

4.5.3 In exercising discretionary powers over land use or planning consent procedures, Council will have regard to the City Centre Policy and may impose consent conditions or permit variation to Scheme requirements in order to achieve the objectives of that Policy.

4.6 CENTRAL GERALDTON

4.6.1 Zone Objective & Policies

The zone objective is to protect and enhance the urban character of the area as the setting for major community use buildings and places, and the streetscape of Cathedral Avenue as the City's principal access thoroughfare.

Council's policies will therefore be to—

- permit a range of land uses compatible with the desired future character of the area;
- ensure, through the exercise of Scheme provisions and discretionary powers, that the location, siting and building form of residential uses are compatible with and sympathetic to the zone's community use buildings and open spaces;
- ensure that other future buildings in the zone, by their siting and design, contribute to the townscape and amenity of the zone;
- implement a strategy to protect and enhance the function and townscape character of Cathedral Avenue and its environs.

4.6.2 Site Requirements

Plot Ratio	Minimum Setbacks (Metres)		
	Front	Side	Rear
Residential Uses	All site requirements in accordance with provisions of the Residential Planning Codes.		
Other Uses	All site requirements shall be determined on the basis of an approved development plan for the site.		

4.6.3 Variation of Setback

Notwithstanding the requirements of Clause 4.6.2, on lots abutting Cathedral Avenue a building setback of 9 metres will be deemed to achieve the zone objective, but Council may permit a reduction of that setback to not less than 6 metres if—

- (a) the site conditions do not reasonably allow the greater setback;
- OR
- (b) the height of the proposed building above the pavement level of Cathedral Avenue adjoining the site does not exceed one storey or a wall height of 3 metres, whichever is the lesser;
- AND
- (c) in the opinion of Council, the reduction will not prejudice achievement of the objective;
 - (d) the setback area is landscaped to the satisfaction of Council.

4.7 LOCAL CENTRE

4.7.1 Zone Objective & Policies

The zone objective is to ensure the provision of facilities for shopping and community activities at locations convenient for use by residents of the City's residential districts.

Council's policies will therefore be to—

- permit within the zone a range of uses appropriate to achieving the objective;
- implement the Retail Shopping Policy providing guidelines for adequate provision of retail shopping floor space in the local centres;
- consider rezoning additional land where required in order to provide retail floor space and other permitted uses in accordance with the Retail Shopping Policy.

4.7.2 Site Requirements

Plot Ratio	Minimum Setbacks (Metres)		
	Front	Side	Rear
0.75	4	Nil One Side Average 6	Nil

Where development plans are proposed for a group of shops or other uses, or where Council is satisfied that access, parking and amenity have been adequately provided, setbacks may be reduced.

4.7.3 Car Parking

Parking requirement in accordance with Table 3 shall, wherever possible, be provided as one combined area.

4.8 RESIDENTIAL

4.8.1 Zone Objective & Policies

The zone objective is to ensure that the City's residential areas develop in a manner which provides a range of choice in housing with protection of residential amenity, achieves efficiency in provision of services and accessibility, and enhances townscape values generally.

Council's policies will therefore be to—

- implement discretionary powers over land use, and conditions of planning consent in accordance with the Residential Development Policy so as to recognise and reinforce, where appropriate, the characteristics of the City's residential districts and their amenity;
- permit single housing to densities considered appropriate for the City's residential districts;
- permit, subject to Council's discretionary powers over land use, grouped and multiple dwellings in areas where it is considered these will not unduly detract from urban amenity or landscape, and are in accordance with the Residential Development Policy.

4.8.2 Site Requirements

Plot Ratio	Minimum Setbacks (Metres)		
	Front	Side	Rear
Residential Uses	All requirements in accordance with provisions of the Residential Planning Code.		
Other Uses 0.50	6	Nil one side Average 3	9
Combined Residential & Other Use 0.50	6	Nil one side Average 3	9

Where a lot has frontage to more than one street, Council will determine to which street the front setback requirement will apply and will permit a reduction of setback on other frontages to not less than the setback for a side boundary.

4.8.3 Residential Development Policy

In exercising discretionary powers over land use and conditions of planning consent, the Council, recognising the need for preservation of residential amenity and townscape generally, will have regard to the provisions of its Residential Development Policy concerning disposition of housing types, density, building bulk and appearance of buildings.

4.8.4 Multiple Residential Coding

Applications for residential development at densities greater than the base residential coding depicted on the Scheme Map shall not be granted approval where such development is—

- (a) not supported by Council's Residential Development Policy, as formally prepared and endorsed by Council and the Commission; and/or
- (b) not serviced with drainage and reticulated sewer.

4.8.5 Storage

Storage of boats and fishing equipment will not be permitted on street verges or front setback areas, and must be confined to an area not exceeding 165 square metres at the rear of a lot.

4.8.6 Shops in the Residential Zone

Development of a Local Convenience Shop may be permitted at Council discretion and, except in Special Design Precinct C, shall conform to the following requirements—

- (a) Be limited to a retail floor area of 200 square metres;
- (b) Be not less than a distance of 250 metres from the closest point of the City Centre Zone, a Local Centre Zone, or another shop;
- (c) Be located so as to ensure ready accessibility for the area intended to be served, and not unduly affect the immediate vicinity by additional traffic generated;
- (d) Be capable of safe access to and egress from the carriageway of the street onto which the shop fronts.

4.9 MARINA

4.9.1 Zone Objective & Policies

The zone objective is to ensure the integrated development of the area, with a marina as the central focus.

Council policies will therefore be to—

- permit a range of uses appropriate to a marine-oriented tourist development;
- control development so that Council's objective and policies are implemented satisfactorily;
- ensure suitable standards of development;
- control and safeguard health, safety, convenience and the general welfare and amenity of the area.

4.9.2 The Council will cause to be prepared, and will adopt as a Planning Policy, a development guide plan and policies for the zone and sub-areas within the zone and any use or development therein. In particular, such policies may relate to—

- urban design;
- landscape;
- architectural character of buildings (including material);
- vehicular and pedestrian movement;
- signs.

4.9.3 Where a Development Guide Plan and policies for the zone, and sub-areas within the zone, has been prepared for consideration by Council, and the Council—

- (i) rejects the proposed Development Guide Plan and policies, or refuses to approve amendments thereto; or
- (ii) approves the proposed Development Guide Plan and policies subject to conditions that are unacceptable to the landowner(s); or
- (iii) fails to make a formal determination on the Development Guide Plan and policies within 90 days of receipt of such a plan and policies, or an amendment thereto;

the landowner(s) may appeal in accordance with the provisions of Part V of the Act.

4.9.4 All development and use shall be in accordance with the Development Guide Plan and policies adopted by the Council, and the conditions of any planning consent.

4.9.5 Unless otherwise specified in the Planning Policy for the zone, development and use shall not occur in any of the sub-areas without planning consent in writing issued by the Council.

4.9.6 In determining an application for planning consent, the Council shall, in addition to any matters required by the Scheme, have regard to—

- the external appearance of the building;
- the dimensions and proportions of the building;
- the effect on existing buildings, nearby properties and the occupants of those buildings;
- the environment resulting from the building itself and the effect of this environment on the occupants of the building;
- the effect on the landscape and environment generally;
- State Planning Commission Policy No. DC 6.1—Country Coastal Planning Policy.

4.9.7 The Council may refuse to issue its planning consent if it considers that a development does not substantially comply with the adopted policies for the zone and/or any specific policy for a sub-area.

4.9.8 Where there is a conflict between any specific provisions for the zone under Clause 4.9 and any other provisions of the Scheme, the provisions of Clause 4.9 shall prevail.

4.9.9 All development shall comply with State Planning Commission Policy No. DC 6.1—Country Coastal Planning Policy—and any approvals granted pursuant to that policy.

4.10 INDUSTRY—GENERAL, LIGHT & SERVICE

4.10.1 Objective & Policies

Objectives for the Industry zones are to ensure the provision of adequate serviced land for a comprehensive range of industrial and associated purposes appropriate to the Geraldton Urban Area and to ensure that development is in accordance with appropriate and satisfactory standards of function, amenity and appearance.

Council's policies will therefore be to—

- within the different zones, support establishment of uses which can be shown to achieve the objective of providing desirable and conveniently located services to the municipality and the region;
- permit retail uses from premises with a primary industrial or wholesale function, or which would be inappropriately located in other zones;
- support the maximum utilisation of the industrial land resource consistent with Scheme standards;
- require that development and maintenance of industrial sites and premises are consistent with the overall amenity of the municipality;
- ensure, by the exercise of discretionary powers and consent procedures, compatibility between industries in the zones.

4.10.2 Industry—General

(i) *Site Requirements*

Minimum Lot Size (m ²)	Minimum Lot Frontage (m ²)	Maximum Plot Ratio (m ²)	Minimum Setbacks		
			Front (m)	Side (m)	Rear (m)
2,000	25	0.40	15	7.5 one side Nil other	Nil

Council is prepared to support only the minimum prescribed lot size outlined above.

Where an office is constructed in front of an industrial building or the use is a shop established in accordance with Clause 4.10.5, the front setback may be reduced to 7.5 metres.

(ii) *Use of Setback Area*

The front setback area of a lot may be used only for the following purposes—

- Car Parking;
- Access;
- Landscaping;
- Trade Displays.

Storage of materials other than with the consent of Council for temporary periods will not be permitted in the front setback area.

(iii) *Landscaping*

Establishment and maintenance of landscaping to the satisfaction of Council in the front setback area of a lot will be a requirement of planning consent—

- (a) where car parking is provided, for a minimum depth of one metre between the car park and the street alignment except for access driveways;
- (b) for a minimum depth of 6 metres from the street alignment except for access driveways.

Except that where a lot has a frontage exceeding 25 metres on one or more streets, Council may determine to which length of frontage the provisions of this subclause shall apply, but will not be less than a length of 25 metres and apply to the area between a building and the street.

(iv) *Variation*

Where a lot has frontage to more than one street, or a frontage width greater than the depth of the lot such that the setback, use and landscaping requirement of subclause (i), (ii) and (iii) cannot reasonably be complied with, Council will determine to which street frontage or length of frontage the requirements apply, and may permit a variation of these requirements, but a reduced setback shall not be less than 7.5 metres.

(v) *Building Materials*

The facade of industrial or commercial buildings in the zone, and the side walls to a return of 4.5 metres, shall be constructed of brick, masonry, concrete or other materials approved by Council.

(vi) *Conditions of Planning Consent*

In considering its planning consent to development in the zone, the Council, in order to achieve satisfactory standards of amenity and appearance, may impose conditions relating to—

- building materials;
- appearance of buildings;
- control of dust and management of stormwater disposal to reduce contamination and encourage on-site disposal;
- landscaping;
- fencing;
- location of storage areas;
- signage;
- on-site traffic circulation and access to public roads.

4.10.3 Industry Light(i) *Site Requirements*

Minimum Lot Size (m ²)	Minimum Lot Frontage (m ²)	Maximum Plot Ratio (m ²)	Minimum Setbacks		
			Front (m)	Side (m)	Rear (m)
2,000	20	0.75	15	7.5 one side Nil other	Nil

Council is prepared to support only the minimum lot size outlined above.

Where an office is constructed in front of an industrial building, or the use is a shop established in accordance with Clause 4.10.5, the front setback may be reduced to 9 metres, and where a lot has frontage to more than one street, Council may permit a reduction in setback on one street frontage to a minimum of 7.5 metres.

(ii) *Use of Setback Area*

The front setback area shall be used for the following purposes—

- Car Parking;
- Access;
- Landscaping;
- Trade Displays.

(iii) *Landscaping*

Establishment and maintenance of landscaping to the satisfaction of Council in the front setback area of a lot will be a requirement of planning consent, and where a car parking area is provided, landscaping for a minimum depth of one metre from the street frontage, except for access driveways, will be required.

(iv) Where a lot has frontage to more than one street, Council will determine to which street frontage the requirements of subclauses (i), (ii) and (iii) apply, and may permit a variation of these requirements, but a reduced setback shall not be less than 4.5 metres.

(v) *Building Materials*

The facade of industrial or commercial buildings and the side walls to a return of 4.5 metres shall be constructed of brick, masonry, lift panels or other materials approved by Council.

(vi) In considering planning consent to development in the zone, the Council, in order to achieve satisfactory standards or amenity, appearance and relationship to adjoining zones, may impose conditions relating to—

- building materials;
- appearance of buildings;
- control of dust and management of stormwater;
- landscaping;
- fencing;
- location of storage areas;
- signage;
- on-site traffic circulation and access to public roads.

4.10.4 Industry—Service

Council's specific objective is to ensure that zoned areas are planned and developed to the highest possible standards of amenity and appearance, providing for a wide range of compatible light and service industrial uses.

(i) *Site Requirements*

Minimum Lot Size (m ²)	Minimum Lot Frontage (m ²)	Maximum Plot Ratio (m ²)	Minimum Setbacks		
			Front (m)	Side (m)	Rear (m)
1,250	20	0.75	15	7.5 one side Nil other	Nil

Council is prepared to support only the minimum lot size outlined above.

Where an office is constructed in front of an industrial building, the front setback may be reduced to 9 metres, and where a lot has frontage to more than one street, Council may permit a reduction in setback on one street frontage to a minimum of 7.5 metres.

(ii) *Building Materials*

Building facades and side walls to a return of minimum 4.5 metres, or full return on side walls fronting a public road shall be constructed of brick, masonry or concrete lift panelling to the satisfaction of Council, and reflective materials such as zincalume shall not be used for wall or roof cladding unless the wall or roof is not visible from a street or adjoining lot.

(iii) *Colours*

All lift panelling, masonry, or metal wall and roof cladding such as colorbond or similar material, shall be coloured or painted in colour tonings approved by Council.

(iv) *Minimum Landscaping*

10% of site area providing that, irrespective of the percentage of the site represented, landscaping shall be provided to a depth of 4.5 metres from one street boundary which in the case of lots having more than one street boundary, shall be the boundary nominated by Council.

(v) *Design Guidelines*

For any zone Council may require preparation of design guidelines, and after approval by Council the developer of land in the zone shall incorporate provisions in the sale documentation binding the purchaser of a lot to compliance with the guidelines. Council, in processing an application for planning consent, shall have regard to the guidelines when determining the application.

4.10.5 Shops

(a) In exercising its discretionary power to permit a shop for the sale by retail of goods from premises, Council will have regard to—

- (i) the requirement for retail floor space or display;
- (ii) the type and bulk of goods to be displayed and sold;
- (iii) the requirements of access and servicing;
- (iv) the necessity for extensive areas for storage;

and may grant its planning consent for a shop if for reasons arising from these considerations, the premises proposed for the use cannot reasonably be located in, or are inappropriate to, the Town Centre zone or Local Centre zone, or other zones where the use could be permitted.

(b) In addition to uses permitted under the preceding part of this subclause, the Council may permit a shop which is for the purpose of providing foodstuff, beverages or small items to persons employed in the locality, and which will be restricted to a retail floor space of 100m².

4.10.6 Factory Units

Development of factory unit buildings for the purpose of providing multiple factory units on one lot shall conform to the following requirements—

- (a) No unit shall have a floor area of less than 100m²;
- (b) Each unit shall have an appurtenant service yard which shall be a minimum of half the unit floor area;
- (c) Access to an office forming part of the unit and the major access to the unit itself shall not be through the service yard;
- (d) Off-street parking in accordance with the requirements of Table 2 may be provided as an overall area on the site;
- (e) All facades shall be of materials approved by Council;
- (f) All other requirements, including access to the units for loading and unloading, servicing, landscaping building clearances, internal dividing walls and traffic circulation shall be at the discretion of Council, having regard to the need for satisfactory standards of construction, privacy, appearance and amenity.

4.11 INDUSTRY—PORT**4.11.1 Zone Objective & Policies**

The zone objective is to ensure that land and backup facilities are adequate to secure the role of the Port of Geraldton as the primary port for the Region and that the land is effectively utilised for that purpose.

Council's policies will therefore be to—

- restrict planning consent for new uses to those which are considered to require direct proximity and access to the Port and its facilities, or other maritime related activities;
- permit extension or expansion of existing uses consistent with other provisions of the Scheme;
- require that development be in accordance with a Development Strategy prepared by the Geraldton Port Authority in consultation with the Council and other relevant authorities which will maximise use of the land resource and provide for satisfactory general amenity of the area;
- encourage visitor related activities.

4.11.2 Siting Requirements

(a) Council will support only a minimum lot size of 2,000m².

(b) Minimum setbacks required are—

Front Setbacks 15 metres

Other Lot Boundaries Nil, except if it is considered that an adjoining site is likely to be affected unreasonably by over-shadowing or the occlusion of daylight, setbacks will be those considered satisfactory by Council.

4.11.3 Setback Variation

(a) Where a lot has frontage to more than one street, Council will determine to which street the front setback requirement will apply and may reduce the setback for other street frontages to not less than half the setback otherwise required.

- (b) The minimum front setback of a building may be reduced provided that the average distance of a wall from the boundary is not less than the required distance, that no portion of the building is closer to the boundary than half the required setback distance and that Council is satisfied the reduction will not detrimentally affect the streetscape.

4.11.4 Landscaping

On lots fronting Marine Terrace and Willcock Drive the front setback area shall be landscaped to the satisfaction of Council.

4.11.5 Planning Consent

The planning consent of Council is required for all development in the zone not being a public work on land owned by or vested in the Geraldton Port Authority.

4.12 PORT

4.12.1 Zone Objective & Policies

The zone consists of land under the control of the Geraldton Port Authority and the zone objective is, therefore, to ensure that the Authority is able to carry out its responsibilities under the Geraldton Port Act 1968 (as amended) for the benefit of the City and the Region.

Council's policies will therefore be to—

- require that development of the zone be in accordance with a Development Strategy prepared by the Geraldton Port Authority in consultation with the Council and other relevant authorities.
- ensure that development is in accordance with the intent and purpose of the Scheme.

4.12.2 Planning Consent

The planning consent of Council is required for all development in the zone not being a public work and carried out by a party other than the Geraldton Port Authority.

4.13 WEST END

4.13.1 Zone Objective & Policies

The zone objective is to provide for a range of accommodation and other facilities appropriate to visitor activity.

Council policies will therefore be to—

- continue and augment, where possible, the existing development of small lots leased for construction of holiday accommodation;
- restrict the height of buildings for holiday accommodation to one storey;
- support development of further caravan park and chalet development with associated recreation facilities.

4.13.2 Development for holiday accommodation or other permitted uses on land in the zone shall be in accordance with any requirement imposed by Council as a condition of planning consent or the issue of a lease for the land, and Council will have regard to the need for preservation of the area's amenity, adequate privacy for adjoining land, streetscape and landscape where appropriate.

4.13.3 Without affecting the generality of sub-clause 4.14.2, Council, in considering an application for development, will have regard to the provisions of the R35 Residential Planning Code.

4.14 DEVELOPMENT

4.14.1 Zone Objective & Policies

The zone objective is to set aside land for future urban rezoning and development and to ensure that the land is developed in accordance with orderly and proper planning.

Council policies will therefore be to—

- require preparation and approval of development plans for the area of the zone;
- rezone land for appropriate purposes following adoption of satisfactory development plans;
- prior to rezoning for other purposes, limit the use of land to existing uses in order not to prejudice future development.

4.14.2 Permitted Uses

The use and development of land within the zone will, prior to rezoning, not be permitted except—

- (a) for a use which existed at the time of Scheme gazettal;
OR
(b) where it can be shown that use or development will not prejudice the orderly and proper planning of the land.

4.14.3 Development Plan

Prior to rezoning of land in the zone in order to permit development and use in conformity with the requirements of the Scheme, Council will require a Development Plan to be prepared and approved which shall take into account and adequately show—

- (a) any requirement of the Scheme or of a policy adopted thereunder;
- (b) protection of environmentally sensitive areas;
- (c) any necessary reserves or other structural elements such as Scheme road reserves, open space or community facilities;

- (d) drainage or other servicing requirements specified by Council;
- (e) a street system in accordance with proper and acceptable traffic management, and any relevant development policy of the Council or other authority;
- (f) proposed lot sizes and layout and, where applicable, residential densities;
- (g) any proposed pedestrian movement system.

A Development Plan approved by Council shall be forwarded to the Western Australian Planning Commission for its endorsement. In approving or endorsing a Development Plan, the Council or the Western Australian Planning Commission may affix any conditions consistent with the zone objectives and policies, or they may refuse to approve such plan, but such conditions or refusal subject to the right of appeal pursuant to Clause 8.5.

4.15 URBAN PRECINCTS

4.15.1 Precinct A—Urban Conservation

The objective for the precinct is to retain the residential amenity and streetscapes which are predominantly influenced by existing residences and other buildings, either listed as being of heritage significance, or which are representative of earlier periods of the City's development—

- (i) In considering planning consent to development in the precinct and any conditions thereunder, Council will ensure that the residential amenity of existing houses is not unduly prejudiced by reasons of building bulk, intrusion of privacy, occlusion of natural light, excessive additional traffic generation and appearance of the streetscape generally.
- (ii) For development in the precinct, Council will require that design and materials are, in its opinion, sympathetic to and consistent with the character of existing buildings on adjoining sites.
- (iii) Further development of commercial uses and buildings for multiple dwellings will be regarded as being contrary to achievement of the objective, and will not be permitted.
- (iv) Single houses will be permitted to R17.5 standards.
- (v) Grouped dwellings up to R40 standards will be considered to be consistent with the objective provided that—
 - (a) buildings are limited to one storey;
 - (b) setbacks from front boundaries may be varied for new buildings in order to protect the streetscape formed by other buildings in the immediate vicinity and, in considering planning consent, Council may require a streetscape study of the immediate vicinity;
 - (c) the setback area must be screened by landscape planting and/or an approved wall, and car parking must be screened or located so as not to be unduly visible from the street.
- (vi) Setbacks and other site requirements of the Scheme may be varied by Council where such may be necessary or desirable to enable restoration or repair of existing buildings and which will achieve the objective of the precinct.

4.15.2 Precinct B—Urban Conservation

The objective for the precinct is to ensure that, in the interests of a desirable diversity of City Centre use and character, buildings listed as being of heritage significance, and selected other buildings and facades representative of the City's early development are able to materially contribute and not be unduly prejudiced by further development—

- (i) In considering the grant of Planning Consent to a development in the Precinct, Council will have regard to the provisions of the City Centre Planning Policy.
- (ii) Proposals for new development in Marine Terrace will be required to assess the relationship of a building to the streetscape, and show that the building is compatible and sympathetic with adjacent buildings and the streetscape generally in terms of building height, scale, character and materials.
- (iii) Grouped and multiple dwellings to R60 standards will be permitted as a priority land use in the area of the precinct between Lester Avenue and Sanford Street.
- (iv) In view of the precinct's location relative to the foreshore and maritime activities, Council will give sympathetic consideration to developments which, although not entirely consistent with the requirements of (ii) above, reflect a maritime character or are considered to otherwise contribute materially to the streetscape and amenity of the area.

4.15.3 Precinct C—Urban Conservation

The objective for the precinct is to recognise the mixed use nature of the land uses of the precinct and to protect the streetscape and urban amenity of Duboulay Street

- (i) Notwithstanding the provisions of Table 1—Zoning Table, and sub-clause 4.8.5, Council may permit the development of non residential uses on lots fronting Marine Terrace and will list such uses in Schedule 2—Additional Uses.
- (ii) In order to retain the single house character of Duboulay Street, grouped and multiple dwellings will not be permitted on lots fronting that street.
- (iii) New buildings must demonstrate to the satisfaction of Council, a rapport with existing buildings in terms of style, materials, roof pitch, verandahs and fencing.
- (iv) Preservation of the existing street trees in Duboulay Street will be regarded as a policy to achieve the objective for the precinct.

4.15.4 Precinct D—Special Design

The objectives for the precinct are to ensure that the visual amenity of the important foreshore area and Chapman Road is not unduly prejudiced by the height, bulk and design of buildings, that privacy of adjacent sites is protected, that overshadowing of, or occlusion of daylight from, other buildings is minimised, and that view corridors from buildings not immediately fronting Chapman Road are protected—

- (i) Council will require that proposals for development take into account the objectives and show clearly that they have been achieved.
- (ii) Council will critically assess development proposals in the precinct, particularly on sites fronting Chapman Road, and may impose conditions of planning consent in order to achieve the objectives for the precinct.
- (iii) In general, a maximum height of two storeys or seven metres in wall height, whichever is the lesser, will be deemed to satisfy the objective, and Council may permit a variation of this limit up to a maximum of twelve metres as required by the State Planning Commission Country Coastal Planning Policy No. D.C. 6.1, provided that increased setbacks from front and side boundaries may be required as conditions of planning consent.
- (iv) Without limiting the generality of the above, Council may require that the minimum front setback be increased by up to one metre for each three metres by which a building exceeds seven metres in height, and that minimum side setbacks be increased to protect view corridors and aspect.

4.15.5 Precinct E—Special Design

The objective for the precinct is to preserve, to the greatest extent possible, the integrity and landscape value of the western dune face as the setting for the City's principal area of civic and cultural activity—

- (i) Buildings for multiple dwellings will not be deemed to satisfy the objective.
- (ii) Single houses to R30, or grouped dwellings to R40 standards may be deemed to comply with the objective, subject to satisfactorily achieving, in the opinion of Council, the performance standards of this clause.
- (iii) The siting and bulk of buildings should generally be consistent with and reflect the natural slope and contours of the dune face.
- (iv) Retaining walls and areas resulting from earthworks must be compatible in size and scale with the buildings.
- (v) External finishes of buildings must be approved by Council, and should, in the opinion of Council, be compatible with the setting and with the approved landscaping.
- (vi) Adequate landscaping to an approved plan will be required to augment any remnant natural vegetation and reflect the landscape values of the dune face.

PART V—DEVELOPMENT REQUIREMENTS

5.1 DEVELOPMENT OF LAND

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

5.1.2 The Planning Consent of the Council is not required for the following development of land—

- (a) The use of land in a reserve, where such land is held by the Council or vested in a public authority—
 - (i) for the purpose for which the land is reserved under the Scheme; or
 - (ii) in the case of land vested in a public authority for any purpose for which such land may be lawfully used by that authority, and where such use would not result in a building or other structure visible above the surface of the ground.
- (b) Single House, where it conforms to the Residential Planning Codes;
- (c) The erection of a boundary fence except as otherwise required by the Scheme;
- (d) The carrying out of any works, on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act, except where such use would result in a building or other structure visible above the surface of the ground;
- (e) The carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;
- (f) The carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

Notwithstanding the above exemptions, the planning consent of Council is required for all development, including a single house, on a lot which—

- abuts a road or street listed in Table 2; or
- is listed in Council's Heritage List.

5.1.3 Port Works

The planning consent of Council is required for all development not being a public work as defined under Section 32 of the Act on land owned by or vested in the Geraldton Port Authority, and in all zones

and reserves of the Scheme, that Authority shall liaise with the Council prior to commencement of port works in accordance with the provisions of Section 32 of the Act.

5.2 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

5.2.1 If a development, other than a residential development, the subject of an application for Planning Consent, does not comply with a development standard prescribed by the Scheme in respect to building height, setbacks, site coverage, car parking, landscaping and related matters, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this Clause may only be exercised if the Council is satisfied that—

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

5.2.2 Without limiting the generality of Subclause 5.2.1 and the variations permitted by the Residential Planning Codes, Council may exercise its power to permit a variation of a Scheme standard or requirement in order to assist in achieving—

- (a) Policy Objectives and Strategies for the City Centre;
- (b) Objectives for development in special design or urban conservation precincts;
- (c) Satisfactory development of sites where other Scheme requirements, topographic conditions, site configuration or existing uses would otherwise preclude or unduly restrict development.

5.2.3 Nothing in the Scheme shall be construed as limiting the power of Council to approve an alteration, extension to, or change of use, of a building where that building did not, at the time of Scheme gazettal, conform to any standard or requirement of the Scheme.

5.3 RESIDENTIAL DEVELOPMENT—RESIDENTIAL PLANNING CODES

- (a) For the purpose of this Scheme “Residential Planning Codes” means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No.1, together with any amendments thereto.
- (b) A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspections at the offices of the Council.
- (c) 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.
- (d) Notwithstanding Clause 5.1.2(b) of the Scheme, any person who wishes the Council to vary any particular provision of the Residential Planning Codes relating to the erection of a single house shall at the time of lodging an application for a building licence or earlier, apply in writing to the Council seeking the Council’s approval for the variation.

The Council may approve the variation with or without conditions or may refuse to approve the variation. The Council shall, before granting its approval, satisfy itself that—

1. the variation requested is one which the Council has the power to approve;
2. approval of that variation would not compromise the objectives of the Residential Planning Codes.

5.4 SPECIAL APPLICATION OF RESIDENTIAL PLANNING CODES

5.4.1 Residential Planning Code Designations

- (a) Residential Planning Code designations shown on the Scheme Map shall apply as follows—

<i>R50</i>			
Single House			
Grouped Dwelling	}	To R50 standards	At the discretion of Council in accordance with the City of Geraldton Residential Development Policy
Multiple Dwelling	}		
<i>R60</i>			
Single House		To R60 standards	
Grouped Dwelling	}		}
Multiple Dwelling	}	To R60 standards	
<i>R12.5/20/40</i>			
Single House		To 12.5 standards	
Grouped Dwelling	}	To R20 standards	}
Multiple Dwelling	}	To R40 standards	
<i>R12.5/40/50</i>			
Single House		To R12.5 standards	
Grouped Dwelling	}	To R40 standards	}
Multiple Dwelling	}	To R50 standards	

<i>R12.5/40/60</i>		
Single House	To R12.5 standards	
Grouped Dwelling	To R40 standards }	" "
Multiple Dwelling	To R60 standards }	
<i>R17.5/40</i>		
Single House	To R17.5 standards	
Grouped Dwelling }	To R40 standards }	" "
Multiple Dwelling }		
<i>R17.5/30/40</i>		
Single House	To R17.5 standards	
Grouped Dwelling }	To R30 standards }	" "
Multiple Dwelling }	To R40 standards }	
<i>R17.5/40/50</i>		
Single House	To R17.5 standards	
Grouped Dwelling }	To R40 standards }	" "
Multiple Dwelling }	To R50 standards }	
<i>R20/40/60</i>		
Single House	To R20 standards	
Grouped Dwelling }	To R40 standards }	" "
Multiple Dwelling }	To R60 standards }	
<i>R30/40</i>		
Single House	To R30 standards	
Grouped Dwelling }	To R40 standards }	" "

(b) *Multiple Dwellings*

Except in the City Centre Zone, under all codes multiple dwellings will not be permitted on a lot with an area less than 1,500m².

Grouped Dwellings

Except in the City Centre zone, under all codes grouped dwellings will not be permitted on a lot with an area less than the following—

2 grouped dwellings/dual occupancy	900m ²
3 grouped dwellings	1,250m ²
more than 3 grouped dwellings	1,500m ²

- (c) The code designations of this clause and which are shown on the Scheme Maps do not apply to minimum lot sizes for unsewered lots, and in these circumstances sewer connection will be a requirement.

Where it is not possible to provide a sewer connection, then a minimum lot size of 860m² for a single residential lot will apply unless special circumstances are deemed to exempt the development from this requirement, and such exemption must have the approval of the Water Authority and the Health Department of Western Australia.

Development of lots for Grouped or Multiple dwelling will also require this exemption.

5.4.2 Dual Occupancy

Where an additional dwelling is proposed on a lot on which a single house exists and is to remain—

- satisfactory means of access to all dwellings must be provided;
- where the additional dwelling is sited at the rear of the lot, such dwelling shall be limited to one storey or 3 metres in wall height, whichever is the lesser, in order to protect the privacy of adjoining lots;
- Any variation permitted by Council from the requirements of the Residential Planning Codes shall be such as to ensure adequate conditions of privacy, private open space and daylighting to all buildings.
- Opportunity is afforded to owners of adjoining lots to comment on plans for the proposal and the Council will give consideration to any comments or objections so made.

5.4.3 Existing Lots

Notwithstanding any provision of the Codes, Council may permit development of a single house on any lot existing at the time of Scheme gazettal.

5.4.4 Strata Development

In considering an application for a plan of strata subdivision of a residential development which existed legally at the time of Scheme gazettal, Council may vary any provisions of the Codes, provided it is satisfied that the objectives for the zone in which the development is located can be achieved.

5.4.5 Variation for Heritage & Landscape

In accordance with the provisions of Clauses 5.9 and 5.10, Council may permit a variation of the provisions of the Codes in order to achieve objectives for preservation of buildings of heritage significance or trees of landscape significance.

5.5 DISTRIBUTOR ROADS

5.5.1 The Scheme shows reservations for Primary & District Distributor roads in order that land within the reservation may, where necessary, be acquired by the Council for the purpose of construction of the road.

5.5.2 Notwithstanding the reservation, the Council may approve the use or development of land within the reservation for any purpose for which the immediately adjoining land may be used.

5.5.3 The Council, in approving a use or development in accordance with subclause 5.5.2 may impose conditions concerning—

- (a) a time limit upon the use, related to the timing of construction of the road;
- (b) removal of any works or structures upon cessation of the use to the satisfaction of the Council, and at the applicant's cost;
- (c) an appropriate rental where the land is in Council ownership;
- (d) a legal agreement being entered into, at the applicant's cost, to embody the above conditions.

5.6 NEW STREET ALIGNMENTS

5.6.1 In addition to the reserve requirements for Primary Distributor and District Distributor roads, the Scheme establishes new street alignments for the roads and streets listed in Table 2 hereunder.

TABLE 2
NEW STREET ALIGNMENTS

Road or Street	Between	Width in Metres		New Alignment	
		Old	New	Side*	(Metres)
<i>District Distributors</i>					
Cathedral Ave	Carson Tce-Maitland St	20.12	30	Variable	9.88
	Chapman Rd-Sanford St	25.06	30	SW	4.94
	Lester Ave-Marine Tce	15.08	20	B	2.46
	Marine Tce-Foreshore Dve	17.62	20	NE	2.38
Chapman Road	Cathedral Ave-Durlacher St	15.08	20	B	2.46
	Durlacher St-Forrest St	15.08	20	B	2.46
	Forrest St-Lewis St	18.12	30	{NW { SE	9.88
Durlacher St	Marine Tce-Chapman Rd	15.08	20	NE	4.92
	Chapman Rd-Sanford St	15.08	25	B	4.96
	Sanford St-Waldeck St	20.12	30	B	4.96
Eastward Road	NWCH—Town Bdy	20.12	40	N	19.88
Eighth Street	Rly Res-SE Cr Lot 9	20.12	30	S	9.88
	CE Cr Lot 9—Town Bdy	10.06	30	B	9.97
Fitzgerald St	Marine Tce-Foreshore Dve	15.08	25	W	9.92
Flores Road	West Bdy—Lot 31	20.12	40	B	9.96
	West Bdy—Lot 31 Town Bdy	20.12	45	Variable	24.88
Green St	Lawley St—Fallowfield St	20.12	30	N	9.88
Johnston St	NWCH—Brede St	20.12	30	B	4.94
Lester Ave	Fitzgerald S Cathedral Ave	15.08	20	N	4.92
Marine Terrace	Portway—Fishermans				
	Wharf Rd	20.12	30	N	9.88
NWCH	Guara Dr—Bisley St	20.12	30	B	4.94
West Bdy Lot 31	Town Boundary	20.12	45	Variable	24.88
<i>Other Roads</i>					
Ainsworth St	Bayly St—Lot 42 (inclusive)	13.3	20.12	W	6.81
Bayly St	Pt Reserve 17590	15.1	20.12	W	2.51
Charles St	Chapman R -Crowtherton St	15.08	20	B	2.46
Crowtherton St	Chapman Rd-Kempton St	15.08	20	N	4.92
Dorothy St	Bayly St—Lot 30 (inclusive)	16.8	20.12	W	3.33
Forrest St	Chapman Rd—Anzac Tce	15.08	20	SW	4.92
George Rd	Durlacher St—Brede St	15.08	25	B	4.96
Lawley St	Mitchell St—Green St	15.08	20	B	2.46
Quarry St	Bayly St—Lot 20	17.61	20.12	E	2.51
Sanford St	Forrest St—Durlacher St	10.06	15	B	2.47
	Durlacher St-Cathedral Ave	15.08	20	S	4.92
	Cathedral Ave-Fitzgerald St	15.08	20	Variable	4.92
Shenton St	Evans St-Durlacher St	15.08	20	B	2.46
Urch St	Phelps St—Market St	15.08	20	B	2.46

* N—North S—South NE—North-East SW—South-West NW—North-West SE—South-East
B—Both

5.6.2 The Council may vary a new street alignment of Table 2—

- (a) following adoption of a Scheme Policy containing a design of road works considered necessary;
- OR

(b) if consideration of site conditions in a particular case makes a variation desirable.

5.6.3 In granting planning consent to development of a lot affected by a new street alignment of Table 2, the Council may impose as a condition of planning consent, a requirement that an amount of the land required for road widening, not exceeding five percent of the total area of the site subject to planning consent, be ceded free of cost for that purpose, with compensation payable for the balance (if any) of the requirement.

5.6.4 On a lot affected by a new street alignment of Table 2, building setbacks will be determined from the new street alignment so fixed, but Council may vary the requirement of this subclause if it considers that such setback would be unduly prejudicial to development of the lot.

5.7 CAR PARKING

5.7.1 Development of land for any use shall make provision for car parking either on-site or in accordance with the provisions of Sub-clauses 5.7.3 and 5.7.4.

5.7.2 Car parking spaces are to be provided to the requirements of Table 3, and where provided on-site are to be constructed and landscaped to the satisfaction of Council.

5.7.3 Within the City Centre and Local Centre zones Council may, in lieu of provision of on-site parking, accept a monetary payment and any payment shall be—

- (a) not less than the estimated cost of constructing the parking spaces required by the Scheme, plus the value of the land which would have been occupied by the area required for parking;
- (b) paid by Council into a special fund to be applied solely to the provision, construction and maintenance of car parking facilities in reasonable proximity to the premises from which the provision was required;
- (c) determined by arbitration in accordance with the Commercial Arbitration Act 1985, in the event that parties cannot agree on the amount payable.

5.7.4 In determining its decision in respect to the provision and construction of car parking requirements, the Council will have regard to its Parking Policy and City Centre Policy adopted under the provisions of the Scheme.

TABLE 3
CAR PARKING REQUIREMENT

Use	Min. No. of Parking Spaces to be Provided
(Other than City Centre)	
Amusement Parlour	1/4 Patrons
Betting Agency	1/15m ² GFA
Civic Use	1/30m ² GFA
Club Premises	1/50m ² GFA
Club (Licensed)	1/5m ² Bar and other activity area
Consulting Rooms Group	5/Practitioner
Day/Family Care Centre	1/Staff member + 4
Dry Cleaning/Laundry	1/30m ² GFA
Fast Food Outlet	1/4 Seated Patrons
Fish Shop	1/15m ² GFA
Funeral Parlour	6 Spaces
Garden Centre	1/100m ² GFA
Health Studio	1/50m ² GFA
Hire Service	1/50m ² GFA
Hotel	1/5m ² Public Area + 1/Bedroom
Industry	
General	1/100m ² GFA
Light & Service	1/50m ² GFA
Laundromat	1/2 Machines Installed
Liquor Store	1/25m ² GFA
Medical Centre	5/Practitioner
Motel	1/Unit + 1/25m ² Service Area
Motor Vehicles/Marine Sales	1/100m ² GFA
Night Club	1/4 Patrons
Office	1/40m ² GFA
Professional Office	1/40m ² GFA
Public Amusement	1/4 Seats Provided
Public Worship	1/4 Seats Provided
Reception Centre	1/4 Patrons
Recreation—Active	
Squash Courts	3/Court
Bowling Alley	3/Lane
Tennis Courts	3/Court
Indoor Cricket	1/4 Players
Residential	Requirements of Residential Planning Codes
Restaurant	1/4 Patrons
Restricted Premises	1/25m ² GFA
Service Station	1/200m ² Gross Site Area
Shop	
Local Centre	1/25m ² GFA
Other Zones	1/15m ² GFA

TABLE 3—*continued*
CAR PARKING REQUIREMENT

Use	Min. No. of Parking Spaces to be Provided
(Other than City Centre)	
Showroom	1/75m ² GFA
Tavern	1/5m ² Public Area
Veterinary Consulting	4/Practitioner
Video Sales/Hire	1/15m ² GFA
Warehouse	1/100m ² GFA
Other Uses Not Listed	Determined by Council after consideration of the parking need generated by the use.

GFA—Gross Floor Area

The total floor area of a building measured to the outer face of external walls, but does not include areas occupied by lift, lift motor or plant rooms, car parking spaces or loading bays or internal access thereto, nor public arcades or toilets.

5.7.5 Car parking requirements for new development in the City Centre zone shall be 1 space per 80m² GFA, except that where a monetary provision in lieu of on-site parking is negotiated, provision at a rate of 1 space per 100m² GFA will be allowed.

5.7.6 Where development of a site is the redevelopment, restoration or refurbishing of an existing building, and does not involve a change of use or an increase in the number of persons employed on site, or a material increase in the intensity of site use, the requirements of Table 3 or Clause 5.7.5 shall apply only to the floor area which is in excess of that existing at the time of application for planning consent.

5.8 CONTROL OF ADVERTISEMENTS

5.8.1 Power to Control Advertisements

- (i) For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Such planning consent is required in addition to any licence pursuant to Council's Signs, Hoarding and Bill Posting Bylaw.
- (ii) Applications for Council's consent pursuant to this Part shall be submitted in accordance with the provisions of **Clause 7.1** of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at **Appendix 2** giving details of the advertisement(s) to be erected, placed or displayed on the land.

5.8.2 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.

5.8.3 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.

5.8.4 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 Subclause 5.8.1, the Council's prior consent is not required in respect of those advertisements listed in **Schedule 4** which for the purpose of this Part are referred to as 'exempted advertisements'. The exemptions listed in Schedule 4 do not apply to places, buildings, conservation areas or landscape protection zones which are either—

- (i) listed by the National Trust;
- (ii) listed on the register of the National Estate;
- (iii) included in Council's Municipal Heritage Inventory;
- (iv) listed in the State Register of Heritage Places.

5.8.5 Discontinuance

Notwithstanding the Scheme objectives and subclause 5.8.4, where the Council can demonstrate exceptional circumstances which 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.

5.8.6 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.

5.8.7 Notices

- (i) 'The advertiser' shall be interpreted as any one or any group comprised of the land owner, occupier or licensee.
- (ii) Any notice served in exceptional circumstances pursuant to Subclause 5.8.5 or Subclause 5.8.6 shall be served upon the advertiser and shall specify—
 - (a) the advertisement(s) the subject of the notice,
 - (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice,
 - (c) the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.
- (iii) Any person upon 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.

5.8.8 Scheme to Prevail

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

5.8.9 Enforcement and Penalties

The offences and penalties provisions specified in Clause 8.2 of the Scheme apply to the advertiser in this part.

5.9 HERITAGE—PRECINCTS & PLACES OF CULTURAL SIGNIFICANCE

5.9.1 Purpose & Intent

The purpose and intent of the heritage provisions are—

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

5.9.2 Heritage List

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

5.9.2.2 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.

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

5.9.3 Designation of Heritage Precincts

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

5.9.3.2 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.

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

5.9.4 Tree Preservation

The Council shall establish and maintain a Tree Preservation Inventory pursuant to the procedures of Clause 5.9.4, which shall include the list of tree classifications depicted on the Scheme Maps relative to Town Planning Scheme No.1.

5.9.5 Adoption of Heritage Precincts & Tree Preservation Inventory

5.9.5.1 The procedure to be followed by the Council in adopting a heritage precinct or Tree Preservation Inventory 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 considers 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 or adopt the Tree Preservation Inventory with or without modification or reject the proposal after consideration of submissions;
- (f) The Council shall forward notice of its decision to the Western Australian Planning Commission.

5.9.5.2 The Council may modify the Tree Preservation Inventory, or may modify or cancel a heritage precinct or any policy statement which relates to it by following the procedure set out in sub-clause 5.9.5.1 above.

5.9.6 Applications for Planning Approval

5.9.6.1 In dealing with any matters which may affect a heritage precinct or individual entry on the Heritage List or Tree Preservation Inventory, including any application for planning consent, Council shall have regard to any heritage and cultural policy of the Council.

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

5.9.4.3 Notwithstanding any existing assessment on record, Council may require a formal assessment to be carried out prior to the approval for any development affecting a heritage precinct or individual entry listed on the Heritage List or Tree Preservation Inventory.

5.9.6.4 For the purposes of sub-clause 5.1.1 of the Scheme the term 'development' shall have the meaning as set out in the Town Planning and Development Act (as amended), but shall also include, in relation to any place entered in the Heritage List or Tree Preservation Inventory, or contained within a heritage precinct, any act or thing that is likely to significantly change the external character of the building, object, structure or place.

5.9.7 Formalities of Application

In addition to the application formalities prescribed in sub-clause 5.9.6 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 and/or 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 2 metres in height, and marking any existing structure 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.

5.9.8 Variations to Scheme Provisions

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

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

5.9.8.2 In granting variations under sub-clause 5.9.6.1, the Council may enter into a heritage agreement under Part 4 of the Heritage of Western Australia Act 1990 with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

5.10 LANDSCAPE

5.10.1 Identification of Trees

Applications for planning consent or for subdivision must show, on the site plan accompanying the application, the location, type and height of all existing trees over 4.5 metres in height.

5.10.2 Retention of Trees

In considering an application for planning consent or its recommendations concerning subdivision Council may, if it considers that any trees are of landscape significance and should be retained, enter negotiations with the applicants or proponent into the means by which any such trees can be retained.

5.10.3 Variations to Allow Retention

Council may, in the interests of retaining trees considered to be of significance, permit a variation to any of the provisions of the Residential Planning Code or of any other Scheme provision.

5.10.4 Trees on Reserves

On road and other reserves, no tree may be removed for any purpose unless with the consent of Council, except—

- in accordance with an approved Management Plan;
- trees which, in the opinion of the Council's Superintendent of Parks & Recreation are dead, diseased or dying;
- trees which are a clear and distinct public hazard.

5.10.5 Landscaping Requirement

Unless otherwise specified by the Scheme or varied by Council in accordance with Clause 5.2.1, landscaping to the satisfaction of Council for a minimum proportion of 50% of site area will be a requirement for all development.

5.11 TRANSPORTABLE BUILDINGS

5.11.1 Planning Consent Necessary

The use of transportable buildings for any purpose within the Scheme area is subject to the planning consent of Council.

5.11.2 Standard of Buildings

The Council will require that the standards of finish of a transportable building are agreed on prior to the issue of planning consent and must be consistent with those prevailing in the locality in which the building is to be located.

5.11.3 Performance Bond

Council will require an approved bond to be lodged with Council in order to ensure compliance with the agreed standard of finish within a period of 12 months or such longer period as Council may determine, and such bond shall be refunded on satisfactory completion of the conditions imposed by the planning consent.

5.12 SETBACKS

- (a) Setbacks from the street frontage or other boundary of a lot shall be in conformity with the requirements set out for each zone in the Scheme, and where not specifically listed for a particular use or zone, shall be at the discretion of Council having regard to the nature of that use and its likely effect on the abutting streetscape.
- (b) For all uses, where a lot has frontage to more than one street, the Council will determine to which street the front setback requirement will apply and may reduce the requirement on the frontage to other streets to a distance which, if not specifically set out by the Scheme will be not less than the required side setback.

5.13 BUILDING HEIGHT

In considering planning consent to a building exceeding one storey or with a wall height exceeding 3 metres, the Council will have regard to the effect on adjoining properties arising from—

- (a) loss of privacy
- (b) overshadowing
- (c) occlusion of daylight

and may require modifications to the building or may impose conditions which, in its opinion, will ameliorate any detrimental affect arising therefrom.

PART VI—NON-CONFORMING USE

6.1 NON-CONFORMING USE RIGHTS

No provision of the Scheme shall prevent—

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

6.2 EXTENSION OF NON-CONFORMING USE

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

6.3 CHANGE OF NON-CONFORMING USE

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

6.4 DISCONTINUANCE OF NON-CONFORMING USE

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

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

6.5 DESTRUCTION OF BUILDINGS

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

PART VII—PLANNING CONSENT

7.1 APPLICATION FOR PLANNING CONSENT

7.1.1 Every application for Planning Consent shall be made in the form prescribed by the Scheme in Appendix I and shall be accompanied by such plans and other information as is required by the Scheme.

7.1.2 Unless Council waives any particular requirement every application for Planning Consent shall be comprised of—

- (a) A cover letter outlining the general nature of the proposed development and intended date of commencement (of the use) from the time consent is granted and, where relevant;
 - (i) the number of persons proposed to be engaged in the undertaking of the development;
 - (ii) the days and hours of operation by the development;
 - (iii) the nature and extent of any machinery to be used in the operation of the development (including noise levels);
 - (iv) the number of vehicles (in excess of two (2) tonne) to be used in connection with the undertaking of the development;
- (b) One copy of the title particulars of the land the subject of the application and, where the applicant is not the owner, a letter from the owner authorising the applicant to make an application for Planning Consent over the land the subject of this application;
- (c) Three (3) copies of a plan or plans at an appropriate scale (not less than 1:200, except where noted below) showing—
 - (i) location of the land the subject of the application (scale not less than 1:10,000);
 - (ii) site identification by lot number, street name, area and dimensions of the site;
 - (iii) the location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the site (including setbacks from all lot boundaries and distances between all buildings);
 - (iv) the existing and proposed means of access and egress from pedestrians and vehicles (including bicycles) to and from the site;
 - (v) the location, number, dimensions and layout of all car parking spaces proposed to be retained and provided;
 - (vi) the location, number, dimensions and layout 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 and egress to and from those areas;
 - (vii) the location, dimensions and design of any signage, fencing, open storage and drying areas, waste and refuse collection/disposal area and trade display area and particulars of the manner in which it is proposed to develop the same;
 - (viii) the position, type and height of any existing tree over 3.0 metres in height;
 - (ix) calculations of plot ratio and site coverage;
 - (x) the means for disposal of waste water and for stormwater management.
- (d) Plans, extensions and section of any building proposed to be erected or altered and of any building intended to be retained and including;
 - (i) a plan of the streetscape comprising all buildings proposed and to be retained on the subject site and all buildings on adjacent lots to the subject site;
 - (ii) street setback lines of all existing buildings on adjacent lots to the subject site.
- (e) Any other plan or information that the Council may reasonably require to enable the application to be determined.

7.2 ADVERTISING OF APPLICATIONS

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

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

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

- (a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of Planning Consent stating that submissions may be made to the Council within twenty-one days of the service of such notice;
- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- (c) a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of 21 days from the date of publication of the notice referred to in paragraph (b) of this clause.

7.2.4 The notice referred to in subclause 7.2.3 (a) and (b) shall be in the form contained in Appendix 1 with such modifications as circumstances require.

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

7.3 DETERMINATION OF APPLICATIONS

7.3.1 In determining an application for Planning Consent, the Council—

- (a) may consult with any authority which, in the circumstances, it thinks appropriate;
- (b) have regard to and take into consideration any relevant planning policy made under the provisions of this Scheme.

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

7.3.3 The Council shall issue its decision in respect of an application for Planning Consent in the form prescribed in Appendix 1C to the Scheme.

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

7.4 DEEMED REFUSAL

7.4.1 Where the Council has not within a period of sixty days of the receipt by it of an application for Planning Consent either conveyed its decision to the applicant or given notice of the application in accordance with Clause 7.2 the application may be deemed to have been refused.

7.4.2 Where the Council has given notice of an application for Planning Consent in accordance with Clause 7.2 and where the Council has not within ninety days of receipt by it of the application conveyed its decision to the applicant, the application may be deemed to have been refused.

7.4.3 Notwithstanding that an application for Planning Consent may be deemed to have been refused under subclauses 7.4.1 or 7.4.2 the Council may issue a decision in respect of the application at any time after the expiry of the sixty day or ninety day period specified in those clauses, as the case may be.

PART VIII — ADMINISTRATION

8.1 POWERS OF THE SCHEME

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

- (a) the Council may enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any valid planning requirements pertaining to the Scheme and which are within the powers of the Council as defined in the first schedule of the Town Planning and Development Act 1928 (as amended);
- (b) the Council may acquire any land or buildings within the district pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with law and for such purpose may make such agreement with other owners as it considers fit;
- (c) an officer of the Council, authorised by the Council for the purpose, may at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

8.2 OFFENCES

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

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

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

8.3 ACT

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

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

8.4 CLAIMS FOR COMPENSATION

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

8.5 APPEALS

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

SCHEDULE 1 INTERPRETATIONS

Absolute Majority: shall have the same meaning as is given to it in and for the purposes of the Local Government Act 1960 (as amended).

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

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

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

Amusement Parlour: means land and buildings, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.

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

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

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

Building: shall have the same meaning as is given to it in and for the purposes of the Building Code of Australia.

Building Envelope: means an area of land within a lot marked on a plan forming part of the Scheme to which building development is restricted.

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

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

Camping Area: means land used for the lodging of persons in tents or other temporary shelter.

Caravan: means a vehicle as defined under the Road Traffic Act 1974-82 maintained in condition suitable for licence under that Act at all times and being designed or fitted or capable of use as a habitation or for dwelling or sleeping purposes.

Caravan Park: means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocation for that purpose.

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

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

Cattery: means the use of an approved out-building constructed in accordance with the Health Act Model By-laws Series 'A' Part One—General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months.

Civic Use: means land and buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.

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

Commission: means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act 1985.

Community Service Depot: means land and buildings used for the garaging of vehicles and equipment used to provide a community service such as a fire brigade, ambulance or like service.

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

Day Care Centre: means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended).

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

District: means the Municipal District of the City of Geraldton.

Dry Cleaning Premises: means land and buildings used for the cleaning of garments and other fabrics by chemical processes.

Educational Establishment: means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory or institutional home.

Effective Frontage: means the width of a lot at the minimum distance from the street alignment at which buildings may be constructed, and shall be calculated as follows—

- (a) where the site boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries;
- (b) where the side boundaries of a lot are not parallel to one another, the length of a line drawn parallel to the street frontage and intersecting the side boundaries at the minimum distance from the street alignment at which buildings may be constructed;
- (c) where a lot is of such irregular proportions or on such steep grade that neither of the foregoing methods can reasonably be applied, such length as determined by the Council;

Factory Unit Building: means an industrial building designed, used or adapted for use as two or more separately occupied production or storage areas.

Family Care Centre: means land and buildings used for the purpose of a Family Care Centre as defined in Child Welfare (Care Centres) Regulations, 1968 (as amended).

Fast Food Outlet: means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a fish shop.

Fish Shop: means a building where wet fish and similar foods are displayed and offered for sale and may, with the consent of Council, include cleaning and processing of fish for sale by retail from the premises.

Floor Area: shall have the same meaning given to it and for the purposes of the Building Code of Australia.

Frontage: means the boundary line or lines between a site and the street or streets upon which the site abuts.

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 an undertaker where bodies are stored and prepared for burial or cremation.

Garden Centre: means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings.

Gazettal Date: means the date of which this Scheme is published in the Government Gazette.

Gross Leasable Area: means in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.

Harbour Installations: means land and buildings used for and incidental to the purposes of loading, unloading and maintaining ships, and other activities authorised under the Geraldton Port Act 1968 (as amended).

Health Studio: means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.

Height: means the vertical measurement taken between the mean point of the natural ground level within the area occupied by a structure and the highest point of the roof vertically above that point on the ground, excluding minor vertical projections such as chimneys and vent pipes.

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

Heritage Precinct: means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.

Hire Service: means land and buildings used for the storage and hire of machinery or other bulky equipment.

Holiday Accommodation: means a cottage, a chalet or a cabin constructed in conformity with the Building Code of Australia and any other requirement of the Council, and intended to be used for short term accommodation by holiday makers or tourists.

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 or the land on which the business is conducted—
- (b) does not entail employment of any person not a member of the occupier's 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 principal 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, use or calling of a vehicle of more than two tonnes tare weight;
- (h) 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.
- (i) does not entail the offering for sale, display or hire of motor vehicles machinery or goods (other than goods manufactured or serviced on the premises); and
- (j) does not entail a source of power other than an electric motor of not more than 0.373 kilowatts (0.5 h.p.).

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

Hospital Special Purposes: means a building used or designed for use wholly or principally for the purpose of a hospital or sanatorium for the treatment of infectious or contagious diseases, or hospital for the treatment of the mentally ill or similar use.

Hotel: means land and buildings providing accommodation for the public the subject of a Hotel Licence granted under the provisions of the Liquor Act, 1988 (as amended).

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

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

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

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

Industry—Cottage: means an industry which produces arts and 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 operated in a Residential Zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land;
- (c) is conducted in an 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.

Industry Extractive: means an industry which involves—

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

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

Industry Hazardous: means an industry which by reason of the processes involved or the method of manufacture or the nature of the materials used or produced requires isolation from other buildings.

Industry Light: means an industry—

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

Industry Noxious: means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911-1979 (as amended), but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, piggery, scrap metal dealers, fish, shellfish and crustaceans processing establishments, poultry farms.

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

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

Institutional Building: means a building used or designed for use wholly or principally for the purpose of—

- (a) a home or other institution for care of persons who are physically or mentally handicapped;
- (b) a rehabilitation centre or home for alcoholics, drug addicts, persons released from prison or other persons requiring treatment as provided by such a centre.

Kennels: means land and buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.

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

Landscaping: means an open area designed, developed and maintained as garden planting, trafficable or pedestrian space, and at the discretion of Council may include natural bushland, swimming pools and areas under covered ways; laundries, drying yards and garbage collection spaces shall not be included.

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.

Liquor Store: means a building the subject of a Store Licence granted under the provisions of the Liquor Act, 1988 (as amended).

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

Machinery Sales Premises: means land and buildings used for the display and sale of agricultural or transport machinery and equipment.

Marina: means a safe anchorage for small boats at which provisions, supplies etc may be obtained.

Marine Dealers Premises: means land and buildings used for the storage of marine stores under the provisions of the Marine Stores Act, 1902 (as amended) and Marine Collectors Yard and Marine Store have the same meaning.

Marine Filling Station: means land and buildings used for the storage and supply of liquid fuels and lubricants for marine craft, but in which no industry is carried on; but does not include a service station.

Market: means land and buildings used for a fair, a farmers' or producers' market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stall holders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

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

Milk Depot: means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.

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 and Marine Sales & Service: means land and buildings used for the display and sale of new or second hand motorcycles, cars, trucks, caravans and boats or any one or more of them and may include, the servicing of motor vehicles sold from the site.

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

Motor Vehicle Repair Station: means land and buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

Motor Vehicle Wash Station: means land and buildings where vehicles are washed and cleaned by or primarily by mechanical means.

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.

Night Club: means land and buildings used for providing liquor and continuous entertainment; the subject of a "Cabaret Licence" under the Liquor Licensing Act 1988, and the continued use of which will not cause any injury to or prejudicially affect the amenity of the locality by reason of emission of noise; or increased traffic; or increased public services.

Non-conforming Use: means a use of land which, though lawful immediately prior to the coming into operation of this Scheme, is not in conformity with the Scheme.

Occasional Use: means the use of land or buildings from time to time on a temporary basis for the purposes of recreation, entertainment and other community activity which does not prejudice the integrity of the Scheme, and includes a swap meet, a market or a fair.

Office: means a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature.

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

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

Park Home: means a movable dwelling, not being a vehicle as defined under the Road Traffic Act 1974-82, but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilised by jacks and provided with skirtings and being so designed and constructed as to permit independent occupancy for dwelling purposes.

Park Home Park: means an area of land set aside exclusively for the parking of park homes occupied for residential purposes whether for short or long stay purposes, but includes the provision of buildings and uses incidental to the predominant use of the land, including ablution blocks recreation areas, office and storage space and, as approved by Council, a shop or kiosk and refuelling facilities, but the term shall be interpreted to exclude the parking of caravans, camper trailers and the erection of tents or camps.

Plant Nursery: means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden decor.

Plot Ratio: except for a single house, attached house, grouped dwelling or multiple dwelling where it shall have the same meaning given to it in the Residential Planning Codes, plot ratio means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries, and in calculating the gross total of the areas of all floors the areas shall be measured over any walls provided that lift shafts, stairs, toilets and amenities, external wall thicknesses, plant rooms and the gross floor area of any floor space used for the parking of wheeled vehicles including access to and from that space within the building shall not be included.

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, 1911-1979 (as amended).

Prison: shall have the same meaning given to it in and for the purposes of the Prisons Act, 1981 (as amended).

Private Hotel: means land and buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Act 1970 (as amended).

Produce Store: means land and buildings wherein fertilisers and grain are displayed and offered for sale.

Professional Office: means a building used for the purposes of a professional practice by an accountant, architect, artist, author, barrister, chiropodist, 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 Authority: shall have the same meaning given to it in and for the purposes of the Act.

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

Public Utility Depot: means land and buildings used by a public authority or the Council for storage and servicing of machinery, equipment and materials used in the provision of a public utility.

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

Reception Centre: means land and buildings used for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes.

Recreation—Active: means land and buildings used for recreation which are not normally open to the public without charge and includes such uses as public tennis courts, squash courts, indoor cricket pitches, bowling alleys and like uses.

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

Residential Building: means a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation—

- temporarily by two or more persons, or
- permanently by seven or more persons,

who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.

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

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

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

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

Salvage Yard: means land and buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

Schedule: means a schedule to the Scheme.

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

Shop: means premises wherein goods are kept, exposed or offered for sale by retail or for hire, including premises for the provision of personal services, but does not include a bank, fuel depot, market, service station, milk depot, marine collectors yard, timber yard or land and buildings used for the sale of vehicles or for any purpose falling within the definition of industry.

Shop—Local Convenience: means land and buildings used for the sale by retail of goods, being those goods commonly sold in supermarkets, delicatessens and newsagents, to provide a service to the immediate locality.

Storage Premises: means land and buildings used for the secured storage of household items or commercial goods and equipment, but does not include any sale or display for sale on the premises.

Storey: means for other than Residential Development, that portion of a building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of the floor and the ceiling above it.

Street Alignment: means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed, means the new street alignment so prescribed.

Tavern: means land and buildings the subject of a Tavern Licence granted under the provisions of the Liquor Act, 1988 (as amended).

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.

Transportable Building: means any structure designed for human habitation or use that is partly or wholly prefabricated at any place other than on the site upon which it is to be erected.

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

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

Video Sales and/or Hire: means premises used for the sale or hire of video equipment or tapes used in video recorders.

Warehouse: means a building wherein goods are stored and may be offered for sale by wholesale and, with the consent of Council, by retail.

Waterway: means an artificial channel, lake, harbour or embayment, for navigational, ornamental and recreational purposes, or for any of those purposes; and includes any addition to or alteration of a waterway as so defined.

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.

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

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.

Zoological Gardens: means land and buildings used for the keeping, breeding or display of fauna and the term includes Zoo, but does not include kennels or keeping, breeding or showing of domestic pets.

SCHEDULE 2
ADDITIONAL USES

SITE	USES
Lot 63 North West Coastal Highway	Service Industry
Lot 62 North West Coastal Highway	Service Industry
Lot 74 North West Coastal Highway	Service Industry
Lot 276 North West Coastal Highway/Fourth Street	Light Industry - End Rust
Lot 275 Fourth Street	Light Industry - Joinery
Lots 277 to 281 (inc) North West Coastal Hwy/Fourth St	Shop - Homemaker Centre
Lot 760 Chapman Road	Liquor Store, Video Shop
	Post Office, Shop
Lots 10 & Pt 1, (178,180,182 & 184 Chapman Road)	}
Lot 2 (176 Chapman Road)	}
Lot 1 (174 Chapman Road)	}
Pt 373 (166 Chapman Road)	}
Pt 373 (164 Chapman Road)	}
Lots 1, 2 Pt 372 (156, 158, 160 Chapman Road)	}
Lot 370 (154 Chapman Road)	}
Lot 41 (150 Chapman Road)	}
Lot 40 (148 Chapman Road)	}
Pt Lot 807 Chapman Road	}
Lot 28 (1 Urch Street)	}
Lot 42 Urch Street	}
Lot 4 (21 Urch Street)	}
Lot 11 (25 Urch Street)	} Additional uses are those permitted in Table 1 City Centre zone
Pt Lot 373 (29 Urch Street)	}
Lot 374 (31 Urch Street)	}
Lot 1 Urch/Abrolhos Sts	}
Lot 2 (16 Urch Street)	}
Lot 32 Urch Street	}
Lot 10 Urch Street	}
Lot Pt 12 Urch Street	}
Lot 71 (3 Abrolhos Street)	}

SCHEDULE 2—*continued*
 ADDITIONAL USES—*continued*

SITE	USES
Lot 18 Abrolhos/Simpson Streets)	}
Lot 21 & 15 Abrolhos/Simpson Streets	}
Lot 31 Simpson Street	}
Lot 32 Broome Street	Warehouse/Depot
Lot 32 Marine Terrace/Burgess Street	Shops, Service Industry
Lot 20 Marine Terrace	Restaurant
Lot 26 Marine Terrace/Cunningham Street	Motor Vehicle Sales/Service
Lot 31 Cunningham Street	Fish Processing
Lot 9 Cunningham Street	Motor Vehicle Sales/Service
Lot 1 Marine Terrace	Office
Lot 10 Marine Terrace	Service Industry
Lot 5 Augustus/Francis Street	Office - Referral Centre
Lot 1 Durlacher Street	Shop
Lot 6 Durlacher Street	Marine Dealers Yard
Lots 49 & 50 Rifle Range Road	Recreation - Squash Centre
Lots 121 to 129 incl Utakarra/Blencoe/Weeks	Garden Centre
Pt Res. 14170 Flores Road	Transport Depot
Pt Res. 14170 Flores Road	Warehouse

SCHEDULE 3
 SPECIAL USES

SITE	PERMITTED USE
Lots 104 & 105 Brand Highway, Tarcoola	}
Pt Lot 24 Lot 1 Chapman Road, Beresford	}
Lot 27 Chapman Road, Bluff Point	}
	Betting Agency P
	Restaurant P
	Grouped Dwelling AA
	Car Park P
	Club - Premises P
	Hotel P
	Motel P
	Office AA
	Public Amusement P
	Recreation P
	Public Utility P
	Tavern P
	Symbols used are those referred to in Clause 4.2.2
Lot 2 Brand Highway, Tarcoola	Motel
Lot 86 Brand Highway, Tarcoola	Motel
Lot 34 Brand Highway, Tarcoola	Motel
Pt Lot 838 Green Street, Spalding	Motel
Lot 2332/Res. 27530/Portway, Beachlands	Caravan Park
Lot 34 Broadhead Avenue, Tarcoola	Caravan & Chalet Park
Lot 1925/Res. 27317 Bosley Street, Sunset Beach	Caravan Park
Lots 50, 76, 77, 78 NW Coastal Hwy, Wonthella	Service Station
Lot 85 Brand Highway, Tarcoola	Service Station
Lot 79 Marine Terrace	Service Station
Lot 35 Brand Highway, Tarcoola	Service Station
Lot 34 Durlacher Street, Geraldton	Service Station
Lot 317 Flores Road, Wonthella	Service Station
Lot 503 Chapman Road, Beresford	Service Station
Lot 1 Chapman Road, Bluff Point	Service Station
Lot 9 Marine Terrace/Francis Street	Service Station

SCHEDULE 4
 EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 5.0

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated.)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name-plate as appropriate.	0.2m 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

SCHEDULE 4—*continued*EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 5.0—*continued*

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated.)	MAXIMUM AREA OF EXEMPTED SIGN
Cinemas, Theatres and Drive-in Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ² .
Shops, Showrooms and other uses appropriate to a Shopping Area.	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws. Portable signs (sandwich signs).	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, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements shall not exceed 15m ² . Maximum permissible total area shall not exceed 10m ² & individual advertisement signs shall not exceed 6m ² .
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	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 by, or on behalf of any such body, and (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a government department, public authority or the council of a municipality, and (c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein. (d) Business direction signs.	N/A N/A N/A N/A
Railway Property and Reserves.	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m 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
TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows)—		
(i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
(ii) Multiple Dwellings, Shops, Commercial & Industrial projects.	One sign as for (i) above.	5m ²

SCHEDULE 4—*continued*
 EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 5.0—*continued*

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
(iii) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (i) above.	10m ²
	One additional sign showing the name of the project builder.	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 or 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 for the duration of a 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 & Industrial Properties.	One sign as for (a) above.	Each sign shall not exceed an area of 5m ² .
(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 on display.	2m ²
(ii)	In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	5m ²

APPENDIX 1A
 CITY OF GERALDTON
 TOWN PLANNING SCHEME No.3

Application for Planning Consent
 (Development Approval)

Application No.

Date Received:

(Please use block letters only. Please read the notes on the back before completing this form).

Applicant Name Telephone

Applicant Address (For Correspondence)

Land Subject to Proposed Use/Development

Lot No: Street No: Location No:

Street: Locality:

Plan/Diagram No: Title No: Volume: Folio:

Proposed Use/Development

(Describe the way the land is proposed to be used/developed)

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

Existing Use/Development

(Describe the way the land is used now)

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

Signature of Applicant/
Authorised Agent

Consent of Owner

.....

Date:

Date:



APPENDIX 1B

CITY OF GERALDTON

TOWN PLANNING SCHEME No. 3

NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL

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

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.



APPENDIX 1C

CITY OF GERALDTON

TOWN PLANNING SCHEME No. 3

DECISION ON APPLICATION FOR PLANNING CONSENT

Name of Owner of Land on which Development is Proposed—

Surname Given Names:

Address

.....

Council's Planning Consent to the proposed development, described on the application datedand the accompanying plans, is—

* Granted Subject to the Following Conditions

* Not Granted for the Following Reasons

The Planning Consent is valid for a period of

If development is not completed within this period, a fresh approval must be obtained before commencing or continuing with development.

Date: Signed

Chief Executive Officer.

* DELETE WHICHEVER IS NOT APPLICABLE

APPENDIX No. 2

CONTROL OF ADVERTISEMENTS

ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL

(to be completed in addition to Application for Consent to Commence Development)

- 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:

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

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

ADOPTION

Adopted by Resolution of the Council of the City of Geraldton at the ordinary meeting of the Council held on the fourteenth day of July 1993.

Dated 28 January 1998.

P. G. COOPER, Mayor.
G. K. SIMPSON, Chief Executive Officer.

FINAL APPROVAL

1. Adopted by Resolution of the Council of the City of Geraldton at the special meeting of the Council held on the twenty-ninth day of August 1995 and the seal of the Municipality was pursuant to that Resolution hereunto affixed in the presence of—

Dated 28 January 1998.

P. G. COOPER, Mayor.
G. K. SIMPSON, Chief Executive Officer.

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

2. Recommended/submitted for final approval.

Dated 6 February 1998.

EUGENE FERRARO, for Chairperson,
Western Australian Planning Commission.

3. Final approval granted.

Dated 9 February 1998.

G. KIERATH, Hon. Minister for Planning.

POLICE

PE401

POLICE ACT 1892

PUBLIC AUCTION

Under the provisions of the Police Act 1892, unclaimed and stolen property will be sold by public auction at the premises of Port Hedland Auction Centre, Lot 1432 McKay Street, Port Hedland on Saturday 2nd May 1998.

R. FALCONER, Commissioner of Police.

RACING, GAMING AND LIQUOR

RA401

LIQUOR LICENSING ACT 1988

SUMMARY OF LIQUOR LICENSING APPLICATIONS

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

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR TRANSFER OF LICENCE			
1955/97	Peptine Nominees Pty Ltd	Application for the transfer of a Restaurant Licence in respect of premises situated in Fremantle and known as Cafe Locamo, from Kelstar Pty Ltd.	14/4/98
1956/97	Autingo Pty Ltd	Application for the transfer of a Cabaret Licence in respect of premises situated in Albany and known as Maggies, from Margarita Espinoza.	15/4/98
1957/97	Starwest Management Pty Ltd	Application for the transfer of a Tavern Licence in respect of premises situated in Hilton and known as Hilton Park Tavern, from Nu-West Pty Ltd.	15/4/98
1958/97	John Francis McDonagh & Gloria Jean Douglas	Application for the transfer of a Hotel Licence in respect of premises situated in Wyalkatchem and known as Wyalkatchem Hotel, from Windward Holdings Pty Ltd.	15/4/98

App. No.	Applicant	Nature of Application	Last Date for Objections
<i>APPLICATIONS FOR TRANSFER OF LICENCE—continued</i>			
1960/97	Joseph Compagnone & Mary Therese Compagnone	Application for the transfer of a Restaurant Licence in respect of premises situated in Bunbury and known as HM Customs House, from Brian Robert Linaker & Glynis Elaine Linaker.	22/4/98
1961/97	Cluster Investments Pty Ltd	Application for the transfer of a Liquor Store Licence in respect of premises situated in Leonora and known as Leonora Stores Liquor & Hardware Division, from Higherealm Pty Ltd.	19/4/98
1962/97	Rhonda Nominees Pty Ltd	Application for the transfer of a Restaurant Licence in respect of premises situated in North Fremantle and known as Citta Di Fondi, from Beachfront Nominees Pty Ltd.	17/4/98
1963/97	Grasson Pty Ltd & Andrew Alexander Beveridge	Application for the transfer of a Liquor Store Licence in respect of premises situated in Northbridge and known as Peter's Cellars, from Grasson Pty Ltd.	19/4/98
1964/97	Wendy Irene Hill	Application for the transfer of a Hotel Licence in respect of premises situated in Rocky Gully and known as Rocky Gully Pub, from Harem Pty Ltd (S87).	4/5/98
1965/97	Arthur George Reppas	Application for the transfer of a Hotel Licence in respect of premises situated in Cunderdin and known as Cunderdin Hotel, from Tresbien Pty Ltd.	20/4/98
1966/97	Croweaters Pty Ltd	Application for the transfer of a Hotel Licence in respect of premises situated in Bunbury and known as Prince of Wales Hotel, from Nekan Pty Ltd.	20/4/98
1967/97	Newbid Nominees Pty Ltd	Application for the transfer of a Tavern Licence in respect of premises situated in Merriwa and known as Merriwa Tavern, from Arcadia Securities.	20/4/98
<i>APPLICATION FOR THE GRANT OF A LICENCE</i>			
1301/97	Kingsley Soccer Club Inc	Application for the grant of a Club Restricted Licence in respect of premises situated in Woodvale and known as Kingsley Soccer Club Inc.	6/5/98
1323/97	Starvalley Pty Ltd	Application for the grant of a Liquor Store Licence in respect of premises situated in Westminster and known as Westminster Liquor Store.	29/4/98
1324/97	Carnegies Restaurant (WA) Pty Ltd	Application for the grant of a Restaurant Licence in respect of premises situated in Subiaco and known as Colonial Club Cafe.	30/4/98
1326/97	Yvonne Kahn and Howard John Bradbury	Application for the grant of a Restaurant Licence in respect of premises situated in Guildford and known as Padburys Cafe Restaurant.	3/5/98
1327/97	Liquorland (Australia) Pty Ltd	Application for the grant of a Liquor Store Licence in respect of premises situated in Claremont and known as Liquorland Claremont.	5/5/98

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

G. B. AVES, Director of Liquor Licensing.

RA402**LIQUOR LICENSING ACT 1988****SUMMARY OF LIQUOR LICENSING APPLICATIONS**

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

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR TRANSFER OF LICENCE			
1969/97	Foon Wing Lam	Application for the transfer of a Restaurant Licence in respect of premises situated in Perth and known as Princess Court Chinese Restaurant, from Shu Tai Chan.	24/4/98
1971/97	Austower Pty Ltd	Application for the transfer of a Cabaret Licence in respect of premises situated in Perth and known as Gobbles, from Westmade Enterprises Pty Ltd.	24/4/98
1972/97	The Bog (Fremantle) Pty Ltd	Application for the transfer of a Cabaret Licence in respect of premises situated in Fremantle and known as Kit Cat Nite Club, from John Patrick Haddock.	28/4/98
APPLICATION FOR THE GRANT OF A LICENCE			
1329/97	Gateway Resort Management Pty Ltd	Application for the grant of a Tavern Licence in respect of premises situated in Alexander Heights and known as Sherlock's Tavern.	6/5/98
1330/97	Musical Investments Pty Ltd	Application for the grant of a Special Facility Licence in respect of premises situated in Northbridge and known as The Post Office Nightclub Bar & Restaurant.	8/5/98
1331/97	Austie Nominees Pty Ltd	Application for the grant of a Liquor Store Licence in respect of premises situated in Melville and known as Liberty Liquors Melville.	8/5/98
1333/97	Kalbarri Holdings Pty Ltd	Application for the grant of a Liquor Store Licence in respect of premises situated in Greenfields and known as Greenfields Liquor Store.	8/5/98

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

G. B. AVES, Director of Liquor Licensing.

SUPERANNUATION BOARD

SD301***FIRE BRIGADES SUPERANNUATION ACT 1985****FIRE BRIGADES (SUPERANNUATION FUND) AMENDMENT REGULATIONS 1998**

Made by the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Fire Brigades (Superannuation Fund) Amendment Regulations 1998*.

Principal regulations

2. In these regulations the *Fire Brigades (Superannuation Fund) Regulations 1986** are referred to as the principal regulations.

[* Reprinted as at 11 October 1994.

For amendments to 18 March 1998 see 1997 Index to Legislation of Western Australia, Table 4, pp. 81-82.]

Regulation 3 amended

3. Regulation 3 of the principal regulations is amended in subregulation (1) —
- (a) by inserting in the definition of “maximum benefit”, after “means”, the following —
“ the amount equal to ”; and
 - (b) by inserting the following definitions in the appropriate alphabetical positions —
“

“**partial and permanent disablement benefit**” means a benefit payable under regulation 21;

“**relevant month**”, in relation to a member who is entitled to be paid a supplementary disablement benefit, means —

- (a) if the beneficiary has been paid an interim payment in respect of partial and permanent disablement benefit under regulation 27 (1) (a) — the month during which it was determined under these regulations that the beneficiary is not totally and permanently disabled; or

- (b) in any other case — the month during which the beneficiary was paid a partial and permanent disablement benefit;

“**supplementary disablement benefit**” means a benefit payable under regulation 23B;

”.

Regulation 11 amended

4. Regulation 11 (2) of the principal regulations is amended —
- (a) in the definition of “employment” by deleting “applies.” and substituting the following —
“ applies; ”;
 - (b) in the definition of “listed employee” by deleting paragraph (b) and substituting the following paragraph —
“ (b) is not a firefighter. ”; and
 - (c) by arranging the definitions in alphabetical order.

Regulation 15 amended

5. Regulation 15 of the principal regulations is amended —
- (a) by repealing subregulations (1) and (1a) and substituting the following subregulations —
“

(1) A category A member who has not reached the age of 65 years shall contribute 6.25% of his or her superannuation salary to the Superannuation Fund.

(1a) The following members may contribute to the Superannuation Fund —

- (a) a Category B member who has not reached the age of 70 years;
- (b) a Category A member who has reached the age of 65 years but has not reached the age of 70 years.

”;

and

- (b) by repealing subregulation (3).

Regulation 16 amended

6. Regulation 16 of the principal regulations is amended —
- (a) in subregulation (1) by inserting before the definition of “employer” the following definition —
“

“**actuarial amount**” means —

- (a) the amount equal to the amount or rate of contribution last advised by the actuary to the Superannuation Board under subregulation (2); or

- (b) the amount equal to any other amount or rate of contribution agreed on (instead of the amount referred to in paragraph (a)) by the Fire Brigades Board, the Superannuation Board and the actuary;

”;

and

- (b) by repealing subregulations (3), (4) and (5) and substituting the following subregulations —

“

(3) An employer shall, on or as soon as practicable after each salary day, contribute to the Superannuation Fund —

- (a) the actuarial amount for each employee who is a Category A member to whom salary becomes payable on that day and who has not reached the age of 65 years; and
- (b) if the employer's total contributions to the fund under paragraph (a) for that salary day for all such employees is less than 8.75% of the total amount of the employees' superannuation salaries for the salary day — an additional amount not less than the difference between the amount of the total contributions under paragraph (a) for the salary day and the amount equal to 8.75% of the total amount of the superannuation salaries of those employees for the salary day.

(4) An employer shall, on or as soon as practicable after each salary day, contribute to the Superannuation Fund for each employee who is a Category A member to whom salary becomes payable on that day, and who has reached the age of 65 years —

- (a) an amount equal to the minimum percentage of the salary required to be contributed by the employer to avoid the Superannuation Guarantee Charge; or
- (b) if a greater amount is agreed between the employee and the employer — the greater amount.

”;

- (c) by deleting from subregulation (6) “or (5)”; and

- (d) by deleting from subregulation (7) “or (5)”.

Regulation 16B amended

7. Regulation 16B (1) of the principal regulations is repealed and the following subregulation is substituted —

“

(1) An employer shall, on or as soon as practicable after each salary day, contribute to the Superannuation Fund an amount equal to 1% of the total amount of the superannuation salaries payable on that salary day to employees who are Category A members who have not reached the age of 65.

”.

Regulation 18 amended

8. Regulation 18 of the principal regulations is amended —

- (a) in subregulation (1) by deleting paragraphs (a) and (b) and substituting the following paragraphs —

“

- (a) an amount equal to the lump sum retirement benefit that would have been payable under regulation 17 if the member had retired on reaching the age of 65 years;
- (b) the total amount of any contributions made to the Superannuation Fund by the member after reaching the age of 65 years, minus any tax payable on the contributions;
- (c) the total amount of any contributions made to the Superannuation Fund for the member by the employer after the member reached the age of 65 years, minus any tax payable on the contributions; and
- (d) interest on each of the amounts referred to in paragraphs (a), (b) and (c) respectively, calculated daily and compounded yearly for the period from the date on which the member reached the age of 65 years to the date of payment of the amounts.

”;

and

- (b) by repealing subregulation (2) and substituting the following subregulation —

“

(2) The interest payable under paragraph (1) (d) is to be calculated at the net fund earning rate.

”.

Regulations 23B and 23C repealed and regulations 23B, 23BA and 23C substituted

9. Regulations 23B and 23C of the principal regulations are repealed and the following regulations are substituted —

“

Supplementary disablement benefits

23B. (1) A member who is entitled to a partial and permanent disablement benefit under regulation 21 is also entitled to a supplementary disablement benefit if —

- (a) the member's salary was taken into account for the purposes of calculating the amount of his or her employer's contribution to the Superannuation Fund under regulation 16B;
- (b) there is no determination in force under regulation 33 that reduces the partial and permanent disablement benefit payable to the member under regulation 21; and
- (c) the member was not offered satisfactory alternative employment (as defined in subregulation 10) before his or her employment was terminated as a result of disablement.

(2) If a member's maximum benefit is \$20 000 or less, the member's supplementary disablement benefit is an amount equal to the maximum benefit and is payable to the member in a lump sum as soon as practicable after the member becomes entitled to the supplementary disablement benefit.

(3) If a member's maximum benefit is more than \$20 000, the member's supplementary disablement benefit is payable to the member in one of the following ways, at the election of the member —

- (a) in monthly instalments payable on the first day of each month for 60 months starting with the month following the relevant month;
- (b) in annual instalments payable on the first day of the month following the month one year after the relevant month and on the anniversary of that day in each of the 4 following years;
- (c) in a lump sum payable 5 years after the end of the relevant month.

(4) The supplementary disablement benefit is not payable to the member until the member has given written notice to the Superannuation Board of the method of payment elected.

(5) The amount of a monthly instalment of supplementary disablement benefit payable to a beneficiary under this regulation is calculated in accordance with Schedule 5.

(6) The amount of an annual instalment of supplementary disablement benefit payable to a beneficiary under this regulation is calculated in accordance with Schedule 6.

(7) The amount of the lump sum of supplementary disablement benefit payable to a beneficiary under an election under subregulation (3) is calculated in accordance with Schedule 6A.

(8) The Superannuation Board may, after considering the advice of the actuary, determine a rate of interest for the purposes of the formulas in Schedules 5, 6 and 6A.

(9) A determination of a rate of interest does not affect the amount of an instalment or lump sum calculated by reference to a rate of interest applicable under an earlier determination.

(10) In this regulation —

“satisfactory alternative employment”, in relation to a member, means alternative employment by the Fire Brigades Board or any other employer for which, in the opinion of the Superannuation Board, the member is reasonably suited by education, training and experience and which, in the opinion of the Superannuation Board, provides satisfactory remuneration having regard to the member's previous salary.

Electing another method of payment — supplementary disablement benefits

23BA. (1) A beneficiary who elected under regulation 23B (3) to be paid a supplementary disablement benefit in a lump sum may, at any time after the relevant month and before the lump sum is due for payment, elect instead to be paid in monthly instalments.

(2) The amount of a monthly instalment payable to a beneficiary who elects to be paid monthly instalments under subregulation (1) is calculated in accordance with Schedule 6B.

(3) A beneficiary who elected under regulation 23B (3) to be paid a supplementary disablement benefit in monthly instalments may, at any time before the 60th instalment is paid, elect to be paid the remainder of the benefit in a lump sum payable 5 years after the end of the relevant month.

(4) The amount of the lump sum payable to a beneficiary who elects to be paid a lump sum under subregulation (3) is calculated in accordance with Schedule 6C.

(5) A beneficiary who elected under regulation 23B (3) to be paid a supplementary disablement benefit in annual instalments may, at any time before the 4th instalment is paid, elect to be paid the remainder of the benefit in a lump sum payable 5 years after the end of the relevant month.

(6) The amount of the lump sum payable to a beneficiary who elects to be paid a lump sum under subregulation (5) is calculated in accordance with Schedule 6D.

(7) A beneficiary may make an election under this regulation by giving written notice of the election to the Superannuation Board.

(8) A beneficiary is not entitled to make more than one election under this regulation.

(9) In subregulations (1), (3) and (5), a reference to an election under regulation 23B(3) is to be read as including a reference to regulation 23B as in force at any time before the commencement of the *Fire Brigades (Superannuation Fund) Amendment Regulations 1998*.

Death Benefits — supplementary disablement benefits

23C. (1) If a beneficiary who elected under regulation 23B (3) to be paid a supplementary disablement benefit in monthly instalments dies before the 60th instalment is paid, then a lump sum calculated in accordance with Schedule 7 shall be paid from the Superannuation Fund in the manner provided in regulation 25.

(2) If a beneficiary who elected under regulation 23B (3) to be paid a supplementary disablement benefit in annual instalments dies before the 5th instalment is paid, then a lump sum calculated in accordance with Schedule 8 shall be paid from the Superannuation Fund in the manner provided in regulation 25.

(3) If a beneficiary who elected under regulation 23B (3) to be paid a supplementary disablement benefit in a lump sum dies before the lump sum is paid, then a lump sum calculated in accordance with Schedule 9 shall be paid from the Superannuation Fund in the manner provided in regulation 25.

Regulation 31 amended

10. Regulation 31 of the principal regulations is amended —

(a) by inserting after the regulation designation “**31.**” the subregulation designation “(1)”; and

(b) by inserting the following subregulations —

“

(2) The Superannuation Board may deduct from a member’s account in the Superannuation Fund amounts payable under the *Superannuation Contribution Tax (Assessment and Collection) Act 1997* of the Commonwealth.

(3) If funds in the member’s account are insufficient to cover the amounts payable, the Superannuation Board may reduce the member’s benefit entitlement by an amount equal to the shortfall plus interest on the amount calculated at a rate to be determined by the Superannuation Board on the advice of the actuary.

Regulation 37 amended

11. Regulation 37 (3) of the principal regulations is repealed.

Regulations 37A and 37B inserted

12. After regulation 37 of the principal regulations the following regulations are inserted —

“

Distribution of surplus funds

37A. If the actuary advises that any funds accumulated in the Superannuation Fund in respect of Category A members are surplus to the Fund’s commitments, the Superannuation Board may allocate the surplus funds, in accordance with regulation 37B (1), proportionally to the credit of the members who were Category A members on 1 July in the financial year in which the distribution is made.

Accumulation of additional contributions and allocated surplus funds

37B. (1) Additional contributions paid by a member under an agreement under regulation 37, and surplus funds allocated to a member under regulation 37A, are to be used to establish or add to an accumulation for the member in the Superannuation Fund (in this regulation referred to as the member’s “**allocated accumulation**”).

(2) At the end of each financial year, or at such other times that the Superannuation Board determines, the member's allocated accumulation is to be credited with interest at the net fund earning rate.

(3) The member's allocated accumulation is payable to or in respect of the member in accordance with subregulation (4), (5) or (6), as the case requires.

(4) If, at the time the additional contributions or surplus funds were credited to the member's allocated accumulation, the member was employed by the employer, then an amount equal to the amount of the member's allocated accumulation is to be added to the other benefits payable to the member when the member leaves the employment.

(5) If, at the time the additional contributions or surplus funds were credited to the member's allocated accumulation, the member had left the employment of the employer and was receiving a pension from the Superannuation Fund, then an amount equal to the member's allocated accumulation is to be added to the pension on terms and conditions approved by the Superannuation Board.

(6) If, at the time the additional contributions or surplus funds were credited to the member's allocated accumulation, the member had left the employment of the employer and had deferred payment of a lump sum benefit, then an amount equal to the member's allocated accumulation is to be added to the lump sum when it is paid.

Regulation 39 amended

13. Regulation 39 of the principal regulations is amended —

(a) by inserting after subregulation (1) the following subregulation —

“(1a) If a member stops being employed by the employer, the Superannuation Board may transfer any benefit that is or will become payable to or in respect of the member under these regulations to an eligible rollover fund in accordance with Part 24 of the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth.

(b) by inserting in subregulation (3) after “subregulation (1)” the following —
“ or (1a) ”; and

(c) by inserting after subregulation (3) the following subregulation —

“(4) In subregulation (1a) —

“**eligible rollover fund**” has the same meaning as in the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth.

Schedule 5 amended

14. Schedule 5 to the principal regulations is amended —

(a) by deleting “[Regulation 23B (3)]” and substituting the following —

“ [Regulation 23B (5)] ”;

(b) by deleting “IB” wherever it occurs and substituting the following —

“ MIB ”; and

(c) by deleting all the words commencing with “rate of interest” and ending with “disablement benefit” and substituting the following —

“ rate of interest (expressed as a percentage per annum) that is applicable on the date of payment of the beneficiary's partial and permanent disablement benefit under a determination under regulation 23B (8) ”.

Schedule 6 amended

15. Schedule 6 to the principal regulations is amended —

(a) by deleting “[Regulation 23B (4)]” and substituting the following —

“ [Regulation 23B (6)] ”;

(b) by deleting “IB” wherever it occurs and substituting the following —

“ AIB ”; and

(c) by deleting all the words commencing with “rate of interest” and ending with “disablement benefit” and substituting the following —

“ rate of interest (expressed as a percentage per annum) that is applicable on the date of payment of the beneficiary's partial and permanent disablement benefit under a determination under regulation 23B (8) ”.

Schedules 6A, 6B, 6C and 6D inserted

16. After Schedule 6 to the principal regulations the following Schedules are inserted —
“

SCHEDULE 6A

[Regulation 23B (7)]

CALCULATION OF LUMP SUM BENEFIT

The formula for calculating a lump sum benefit in respect of a beneficiary is —

$$LSB = MB \times (1+i)^5$$

where —

- LSB is the benefit to be determined, (expressed in dollars);
- MB is the beneficiary's maximum benefit (expressed in dollars); and
- i is the rate of interest (expressed as a percentage per annum) that is applicable on the date of payment of the beneficiary's partial and permanent disablement benefit under a determination under regulation 23B (8).

SCHEDULE 6B

[Regulation 23BA (2)]

CALCULATION OF MONTHLY BENEFIT INSTEAD OF LUMP SUM BENEFIT

The formula for calculating a monthly instalment benefit in respect of a beneficiary who had previously elected a lump sum benefit is —

$$MIB = \frac{DB}{1} \times \frac{i}{1-V^n}$$

where —

- MIB is the monthly instalment benefit to be determined, (expressed in dollars);
- DB is the beneficiary's benefit as calculated in Schedule 9 (expressed in dollars);
- i is one-twelfth of the rate of interest (expressed as a percentage per annum) used in the initial calculation of the beneficiary's lump sum benefit for the purposes of regulation 23B (7);
- n is the number of complete months from the date the beneficiary's benefit (DB) is calculated to the end of the 5 year period used in Schedule 9; and

$$V = \frac{1}{1+i}$$

SCHEDULE 6C

[Regulation 23BA (4)]

CALCULATION OF A LUMP SUM BENEFIT INSTEAD OF MONTHLY BENEFITS

The formula for calculating a lump sum benefit in respect of a beneficiary who has elected to transfer from a monthly instalment benefit is —

$$LSB = \frac{MIB}{1} \times \frac{(1+i)^n - 1}{i}$$

where —

- LSB is the lump sum benefit to be determined (expressed in dollars);
- MIB is the monthly instalment benefit payable to the beneficiary (expressed in dollars);
- n is the difference between 60 and the number of monthly instalment benefit payments which the beneficiary had received up to the time of his or her election;
- i is one-twelfth of the rate of interest expressed as a percentage per annum used in the initial calculation of the beneficiary's monthly instalment benefit for the purposes of regulation 23B (5); and

$$V = \frac{1}{1+i}$$

SCHEDULE 6D

[Regulation 23BA (6)]

**CALCULATION OF A LUMP SUM BENEFIT INSTEAD
OF ANNUAL BENEFITS**

The formula for calculating a lump sum benefit in respect of a beneficiary who has elected to transfer from an annual instalment benefit is —

$$\text{LSB} = \frac{\text{AIB}}{1} \times \frac{(1+i)^n - 1}{i}$$

where —

LSB is the lump sum benefit to be determined (expressed in dollars);

AIB is the annual instalment benefit payable to the beneficiary (expressed in dollars);

n is the difference between 5 and the number of annual instalment benefit payments which the beneficiary had received up to the time of his or her election;

i is the rate of interest expressed as a percentage per annum used in the initial calculation of the beneficiary's instalment benefit pursuant to regulation 23B (6); and

$$V = \frac{1}{1+i}$$

Schedule 7 amended

17. Schedule 7 to the principal regulations is amended —

(a) by deleting "IB" wherever it occurs and substituting the following —

" MIB "; and

(b) by deleting "regulation 23B (3)" from the definition of "i" and substituting the following —

" regulation 23B (5) ".

Schedule 8 amended

18. Schedule 8 to the principal regulations is amended —

(a) by deleting "IB" wherever it occurs and substituting —

" AIB "; and

(b) by deleting "subregulation 23B (4)" from the definition of "i" and substituting the following —

" subregulation 23B (6) ".

Schedule 9 added

19. After Schedule 8 to the principal regulations the following Schedule is added —

"

SCHEDULE 9

[Regulation 23C (3)]

CALCULATION OF DEATH BENEFIT

The formula for calculating a death benefit in respect of a beneficiary who had elected to receive a lump sum benefit after the 5 year period is —

$$\text{DB} = \frac{\text{LSB}}{(1+i)^{\frac{n}{365.25}}}$$

where —

DB is the death benefit to be determined (expressed in dollars);

LSB is the lump sum benefit that would have been payable to the beneficiary at the end of the 5 year period (as calculated in Schedule 6A) had the beneficiary not died;

n is the number of days from the date of death to the date the benefit would have become payable; and

i is the rate of interest expressed as a percentage per annum used in the initial calculation of the beneficiary's benefit for the purposes of regulation 23B (7).

By Command of the Governor,

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

TREASURY

TY301*

STATE TRADING CONCERNS ACT 1916

STATE TRADING CONCERNS (AUTHORIZATION) REGULATIONS 1998

Made by the Governor in Executive Council.

Citation

1. These regulations may be cited as the *State Trading Concerns (Authorization) Regulations 1998*.

Prescribed financial entities (section 4A (2) (a))

2. The financial entities set out in Schedule 1, Part 1 are prescribed financial entities for the purposes of section 4A (2) (a) of the Act.

Prescribed activities by financial entities (section 4A (2) (b))

3. The activities set out in Schedule 1, Part 2 are prescribed activities for the financial entities to which they relate, for the purposes of section 4A (2) (b) of the Act.

State Trading Concerns (Authorization) Regulations 1997 repealed

4. (1) The *State Trading Concerns (Authorization) Regulations 1997* are repealed.

(2) The *State Trading Concerns (Authorization) Amendment Regulations (No. 3) 1997* are repealed.

Schedule 1***Part 1 — Prescribed financial entities (regulation 2)***

Chemistry Centre (WA)

Health Department of Western Australia

Ministry of Fair Trading

Office of Energy

State Revenue Department

Part 2 — Prescribed activities (regulation 3)

Chemistry Centre (WA)

The provision by the Chemistry Centre (WA) of scientific support (primarily chemistry based) to industry and to the public.

In this item —

“**scientific support**” includes —

- (a) providing analytical information;
- (b) providing expert advice and expert evidence;
- (c) solving problems; and
- (d) carrying out investigative and applied research projects.

Health Department of Western Australia

The provision by the Health Department of Western Australia of goods, information or intellectual property relating to health campaigns developed by the department.

In this item —

“**goods, information or intellectual property**” includes cookbooks and similar publications, and the rights relating to animated characters and to television series and advertising.

Ministry of Fair Trading

The provision by the Ministry of Fair Trading of services to overseas clients.

In this item —

“**services**” includes training, and services of a technical, educational, managerial and advisory nature.

Office of Energy

The provision by the Office of Energy of goods, information or intellectual property relating to technical and safety issues in the energy industry.

In this item —

“**goods**” includes technical and safety publications.

State Revenue Department

The sale by the State Revenue Department of computer or other systems developed by it for the administration of revenue laws.

By Command of the Governor,

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

WATER

WA401*

WATER SERVICES CO-ORDINATION ACT 1995

Notice under section 31 (5) Amendment of Licence.

Notice is given that the following operating licence has been amended

Licencee: Water Corporation
 Classification: Operating Licence, Water Supply, Sewerage,
 Irrigation & Drainage Services
 Term of Licence: 1 July 2001
 Area Covered: Refer to Schedule 1 to 5
 Inspection of Licence: Office of Water Regulation
 6th Floor
 197 St George's Terrace
 Perth WA 6000

B. R. MARTIN, Co-ordinator of Water Services.

SCHEDULE 1—OPERATING AREAS (WATER SUPPLY SERVICES)

Operating Area	Plan No.	Operating Area	Plan No.	Operating Area	Plan No.
Australind/Eaton	OWR-OA-084/1	Grass Patch	OWR-OA-109	Northampton	OWR-OA-145
Badgingarra	OWR-OA-125	Guilderton	OWR-OA-138	Northcliffe	OWR-OA-183
Bindoon/Chittering	OWR-OA-126	Hopetoun	OWR-OA-116	Nullagine	OWR-OA-153
Borden	OWR-OA-114	Horrocks	OWR-OA-139	Onslow	OWR-OA-156
Boyanup	OWR-OA-084/3	Hyden	OWR-OA-117	Port Hedland Region	OWR-OA-107
Bridgetown/ Greenbushes Region	OWR-OA-105	Jerramungup	OWR-OA-036/1	Preston Beach	OWR-OA-171
Carnarvon	OWR-OA-128	Kirup	OWR-OA-088	Quinninup	OWR-OA-173
Condingup	OWR-OA-057	Lake King	OWR-OA-119	Ravensthorpe	OWR-OA-040/1
Coomberdale	OWR-OA-130	Laverton	OWR-OA-110	Rocky Gully	OWR-OA-122
Cue	OWR-OA-131	Leeman/Green Head Region	OWR-OA-103	Salmon Gums	OWR-OA-113
Dandaragan	OWR-OA-132	Leonora	OWR-OA-111	Sandstone	OWR-OA-147
Dardanup	OWR-OA-084/2	Lower Great Southern Region	OWR-OA-106	Varley	OWR-OA-123
Donnybrook	OWR-OA-161	Marble Bar	OWR-OA-069	Watheroo	OWR-OA-148
Dunsborough Region	OWR-OA-085/1	Meekatharra	OWR-OA-140	Wellstead	OWR-OA-124
Dwellingup	OWR-OA-170	Menzies	OWR-OA-112	West Pilbara Region	OWR-OA-157
Exmouth	OWR-OA-134	Mingenew	OWR-OA-141	Wiluna	OWR-OA-149
Frankland	OWR-OA-115	Moora	OWR-OA-058/1	Woodridge	OWR-OA-150
Gascoyne Junction	OWR-OA-135	Morawa/Three Springs/ Carnamah Region	OWR-OA-101	Wyndham	OWR-OA-159
Geraldton/Mullewa Region	OWR-OA-102	Mount Magnet	OWR-OA-143	Yalgoo	OWR-OA-151
Gibson	OWR-OA-108	Munglinup	OWR-OA-056	Yuna	OWR-OA-152
Goldfields and Agricultural	OWR-OA-055	Nannup	OWR-OA-182		

SCHEDULE 2—OPERATING AREAS (SEWERAGE SERVICES)

Operating Area	Plan No.	Operating Area	Plan No.	Operating Area	Plan No.
Albany	OWR-OA-014	Karratha	OWR-OA-075	Onslow	OWR-OA-071
Boddington	OWR-OA-015	Katanning	OWR-OA-021	Pingelly	OWR-OA-026
Bridgetown	OWR-OA-082	Kellerberrin	OWR-OA-003	Port Hedland	OWR-OA-073
Bunbury Region	OWR-OA-084/5	Kojonup	OWR-OA-022	Quairading	OWR-OA-168
Busselton/ Dunsborough Region	OWR-OA-085/3	Laverton	OWR-OA-011	Roebourne	OWR-OA-074
Carnarvon	OWR-OA-044	Leeman	OWR-OA-054	Three Springs	OWR-OA-061
Collie	OWR-OA-087	Leonora	OWR-OA-012	Toodyay	OWR-OA-169
Corrigin	OWR-OA-002	Meckering	OWR-OA-004	Wagin	OWR-OA-027
Cunderdin	OWR-OA-001	Merredin	OWR-OA-005	Wickham	OWR-OA-077
Dongara/Port Denison	OWR-OA-046	Mount Barker	OWR-OA-023	Wongan Hills	OWR-OA-008
Donnybrook	OWR-OA-174	Mukinbudin	OWR-OA-006	Wundowie	OWR-OA-009
Exmouth	OWR-OA-048	Narembeen	OWR-OA-007	Wyalkatchem	OWR-OA-010
Geraldton	OWR-OA-049	Narrogin	OWR-OA-024	Wyndham	OWR-OA-078
Gnowangerup	OWR-OA-020	Northam	OWR-OA-013	York	OWR-OA-172

SCHEDULE 3—OPERATING AREAS (WATER SUPPLY SERVICES AND SEWERAGE SERVICES)

Operating Area	Plan No.	Operating Area	Plan No.	Operating Area	Plan No.
Augusta	OWR-OA-079	Esperance	OWR-OA-031	Mandurah/ Murray Region	OWR-OA-104
Binningup and Myalup Bremer Bay	OWR-OA-081 OWR-OA-016	Fitzroy Crossing Halls Creek	OWR-OA-065 OWR-OA-066	Manjimup Margaret River Region	OWR-OA-094 OWR-OA-095
Broome Capel and Peppermint Grove Beach	OWR-OA-062 OWR-OA-086	Harvey Jurien Bay	OWR-OA-092 OWR-OA-050	Metropolitan Newdegate	OWR-OA-100 OWR-OA-120
Cervantes	OWR-OA-045	Kalbarri	OWR-OA-051	Pemberton	OWR-OA-096
Cranbrook	OWR-OA-018	Kununurra	OWR-OA-067	Seabird	OWR-OA-060
Denham	OWR-OA-133	Lake Argyle Village	OWR-OA-068	Walpole	OWR-OA-098
Denmark	OWR-OA-019	Lancelin	OWR-OA-052	Waroona	OWR-OA-099
Derby	OWR-OA-064	Ledge Point	OWR-OA-053	Yarloop	OWR-OA-162
Eneabba	OWR-OA-047				

SCHEDULE 4—OPERATING AREAS (DRAINAGE SERVICES)

Operating Area	Plan No.	Operating Area	Plan No.	Operating Area	Plan No.
Albany Region	OWR-OA-181	Perth Metropolitan	OWR-OA-180	South West Region	OWR-OA-179

SCHEDULE 5—OPERATING AREAS (IRRIGATION SERVICES)

Operating Area	Plan No.	Operating Area	Plan No.	Operating Area	Plan No.
Carnarvon	OWR-OA-177	Ord River	OWR-OA-175	Preston Valley	OWR-OA-178/1

PUBLIC NOTICES

ZZ101**TRUSTEES ACT 1962**

Notice to Creditors and Claimants

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 18th May 1998, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bailey, Norah, late of 5/428 Canning Highway, Attadale, died 27/2/98. (DEC 308867 DP3)

Barratt, Phillip James, late of 40 McGregor Road, Palmyra, died 27/3/98. (DEC 309629 DS2)

Bell, Frances Edwin, late of Mandurah Nurisng Home, Hungerford Avenue, Halls Head, formerly of 18 Honeysuckle Ramble, Halls Head, died 6/3/98. (DEC 398472 DS2)

Blakeley, Harold, late of 81 Mandurah Terrace, Mandurah, died 10/6/93 (DEC 308945 DD1)

Carr, Nadia, late of Como Nurisng Home, 36 Talbot Avenue, Como, died 17/3/98. (DEC 309317 DS2)

Cominelli, Andrew Peter, aka Andrea Cominelli late of John Wesley Lodge, Hill View Terrace, Bentley, formerly of 304 Fullham Street, Cloverdale, died 17/3/98. (DEC 309716 DC4)

Cooper, Robert John, late of 41 Henning Crescent, Manning, died 15/3/98. (DEC 309649 DA4)

Cornell, Arnold Robert, late of Hamilton Hill Nursing Home, 27 Ivermey Road, Hamilton Hill, died 1/4/98. (DEC 309596 DC2)

Davies, Louisa, late of Moline House, Unit 25 Jeanes Road, Karrinyup, died 28/3/98. (DEC 309597 DS4)

Devlin, Ada Lightfoot, late of St Florence Nursing Home, 32 Whatley Crescent, Mt Lawley, died 13/3/98. (DEC 309077 DA4)

Eastwood, Eileen May, late of Carlisle Nursing Home, 110 Star Street, Carlisle, formerly of 6 Marchamley Street, Carlisle, died 4/3/98. (DEC 309601 DC4)

Farmaner, Harold Frederick Glyde, late of Villa Maria Homes, Bussell Highway, Busselton, died 4/3/98. (DEC 309447 DC4)

Hall, Thelma Rebecca Agnes, late of 76 Armadale Road, Rivervale, died 15/3/98. (DEC 309595 DG2)

Harman, John Joseph, late of 3A Cone Place, Menora, died 27/2/98. (DEC 309314 DP1)

Herrod, Ethel Grace, late of 17 Wittering Crescent, Balga, died 27/3/98. (DEC 309724 DA2)

Ianson, Nellie Florence, late of Maudie Armstrong House, 16 Davies Road, Claremont, died 11/1/98. (DEC 307590 DP3)

- Johnson, Peter Robert, late of 4/583 William Street, Mount Lawley, died 31/3/98. (DEC 309523 DG3)
- Kealley, Betty Amalia, late of Concorde Nursing Home, 25 Anstey Street, South Perth, died 20/3/98. (DEC 309448 DP4)
- Lee, Joan Isabel, late of 3 Keemore Drive, Balga, died 31/1/98. (DEC 309675 DC4)
- McAndrew, Harry David, late of 16/8 Bradford Street, Mount Lawley, died 6/3/98. (DEC 309653 DG3)
- Murray, Jean Phyllis, late of Craiglea Park Nursing Home, 38 Alday Street, St James, died 29/3/98. (DEC 309557 DL3)
- Parsons, John Walter, late of 38 Jannali Way, Armadale, died 9/3/98. (DEC 309552 DA2)
- Petrovic, Muriel Edith, late of Tuohy Nurisng Home, Morrison Road, Midland, died 16/3/98. (DEC 309112 DP3)
- Quill, Jennifer Ruth, late of 909 South Western Highway, Byford, died 1/3/98. (DEC 309329 DS3)
- Ransome, Walter Anthony Spencer, late of Fresh Water Bay Nursing Home, 67 Palmerston Street, Mosman Park, died 27/1/98. (DEC 307797 DE3)
- Scudds, Donald, late of Unit 1, Dundas House, 100 Prinsep Street, Norseman, died 22/2/98. (DEC 309345 DD2)
- Stevens, Elsie Rae, late of Carinya Village Lodge, Plantation Street, Menora, died 21/10/97. (DEC 307513 DS4)
- Tasker, Benjamin James, late of 87 James Spiers Drive, Wanneroo, died 10/2/98. (DEC 309351 DE3)
- Tavelardis, Joseph Thomas, late of 5/73A Fourth Avenue, Mount Lawley, died 5/1/98. (DEC 307341 DE2)
- Thomas, Mary Gladys, late of Ida Mann Hostel, Sixth Avenue, Maylands, died 23/3/98. (DEC 309417 DS4)
- Turrington, Constance Georgina, late of Leslie Watson Nursing Home, 18 Roebuck Drive, Salter Point, died 23/3/98. (DEC 309391 DA3)
- Sattell, Richard John, late of 41 Freeth Road, Spearwood, died 18/3/98. (DEC 309609 DS3)
- Smith, Dulcie May Grant, late of Esperance Community Nursing Home, Brazier Street, Esperance, died 18/11/96. (DEC 297514 DC4)
- Warner, Donald Crosby, late of RSL War Veterans Home, 51 Alexander Drive, Mt Lawley, died 27/3/98. (DEC 309663 DP4)
- Weir, Alice Louisa, late of Tandara Nursing Home, 73 Jarrah Road, Bentley, died 1/3/98. (DEC 309671 DS4)
- Wray, Thomas Frederick James, late of 55 Norland Way, Spearwood, died 23/3/98. (DEC 309602 DP3)

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