

**WESTERN
AUSTRALIAN
GOVERNMENT
Gazette**

1431



PERTH, FRIDAY, 9 APRIL 1999 No. 55

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NEW FORMAT FOR GENERAL GOVERNMENT GAZETTES

For ease of access to particular notices the general Gazette will be divided into two parts as detailed below. In each part, the notices will appear in alphabetical order of the authorising Department.

Part 1 will contain Proclamations, Regulations, Rules, Local Laws and various other Instruments etc. but not Town Planning Schemes.

Part 2 will contain general notices and information and Town Planning Schemes.

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The Western Australian *Government Gazette* is published by State Law Publisher for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances (changes to this arrangement will be advertised beforehand on the inside cover).

Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*.

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
- Copy should be received by the Manager (Sales and Editorial), State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

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- Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.

If it is necessary through isolation or urgency to fax copy, confirmation is not required by post. *If original copy is forwarded later and published, the cost will be borne by the advertiser.*

ADVERTISING RATES AND PAYMENTS

EFFECTIVE FROM 1 JULY 1998.

Deceased Estate notices, (per estate)—\$17.70

Real Estate and Business Agents and Finance Brokers Licences, (per notice)—\$41.30

Other articles in Public Notices Section—\$41.30 (except items of an exceptionally large nature. In these instances arrangements will be made for pricing the notice at time of lodging).

All other Notices

Per Column Centimetre—\$8.15

Bulk Notices—\$153.00 per page

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

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

PUBLISHING ALTERATIONS

Periodically the normal *Gazette* publishing times need to be altered to cater for disruption caused by public holidays.

- Easter and Christmas holidays cause disruption each year.
- Australia Day and Anzac Day cause disruption when they fall on a Tuesday or Friday.

In these instances, notices warning of the change are generally published on page 2 for approximately 4 weeks prior to the date.

Readers are urged to check *Gazettes* accordingly, prior to contacting State Law Publisher.

JOHN A. STRIJK, Government Printer.

— PART 1 —

PROCLAMATIONS

AA101*

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1998

39 of 1998

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 *Births, Deaths and Marriages Registration Act 1998* and with the advice and consent of the Executive Council, fix 14 April 1999 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 6 April 1999.

By Command of the Governor,

PETER FOSS, Minister for Justice.

GOD SAVE THE QUEEN!

AA201*

**BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND AND
LEVY COLLECTION AMENDMENT ACT 1998**

6 of 1998

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 *Building and Construction Industry Training Fund and Levy Collection Amendment Act 1998* and with the advice and consent of the Executive Council, fix 19 April 1999 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 6 April 1999.

By Command of the Governor,

G. D. KIERATH, Minister for Employment and Training.

GOD SAVE THE QUEEN!

MINERALS AND ENERGY

MN401*

Dangerous Goods (Transport) Act 1998
Interpretation Act 1984

**Dangerous Goods (Transport) Appointment
Notice 1999**

Made by the Minister under section 10(1) of the *Dangerous Goods (Transport) Act 1998* and sections 25 and 53 of the *Interpretation Act 1984*.

1. Citation

This notice may be cited as the *Dangerous Goods (Transport) Appointment Notice 1999*.

2. Competent Authority appointed

I appoint the holder of the office of Director of the Explosives and Dangerous Goods Division of the Department of Minerals and Energy to be a Competent Authority as from and including the date on which this notice is published in the *Government Gazette*.

Signed:

N. F. MOORE, Minister for Mines.

RACING, GAMING AND LIQUOR

RA301*

Totalisator Agency Board Betting Act 1960

**Totalisator Agency Board (Betting) Amendment
Regulations 1999**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Totalisator Agency Board (Betting) Amendment Regulations 1999*.

2. The regulations amended

The amendments in these regulations are to the *Totalisator Agency Board (Betting) Regulations 1988**.

[* Reprinted as at 12 November 1992.

For amendments to 19 March 1999 see 1997 Index to Legislation of Western Australia, Table 4, pp. 266-7, and Gazette 20 January, 11 September and 30 October 1998.]

3. Regulation 16 amended

Regulation 16(3) is amended as follows:

- (a) by deleting “either”;
- (b) by deleting “or should not be accepted by the TAB”.

4. Regulation 48 amended

Regulation 48(1) is amended by deleting “another Division of”.

5. Regulation 48A inserted

After regulation 48 the following regulation is inserted —

“

48A. Scoop bets and Footy-Tipping bets

(1) This regulation applies in relation to any totalisator pool conducted by the TAB in respect of Scoop bets or Footy-Tipping bets.

(2) In this regulation —

“**game pool**” means a collection of matches determined by the TAB under regulation 47(1)(f) as comprising a pool of games;

“**secondary winning ticket**” in relation to a totalisator pool in which there is no winning ticket, means a ticket that nominates the highest number of correct results of matches in the relevant game pool;

“**winning ticket**” means a ticket with the results of every match in the game pool correctly nominated on it.

(3) Where a totalisator pool is conducted in respect of Scoop betting or Footy-Tipping betting, the TAB shall —

- (a) deduct the prescribed commission from the gross takings of that totalisator pool;
- (b) add any jackpot under subregulation (4)(a); and
- (c) divide the number of winning tickets into the amount of the resulting balance, and declare and pay that dividend in respect of each unit to the holder of each winning ticket.

- (4) If no Scoop bet or Footy-Tipping bet placed in the totalisator pool concerned is a winning bet (including where the totalisator pool was in respect of Footy-Tipping bets and one or more of the matches in the game pool resulted in a tie), the TAB shall —
- (a) carry forward 80% of the resulting balance and add it to the amount invested in a subsequent totalisator pool conducted for the same kind of Scoop bet or Footy-Tipping bet as that in respect of which no winning bet was made; and
 - (b) divide the remaining 20% of the resulting balance by the number of secondary winning tickets and declare and pay a dividend in respect of each unit to the holder of each of those tickets.

”.

6. Regulation 59 amended

Regulation 59 is amended as follows:

- (a) by inserting after the regulation designation “59.” the subregulation designation “(1)”; and
- (b) by inserting the following subregulation —

“

- (2) In addition to the types of bets in subregulation (1), the TAB may accept the following types of bets on Soccer —
- (a) Bets on the first goal scorer of a selected game or games;
 - (b) Bets on the final score of a selected game or games.

”.

By Command of the Governor,

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

WATER

WA301*

COUNTRY AREAS WATER SUPPLY ACT 1947

COUNTRY WATER AREAS AMENDMENT ORDER NUMBER 1 1999

Made by His Excellency the Governor in Executive Council under section 8.

Citation

1. This order may be cited as the *Country Water Areas Amendment Order Number 1 1999*.

2. The land described in the Schedule to this order is hereby amended.

Schedule

(clause 2)

The following areas of land are hereby amended as indicated:

All areas to be amended are delineated by symbolised boundary

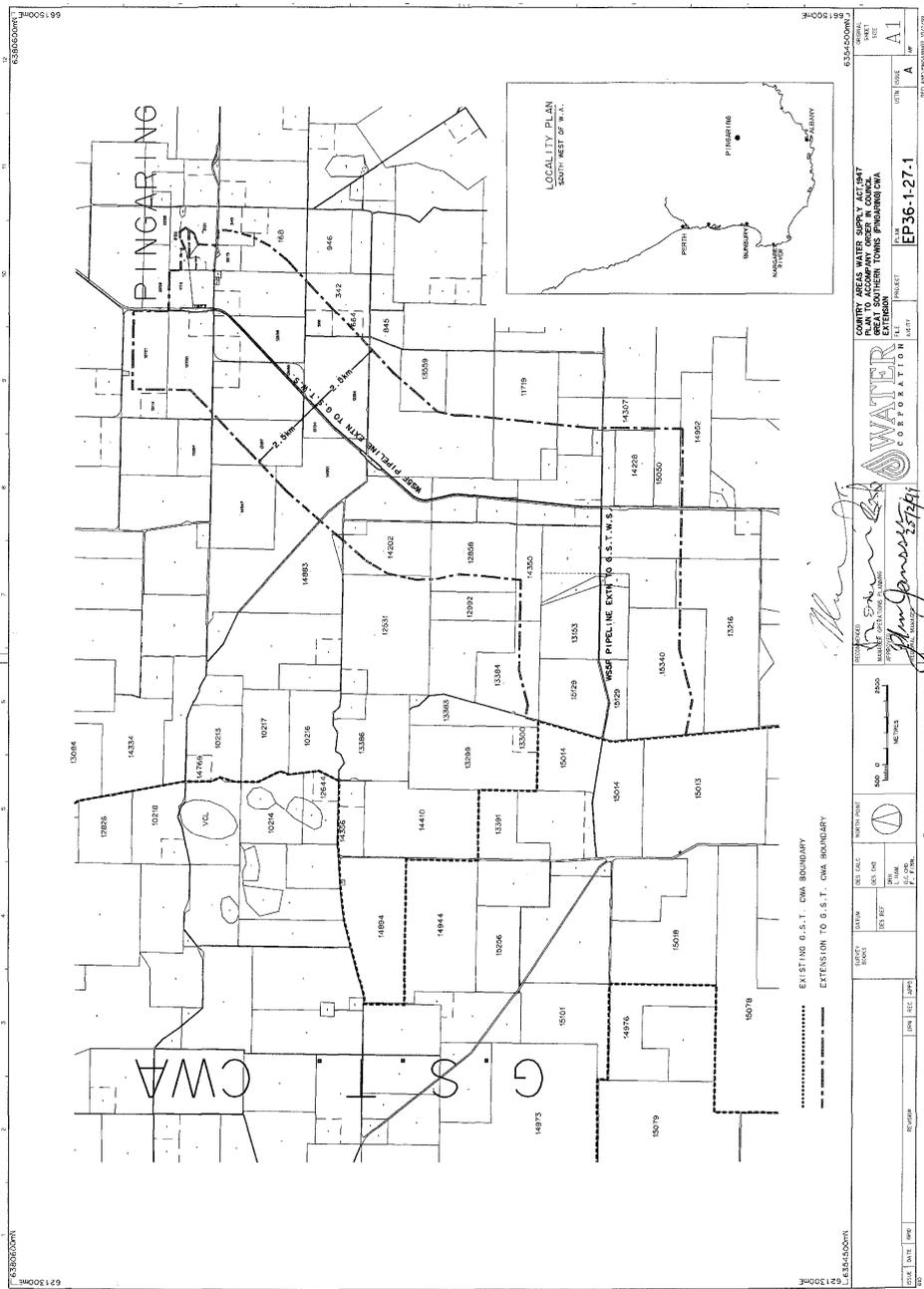
Great Southern Towns (Pingaring) Country Water Area:

Extension to, as per Water Corporation plan EP36-1-27-1

The Pingaring Country Water Area, as gazetted on 15 October 1976, is hereby abolished by this Order.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.



— PART 2 —

CENSORSHIP

CS401*

CENSORSHIP ACT 1996

I, Cheryl Lynn Edwardes, being the Minister administering the Censorship Act 1996, acting in the exercise of the powers conferred by Section 15 of that Act, do hereby determine that the publications specified in the schedule below shall be classified as restricted publications for the purposes of that Act.

Dated this 28th day of March 1999.

CHERYL LYNN EDWARDES, Minister for Labour Relations.

Schedule

23 March 1999

Restricted Classification

Title or Description	Publisher
40 Plus Vol 8 No 5	Fantasy Publications Ltd
Anal Sex No 106	Color-Climax Corporation
Asian Babes Vol 7 No 6	Fantasy Publications Ltd
Babyface 1999 Vol 2 No 3	The Score Group
Best of Asian Babes, The Vol 1 Iss 8	Fantasy Publications Ltd
Best of Cheri, The (Special Edition #114) Vol 21 No 7	Cheri Magazine Inc
Best of Electric Blue, The Vol 1 No 6	Fantasy Publications Ltd
Big Girls Vol 5 No 5	Fantasy Publications Ltd
Big Ones (International) Vol 10 No 1	Fantasy Publications Ltd
Black Hammer (Anal Fatal) No 1	MVW
Black Hammer (Anal In Action) No 2	MVW
Black Hammer (Anal in Bavaria) No 3	MVW
Buf Mar 1999	Swank Publications Inc
Candy Girls Mar 1999 Vol 2 No 3	Dowager Inc
Cheri Mar 1999 Vol 23 No 9	Cheri Magazine Inc
Cheri Apr 1999 Vol 23 No 10	Cheri Magazine Inc
Club Vol 28 No 2	Paul Raymond Publications Ltd
D-Cup Mar 1999	Swank Publications Inc
Dude May 1999 Vol 3 No 3	Dugent Corp
Eros Vol 1 No 6	Fantasy Publications Ltd
Eroticat No 22	Silwa Film GMBH
Fiesta Vol 33 Iss 3	Galaxy Publications Ltd
For Men Iss 104	Fantasy Publications Ltd
For Women Vol 6 No 9	Fantasy Publications Ltd
Gent (Home of the D-Cups) Apr 1999 Vol 41 No 4	Dugent Corp
Girls of Australian Penthouse, The (Limited Edition) No 1	Gemkilt Publishing Pty Ltd
Girls of Australian Penthouse, The (Cat 1) (Limited Edition) No 1	Gemkilt Publishing Pty Ltd
Girls of the Orient Mar 1999	Stag Publications Inc
Girls/Girls (Sex Acts) 1999 No 2	Genesis Publications Inc
Hawk Apr 1999 Vol 8 No 4	Killer Joe Productions Inc
High Society Apr 1999 Vol 24 No 4	The Crescent Publishing Group Inc
Hustler's Leg World Mar 1998 Vol 1 No 8	LFP Inc
Inside Foxy Lady No 72	VTO-Video Verlag
Just 18 Apr 1999	Swank Publications Inc
Knave (Ebony & Ivory Special) No 14	Galaxy Publications Ltd
Knave Vol 31 Iss 2	Galaxy Publications Ltd
Leg Action Mar 1999	Swank Publications Inc
Leg Sex Apr 1999 Vol 3 No 2	The Score Group
Lesbian In Heat Vol 1 No 3	American Art Enterprises Inc
Lesbian In Heat Vol 2 No 2	American Art Enterprises Inc
Live Young Girls Apr 1999 Vol 19 No 3	Live Periodicals Inc
Mayfair Vol 34 No 2	Paul Raymond Publications Ltd
Mens World Vol 11 No 3	Paul Raymond Publications Ltd
Model Directory Vol 17 No 2	Paul Raymond Publications Ltd
Naughty Neighbors Apr 1999 Vol 5 No 4	The Score Group

Restricted Classification—*continued*

Title or Description	Publisher
New Talent Vol 6 No 1	Fantasy Publications Ltd
Penthouse Couples (Black Label Collection) No 53	Gemkilt Publishing Pty Ltd
Pirate No 54	Private Media Group
Plump & Pink 1999 No 1	Genesis Publications Inc
Plumpers and Big Women Apr 1999 Vol 7 Iss 2	Dugent Publishing Corp
Posh Wives! Vol 1 No 9	Fantasy Publications Ltd
Private (Special Edition)	Private Media Group
Ravers Vol 5 Iss 2	Galaxy Publications Ltd
Razzle Vol 17 No 2	Paul Raymond Publications Ltd
Readers' Wives Vol 6 No 11	Fantasy Publications Ltd
Real Wives Vol 5 No 13	Fantasy Publications Ltd
Score Apr 1999 Vol 8 No 4	The Score Group
Sugah Apr 1999	Portfolio Magazine Inc
Swank Mar 1999	Swank Publications Inc
Swank Photo Series (Pepper) Apr 1999	Swank Publications Inc
Swank Pleasure (Uncensored Sex) Mar 1999	Swank Publications Inc
Swank Uninhibited (The Best of Swank) Apr 1999	Swank Publications Inc
Swank Unleashed (Mature Nymphos) Apr 1999	Swank Publications Inc
Swank Untamed (Anal Action) Apr 1999	Swank Publications Inc
Swank X-rated Series (300 Uncensored Sex Scenes) Mar 1999	Swank Publications Inc
Swank's Leisure Series (Butt Lust) Apr 1999	Swank Publications Inc
Swank's Taboo (Legal & Tender) Mar 1999	Swank Publications Inc
Swank's Video World Apr 1999	Swank Publications Inc
Teazer Vol 4 Iss 2	Galaxy Publications Ltd
Teenage No 9	Color-Climax Corporation
Teenage Special No 37	WS City
Triple X No 28	Private Media Group
Very Best of High Society, The #105 Vol 15 No 13	The Crescent Publishing Group
Very Best of Pleasure, The	Pleasure-Verlags GMBH
Voluptuous Apr 1999 Vol 6 No 4	The Score Group

CS402***CENSORSHIP ACT 1996**

I, Cheryl Lynn Edwardes, being the Minister administering the Censorship Act 1996, acting in the exercise of the powers conferred by Section 15 of that Act, do hereby determine that the publications specified in the schedule below shall be classified as refused publications for the purposes of that Act. Dated this 28th day of March 1999.

CHERYL LYNN EDWARDES, Minister for Labour Relations.

Schedule

23 March 1999

Refused Classification

Title or Description	Publisher
Anal Sex (Chick Collection) Vol 4	Bookpress
Big Tits Forever (Silwa Special) No 4	Silwa Film
Cherry Poppers (International)	MVW
Exciting No 51	Color-Climax Corporation
Nugget Apr 1999 Vol 43 No 4	Dugent Corp
Teenage Gang Bang No 31	WS City
XXX Vol 6 No 11	Dino

CS403***CENSORSHIP ACT 1996**

I, Cheryl Lynn Edwardes, being the Minister administering the Censorship Act 1996, acting in the exercise of the powers conferred by Section 15 of that Act, do hereby determine that the publications specified in the schedule below shall be classified as unrestricted publications for the purposes of that Act. Dated this 28th day of March 1999.

CHERYL LYNN EDWARDES, Minister for Labour Relations.

	Schedule 23 March 1999 Unrestricted Classification	
Title or Description		Publisher
Fiesta International Vol 3 Iss 3		Galaxy Publications Ltd
Hustler (Australian Edition) Vol 4 No 4		JT Publishing Pty Ltd

FAIR TRADING

FT401

RETAIL TRADING HOURS ACT 1987

RETAIL TRADING HOURS (ANZAC DAY MONDAY EXTENDED TRADING) EXEMPTION ORDER 1999

Made by the Minister for Fair Trading under section 5.

Citation

1. This Order may be cited as the *Retail Trading Hours (Anzac Day Monday Extended Trading) Exemption Order 1999*.

Extended Trading Hours

2. Section 12 of the *Retail Trading Hours Act 1987* does not apply to general retail shops in the metropolitan area (other than motor shops) on Monday, 26 April 1999 between 8.00 am and 6.00 pm.

Interpretation

3. In this Order "*motor shop*" means a general retail shop, as the case requires—

- (a) in, on or from which motor vehicles are sold by way of retail sale; or
- (b) in, on or from which spare parts for motor vehicles are sold by way of retail sale in conjunction with the sale of motor vehicles.

Metropolitan Area

In this Order, "*metropolitan area*" means the region described in the Third Schedule to the Metropolitan Region Town Planning Scheme Act 1959.

DOUG SHAVE, Minister for Lands; Fair Trading;
Parliamentary and Electoral Affairs.

FT402

CHARITABLE COLLECTIONS ACT 1946

I, Doug Shave, being the Minister administering the Charitable Collections Act 1946, acting in the exercise of the powers conferred by subsection (3) of section 12 of that Act, hereby give notice that I have revoked the licence of the organisations listed below—

- Australian Medical Procedures Research Foundation
- Children's Medical Research Institute
- Get There Inc
- Kukerin Nursing Post
- Numbat Industries

Dated this 1st day of April 1999.

DOUG SHAVE, Minister for Fair Trading.

FT403*

FINANCE BROKERS CONTROL ACT 1975

EXCEPTION UNDER SECTION 5(2)

I, Douglas James Shave MLA, Minister for Fair Trading and Minister for the time being responsible for the administration of the *Finance Brokers Control Act 1975* (the 'Act') being satisfied that, apart from the provisions of the Act, adequate safeguards exist against loss to others by defalcation, hereby

except International Financing and Investment Pty Ltd (A.C.N. 009 396 454) trading as W.A. Home Loans (hereafter referred to as 'International Financing and Investment Pty Ltd') and each of its loan consultants, whether employees or agents, from the definition of 'finance broker' for the purposes of the Act upon the terms and conditions set out below.

Terms and Conditions

1. This exception applies only to—

- (a) mortgage origination services carried on by International Financing and Investment Pty Ltd on behalf of lenders nominated in writing to the Ministry of Fair Trading for the purpose of this exception by International Financing and Investment Pty Ltd *; and
- (b) International Financing and Investment Pty Ltd, its employees and agents appointed by International Financing and Investment Pty Ltd as agents of International Financing and Investment Pty Ltd for the purpose of arranging loans and whose details have been registered with the Ministry of Fair Trading for the purpose of this exception ('Registered Details') **.

2. Exception of any agent of International Financing and Investment Pty Ltd shall continue only so long as that agent continues to be a duly appointed agent of International Financing and Investment Pty Ltd for the purpose of arranging loans, and is registered with the Ministry of Fair Trading as an agent of International Financing and Investment Pty Ltd.

3. International Financing and Investment Pty Ltd is to provide the Ministry of Fair Trading with details of any—

- (a) new appointment of an agent prior to that agent being involved in any loan transaction on behalf of International Financing and Investment Pty Ltd; and
- (b) discontinuance of appointment of an agent within 14 days of that discontinuance.

4. This exception is limited to employees or agents in acting in the capacity of a sales consultant selling financial products on behalf of International Financing and Investment Pty Ltd.

5. Any agent of International Financing and Investment Pty Ltd covered by this exception will disclose to intending borrowers the amount of any commission payable to it by International Financing Investment Pty Ltd, and International Financing Investment Pty Ltd will disclose to intending borrowers the amount of any commission payable to it by a nominated lender, in relation to the intending borrower's loan.

6. In respect of each agent's business, the particular agent and International Financing and Investment Pty Ltd are jointly and severally liable for the duration of this exception to ensure that—

- (a) no loan funds are to be received or held by that agent or any of its employees; and
- (b) neither an agent, nor any of its employees, is to have any role in the actual structuring of loans, other than providing preliminary advice to prospective borrowers, assisting them in the preparation of loan applications and forwarding the duly completed application forms to International Financing and Investment Pty Ltd for its consideration, and matters incidental thereto.

7. International Financing and Investment Pty Ltd keeps in place professional indemnity and fidelity insurance of not less than \$250 000 in respect of any one claim, and such insurance shall extend to include liability for misleading or deceptive conduct or conduct likely to deceive under the *Fair Trading Act 1987* (Western Australia) and the *Trade Practices Act 1974* (Commonwealth) and employee dishonesty and shall cover to the same extent all individuals, partnerships and bodies corporate who act as agents for International Financing and Investment Pty Ltd and are covered by this exception.

8. Prior to this exception coming into effect, International Financing and Investment Pty Ltd is to provide the Ministry of Fair Trading with—

- (a) a written undertaking by International Financing and Investment Pty Ltd that it will fully indemnify any member of the public of Western Australia against all losses or damage that any such member of the public may sustain through the finance broking activities of any of its employees or agents, with respect to any involvement in loans transactions on behalf of International Financing and Investment Pty Ltd to the extent that such loss or damage has occurred during the operation of this exception so far as this exception relates to that agent; and
- (b) a copy of a current professional indemnity and fidelity insurance policy of not less than \$250 000 in respect of any one claim, such insurance shall extend to include liability for misleading or deceptive conduct or conduct likely to deceive under the *Fair Trading Act 1987* (Western Australia) and the *Trade Practices Act 1974* (Commonwealth), and employee dishonesty, in respect of the business of International Financing and Investment Pty Ltd and shall cover to the same extent all individuals, partnerships or body corporate who act as agents for International Financing and Investment Pty Ltd and are covered by this exception and, thereafter, evidence of currency of such insurance is to be lodged with the Ministry of Fair Trading within 14 days of each renewal date of that insurance.

9. International Financing and Investment Pty Ltd is to give the Ministry of Fair Trading written advice of any change in the Registered Details of its agents within 14 days of that change taking place.

* Nomination of lenders—

Nomination of lenders shall include the name and Australian Company Number of the lender, any business name under which the lender carries on business as a lender, and the lender's postal address and telephone and facsimile numbers.

** Registered Details include—

In the case of a individual natural person—

the full name of any individual natural person appointed as an agent together with details of that person's place of business and business name (if any) in respect of business of the agency.

In the case of a partnership—

the full names of all natural persons and the name and Australian Company Number of any body corporate comprising the partnership appointed as an agent together with details of the place of business and business name (if any) of the partnership.

In the case of a body corporate—

the name and Australian Company Number of the body corporate appointed as an agent, together with details of the place of business, the registered office and business name (if any) of the body corporate.

Dated this 1st day of April 1999.

DOUG SHAVE, Minister for Lands; Fair Trading;
Parliamentary and Electoral Affairs.

HERITAGE COUNCIL

HR401*

HERITAGE OF WESTERN AUSTRALIA ACT 1990

NOTICE OF INTENTION TO AMEND ENTRY IN THE REGISTER OF HERITAGE PLACES

In accordance with the requirements of Section 54(2) of the Heritage of Western Australia Act 1990, the Heritage Council hereby gives notice that the permanent Register entries for the following places—

Earlsferry

Earlsferry, which is situated at 1 Earlsferry Court, Bassendean, is to be amended to comprise Lot 6 on Diagram 95267, being part of the land comprised in Certificate of Title Volume 1868 Folio 599.

The balance of the Land in the said Certificate of Title is to be excluded from the Register to enable the proposed subdivided land to be free of encumbrances.

Offices, York Street, Albany

Offices situate at York Street, Albany, is to be amended to comprise Lot 50 on Diagram 97527, being part of the land comprised in Certificate of Title Volume 1616 Folio 923.

Lot 51 on Diagram 97527, being part of the land comprised in Certificate of Title Volume 1616 Folio 923 is to be excluded.

The land is to be excluded from the Register, as the Heritage Council no longer has an interest in this parcel of land.

The Heritage Council invites submissions on the proposals. Submissions must be in writing and should be forwarded to the following address not later than 21 May 1999.

The Director, Office of the Heritage Council
108 Adelaide Terrace, East Perth WA 6004

Dated this 9th day of April 1999.

IAN BAXTER, Director, Office of the Heritage Council.

JUSTICE

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—

Mrs Lella Gail Davis of 4 Grey Street, Exmouth
Mrs Laura Gwendoline Gray of 37 Robins Road, Kalamunda
Mr Donald Brand Reynolds of Moore Road, Meckering

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

RICHARD FOSTER, Executive Director, Court Services.

JM402**DECLARATIONS AND ATTESTATIONS ACT 1913**

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

Mr Paul Stephan of 209 South Street, Beaconsfield
Mr Teng Beng Tan of 7 Bagot Court, Leeming

RICHARD FOSTER, Executive Director, Court Services.

LOCAL GOVERNMENT

LG401**CITY OF KALGOORLIE-BOULDER****Appointments**

It is hereby notified for public information that Mr Damien George Green has been appointed as officer to the following positions with the City of Kalgoorlie-Boulder—

- (1) Ranger authorised to exercise powers in accordance with the Local Government Act 1995.
- (2) Dog control in accordance with the provisions of the Dog Act 1976—Regulations and Amendments.
- (3) Litter control in accordance with the provisions of the Litter Act 1979 and under the Local Government Act 1995 Regulations and Amendments.
- (4) Exercise control under Part XX of the Local Government Act 1960.
- (5) Control and supervision of Council's Parking Facilities By-laws 1992.
- (6) Control of off-road vehicles under section 39(3) of the Control of Vehicles (Off-road) Act 1978.
- (7) Appointed as Registration Officers under the provisions of the Dog Act 1976.

It is hereby notified that Mr Trevor George Thompson's appointment as Ranger has been cancelled.

P. A. ROB, Chief Executive Officer.

LG402**DOG ACT 1976***Shire of Kondinin*

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

Registration Officers—

Henry Stanly Adamski
Carolyn Anne Skinner
Ellen Deanne Hardy
David Graham Kerr
Heather Lynette Delys Lockyer

Authorised Persons—

Andries Jacobus Gertenbach
Henry Stanly Adamski
Darryl Frederick Collard
David Graham Kerr

All previous appointments are hereby cancelled.

A. J. GERTENBACH, Chief Executive Officer.

LG403

CITY OF MANDURAH
AUTHORITY TO WITHDRAW INFRINGEMENT NOTICES
(SUBJECT TO 9.23 LGA)
Senior Ranger Errington

It is hereby notified for public information, that the authority for Ray Errington to issue infringements for the City of Mandurah as an Authorised Officer has been withdrawn from 1 April 1999 to 26 July 1999. This is relevant to the following Acts, Regulations and Local Laws—

1. Senior Ranger—City of Mandurah
2. Local Government Act 1995
3. Bush Fires Act 1954
4. Dog Act 1976
5. Litter Act 1979-81
6. The Control of Vehicles (Off Road Areas) Act
7. All Council Local Laws

S. K. GOODE, Chief Executive Officer.

LG404

LOCAL GOVERNMENT ACT 1995
Shire of Wyndham-East Kimberley

It is hereby notified that Michael Brian Bates has been appointed as a Fire Control Officer as from 18 March 1999 pursuant to the provisions of the following—

- Local Government Act 1995
- Bush Fires Act 1954

The appointments of Christine Watson and John Wheelock as Fire Control Officers is hereby cancelled.

A. C. HAMMOND, Chief Executive Officer.

LG405

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960
Shire of Nannup

Swimming Pool Inspection Fees

It is hereby notified for public information that the Shire of Nannup has by resolution of Council imposed an inspection fee of \$30.00 on Landowners with swimming pools within the Nannup Townsite in accordance with section 245A(8)b of the Local Government (Miscellaneous Provisions) Act 1960.

L. D. FREEMAN, Chief Executive Officer.

LG406

DOG ACT 1976
Shire of Wickepin

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

Registration Officers—

- Robert John Madson
- Anne Elizabeth Vandanelzen
- Nicole Jennifer Thompson
- Sharon Lee Kirby
- John Harold Ayton

Authorised Persons—

- Robert John Madson
- Anne Elizabeth Vandanelzen
- John Harold Ayton
- Colin Ross Plumb

All previous appointments are hereby revoked.

ROBERT MADSON, Chief Executive Officer.

LG407***LOCAL GOVERNMENT ACT 1995***Shire of Shark Bay*

It is hereby notified for public information that, with effect from 20 May 1996, Philip Arthur Anning has been appointed as Chief Executive Officer of the Shire of Shark Bay as from 29 March 1999. The appointment of Alan Robert Biggs is hereby cancelled.

L. R. MOSS JP, Shire President.

MINERALS AND ENERGY

MN402**MINING ACT 1978**

NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Minerals and Energy.

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

(Signed), Warden.

To be heard in the Warden's Court at Marble Bar on the 22nd April, 1999.

PILBARA MINERAL FIELD

Nullagine District

P46/1261—Kallenia Mines Pty Ltd

MN403**MINING ACT 1978**

NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Minerals and Energy,
Carnarvon 30 March 1999.

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

J. R. PACKINGTON, Warden.

To be heard in the Warden's Court at Carnarvon on the 3rd May, 1999.

ASHBURTON MINERAL FIELD

P08/436—RTZ Exploration (Australia) Pty Ltd

GASCOYNE MINERAL FIELD

P09/374—Lionel Gordon Johnston

P09/376—Aurich Pty Ltd

P09/355—Rodney Noel Sweetman

P09/356—Rodney Noel Sweetman

P09/357—Rodney Noel Sweetman

P09/358—Rodney Noel Sweetman

MN404**MINING ACT 1978**

Department of Minerals and Energy,
Perth WA 6000.

I hereby declare in accordance with the provisions of Sections 96A(1) and 97(1) of the Mining Act 1978 that the undermentioned mining tenements are forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions/non payment of rent.

NORMAN MOORE, MLC, Minister for Mines.

Number	Holder	Exploration Licences	Mineral Field
21/67	Richmond, William Robert; Ruane, Michael		Murchison
36/372	Dalla-Costa, Melville Raymond; Serec Pty Ltd		East Murchison
36/373	Dalla-Costa, Melville Raymond; Serec Pty Ltd		East Murchison
36/374	Western Diamond Corporation NL		East Murchison
36/376	Western Diamond Corporation NL		East Murchison
36/377	Western Diamond Corporation NL		East Murchison
63/439	Sifam Pty Ltd		Dundas
		Mining Lease	
08/141	Forrest, Donald Kay; Wilkin, Robert Keith		Ashburton

MN405**MINING ACT 1978**

Department of Minerals and Energy,
Perth WA 6000.

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

NORMAN MOORE, MLC, Minister for Mines.

Number	Holder	Exploration Licence	Mineral Field
70/1644	Bowgarder Nominees Pty Ltd		South West

MN406**MINING ACT 1978**

Department of Minerals and Energy,
Perth WA 6000.

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

NORMAN MOORE, MLC, Minister for Mines.

Number	Holder	Exploration Licence	Mineral Field
80/1785	Lewis, Peter		Kimberley
80/1880	Lewis, Geoffrey		Kimberley
80/1894	Lewis, Geoffrey		Kimberley
80/1895	Lewis, Geoffrey		Kimberley
80/1896	Lewis, Geoffrey		Kimberley
80/1897	Lewis, Geoffrey		Kimberley
80/1898	Lewis, Geoffrey		Kimberley
80/1899	Lewis, Geoffrey		Kimberley
80/1900	Lewis, Geoffrey		Kimberley
80/1901	Lewis, Geoffrey		Kimberley
80/1902	Lewis, Geoffrey		Kimberley
80/1990	Lewis, Geoffrey		Kimberley
80/1991	Lewis, Geoffrey		Kimberley
80/1992	Lewis, Geoffrey		Kimberley

MN407***PETROLEUM ACT 1967**

INVITATION FOR APPLICATIONS FOR PETROLEUM EXPLORATION TITLES

Applications are hereby invited for the grant of exploration titles within all available vacant areas of the State's sedimentary basins that are under the jurisdiction of the Petroleum Act 1967.

Application packages are available on request from the Petroleum Operations Division 11th Floor, Mineral House, 100 Plain Street, Perth, contact Margaret Beall—telephone (08) 9222 3278.

Plans showing the available vacant areas can be viewed and purchased at the Public Counter, First Floor, Mineral House.

Applications will be received up until 4:00 pm, Thursday 24 June 1999.

W. L. TINAPPLE, Director Petroleum Operations Division.

PLANNING

PD401***TOWN PLANNING AND DEVELOPMENT ACT 1928**

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

CITY OF ARMADALE

TOWN PLANNING SCHEME No. 2—AMENDMENT No. 156

Ref: 853/2/22/4, Pt 156,

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

1. rezoning Lots 1 and 2 Streich Avenue, Kelmscott from 'Residential R10' to 'Special Use—Restaurants and Public Amusement';
2. modifying the Town Planning Scheme Maps accordingly; and
3. amending the Development Table's Special Use zone in the Scheme Text by including the above lots.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 7 Orchard Avenue, Armadale and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 21 May, 1999.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before 21 May, 1999.

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. S. TAME, Chief Executive Officer.

PD402***TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF GOSNELLS

TOWN PLANNING SCHEME No. 1—AMENDMENT No. 475

Ref: 853/2/25/1, Pt 475.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Gosnells Town Planning Scheme Amendment on 29 March, 1999 for the purpose of—

1. Rezoning approximately 12.75 ha of Lot 21 corner of Haigh and Fraser Roads, Canning Vale, from "Retirement Community" to "Residential A" as depicted on the Scheme Amendment map.

2. Including the land within the Fifth Schedule—Additional Use Zones of the Scheme Text as follows.

Street	Particulars of Land	Additional Use Permitted
Haigh and Fraser Roads, Canning Vale	Lot 21	Development is permissible to a density of R30 on specific sites within the area as depicted on a plan agreed by the Council and the Western Australian Planning Commission and Council will support on application to subdivide accordingly.

N. J. SMITH, Mayor.
S. HOLTBY, Chief Executive Officer.

PD403***TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF GOSNELLS

TOWN PLANNING SCHEME No. 1—AMENDMENT No. 499

Ref: 853/2/25/1, Pt 499.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Gosnells Town Planning Scheme Amendment on 25 March, 1999 for the purpose of rezoning Lot 502 Locations 16a and 590 Albany Highway, Gosnells from "Rural" to "Other Uses (Special Sites)—Park Home Development" with notation "Park Home Development" on the Scheme Maps.

N. J. SMITH, Mayor.
S. HOLTBY, Chief Executive Officer.

PD404***TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF ROCKINGHAM

TOWN PLANNING SCHEME No. 1—AMENDMENT No. 322

Ref: 853/2/28/1, Pt 322.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Rockingham Town Planning Scheme Amendment on 31 March, 1999 for the purpose of rezoning portions of Lots 23 and 24 Eighty Road and Lots 17 and 18 Clyde Avenue, Baldivis, from 'Rural' to 'Development Zone'.

C. S. ELLIOTT, Mayor.
G. G. HOLLAND, Chief Executive Officer.

PD405***TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF BROOME

TOWN PLANNING SCHEME No. 2—AMENDMENT No. 142

Ref: 853/7/2/3, Pt 142.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Broome Town Planning Scheme Amendment on 29 March, 1999 for the purpose of—

1. Amending the definition of "Tourist Development" in "Schedule A Interpretations" to read as follows "means a building or group of buildings for the accommodation and recreational activities of tourists. It includes Holiday Accommodation, self-contained tourist accommodation, dormitory style accommodation, hostel/backpacker, tourist lodging/guest house, motel and associated caretaker, office and ancillary activities for tourist use".
2. Adding the "Use Class" of "Tourist Development" to the Zoning Table and listing the use as an "AA" use within the "Commercial" zone and "Chinatown" zone and as an "X" use in all other zones.

3. Amending the definition of "Holiday Accommodation" in "Schedule A Interpretations" and deleting the reference to "... In accordance with the provisions of Model By-Laws No 18 (Holiday Accommodation)".
4. Inserting the following text within Clause 3.4 after the definition for "AA" uses—
"SA" means that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with Clause 4.2.
5. Inserting in subclause 4.2.1 the words "to commence a use or" after the words "Where application is made for planning consent".
6. Inserting the words "use or" after the words "notice of the proposed" in subclause 4.2.2(a) and (b).
7. Inserting the following new clause after clause 3.4 of the Scheme and renumbering existing clause 3.5 to become clause 3.6—
3.5 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.
8. Adding the title and definition for "Bed and Breakfast Accommodation" to "Schedule A Interpretations" as follows: "Bed and Breakfast Accommodation: means any dwelling in which the resident of the dwelling provides accommodation on a short term basis and includes the provision of breakfast".
9. Adding the "Use Class" of "Bed and Breakfast Accommodation" to the Zoning Table and listing the use as an "SA" use within the "Residential" zone, as an "AA" use within the "Chinatown" zone, "Rural" zone and "Special Rural" zone and as an "X" use in all other zones.
10. Amending the "Rural Use" listing from a "P" use in the "Residential" zone and replacing its listing as an 'X' use.

D. A. MURRAY, President.
G. S. POWELL, Chief Executive Officer.

PD406*

TOWN PLANNING AND DEVELOPMENT ACT 1928

TOWN PLANNING SCHEME AMENDMENTS AVAILABLE FOR INSPECTION

SHIRE OF CARNARVON

TOWN PLANNING SCHEME No. 10—AMENDMENT No. 25

DISTRICT PLANNING SCHEME No. 11—AMENDMENT No. 3

Ref: 853/10/2/12, Pt 25 & 853/10/2/13, Pt 3.

Notice is hereby given that the local government of the Shire of Carnarvon has prepared the abovementioned Scheme Amendments for the purpose of—

1. Rezoning portion of Gascoyne Location 227 from Rural to Intensive Horticulture.
2. Rezoning portion of Gascoyne Location 227 from Rural to Light Industrial.

Plans and documents setting out and explaining the Scheme Amendments have been deposited at Council Offices, Francis Street, Carnarvon and will be available for inspection during office hours up to and including 14 May 1999.

Submissions on the Scheme Amendments may be made in writing on Form No. 4 and lodged with the undersigned on or before 14 May 1999.

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

B. G. WALKER, Chief Executive Officer.

PD407

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF DARDANUP

TOWN PLANNING SCHEME No. 3—AMENDMENT No. 73

Ref: 853/6/9/6, Pt 73.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Dardanup Town Planning Scheme Amendment on 29 March, 1999 for the purpose of—

1. Rezoning Part Boyanup AA Lot 305 Padbury Road, Dardanup from 'General Farming' to the 'Small Holding' zone.

2. Amending the Scheme Text by adding to Appendix VIII—

Additional Requirements—Small Holding Zones, as follows—

Area

Area 9:

Part Boyanup Agricultural

Area Lot 305

Additional Requirements—Small Holding Zones

1. Subdivision and Development Criteria—

- a) Subdivision of the land shall generally be in accordance with the Subdivision Guide Plan No. 94073-03 dated March 1999 attached to the Scheme Amendment Report (Amendment No. 73).
- b) No further subdivision of Area No. 9 being Part Boyanup AA Lot 305 will be supported by Council.
- c) As a condition of planning consent on lots created, Council shall require the planting and maintenance of thirty (30) native trees capable of growing to at least 3 metres in height on each lot significantly denuded of vegetation. The planting shall be concentrated between the street alignment and the building setback line unless otherwise stipulated by Council.
- d) Notwithstanding provision (r) of Sub-clause 3.14.1 no land owner shall cut, remove or otherwise destroy any tree unless written consent is obtained from Council for approved fire management and development works, except that no tree or shrub within 50 metres of the edge of the wetland vegetation or within 30 metres of the edge of waterway vegetation or within 20 metres of Padbury Road shall be removed.
- e) New development on all lots shall be serviced by 'alternative on-site effluent disposal systems' together with amended nutrient retaining soils to the specification and satisfaction of the Health Department of WA.
- f) The minimum vertical clearance between the bottom of any alternative treatment and disposal system and amended soils and the highest known water table shall be 0.5 metres.
- g) Notwithstanding Provision (b) of Clause 3.14.1 of the Scheme not more than one dwelling is permitted on each new lot.
- h) The owner or subdivider of the land shall inform prospective purchasers of land in this area of those provisions relating to the Small Holding Zone and such other provisions of the Scheme that may affect it.
- i) Where, for the purpose of retaining natural flora, sound environmental reasons or, the physical constraints of a site dictate, Council may set an alternative building envelope. The following criteria and setbacks shall apply in establishing building envelopes—
 - i) minimum of 20 metres from Padbury Road;
 - ii) minimum of 50 metres from the edge of the wetland (sumpland) vegetation;
 - iii) minimum of 30 metres from other wetlands;
 - iv) Minimum of 50 metres from the edge of the waterway vegetation;
 - v) minimum of 10 metres from other boundaries;
 - vi) above the 21 metre AHD contour line;
 - vii) notwithstanding the above mentioned setbacks may be required to be increased to ensure the effluent disposal site complies with the requirements of the Health Department of WA.
- j) Council may request, at the subdivision stage, that the subdivider undertake a wetlands study to determine the edge of the wetland (sumpland) and waterway vegetation and the conservation requirements for the protection and enhancement of the wetland and the waterway. Council may also request that the subdivider undertakes the works associated with wetland and waterway.

Area

Additional Requirements—Small Holding Zones

- k) Council may request, at the subdivision stage, that the subdivider undertakes to prepare a drainage study to determine how to alleviate abutting lots from hazards posed by floodwaters, but without degrading the conservation values of the wetland (sumpland) and waterway. The subdivider is required to liaise with affected landowners.
- l) Council may request, at the subdivision stage, that the subdivider undertakes a detailed groundwater study, prepared to the instructions of the Water and Rivers Commission, to determine whether sufficient groundwater clearance for alternative effluent disposal systems meet the requirements of the Health Department of WA.
- m) Council may request, at the subdivision stage, that the subdivider prepares and implements a fire management plan, prepared to the satisfaction of the Bush Fires Board and the Shire of Dardanup.

2. Land Use Controls

- a) As for the Zoning Table and Sub-clause 3.14.1, except that dog kennels will not be permitted and stables will only be permitted where the horses are for private hobby purposes;

Commercial stud or racing stables will not be permitted.

Notwithstanding the abovementioned, no livestock will be permitted on the lot containing the wetland (sumpland) unless the wetland is fenced to exclude livestock to the satisfaction of Council.

- b) If in the opinion of Council or the Department of Agriculture, the activities of livestock on any lot are contributing to erosion, pollution or the degradation of wetlands, waterways, soil or vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom. Alternatively, the landowner may be required to remove livestock from the lot.

M. T. BENNETT, President.

M. L. CHESTER, Chief Executive Officer.

PD408*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF MOORA

TOWN PLANNING SCHEME No. 4—AMENDMENT No. 1

Ref: 853/3/11/5, Pt 1.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Moora Town Planning Scheme Amendment on 25 March, 1999 for the purpose of—

1. reclassifying Lot 1 Sub Lot 42 Roberts Street, Moora from Local Scheme Reserve for Public Purpose to Light Industrial zone as depicted on the Scheme Amendment Map.
2. in Schedule 2 "Additional Uses" in the Scheme Text deleting references to "March 31, 1999" wherever they occur and substituting therein "31 March 2003".

L. M. BATES, President.

J. N. WARNE, Chief Executive Officer.

PD409**TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF SERPENTINE-JARRAHDAL

TOWN PLANNING SCHEME No. 2—AMENDMENT No. 66

Ref: 853/2/29/3, Pt 66.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Serpentine-Jarrahdale Town Planning Scheme Amendment on 31 March, 1999 for the purpose of—

1. Rezoning Cockburn Sound Location 434 Thatcher Road Byford from Rural to Rural Living A and Public Open Space.
2. Amending the Scheme Map in accordance with the Scheme Amendment Map.
3. Amending the Scheme Text by inserting in Appendix 4A Special Zone Provisions relating to specific areas the following—

4. Specified Area of Locality

- 7 Cockburn Sound Location 434 Thatcher Road Byford as depicted on the Scheme Map.

Special Provisions

- 1 Notwithstanding the provisions of Table 1—Zoning Table, the following land uses only are permitted or are permitted at the discretion of the Council.

Use classes permitted (P)

- Single House
- Public Utility

Discretionary Uses (AA)

- Ancillary Accommodation
- Home occupation
- Child Minding Centre
- Horse Stabling & Facilities

All other use classes are prohibited.

In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with Government Agencies that the land use does not involve excessive nutrient application or the clearing of the land.

- 2 No dwelling shall be approved by the Council unless it is connected to an alternative domestic wastewater treatment system as approved by the Health Department of WA with an adequate phosphorus retention capacity, as determined by the Department of Environmental Protection and with the base of the system or the modified irrigation area being the required distance above the highest known water table.
- 3 No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways.
- 4 Notwithstanding the controls specified by Provision 7.1, development and use of the land is subject to the provisions of the Water Authority of Western Australia By-Laws applying to underground water supply and pollution control.
- 5 The subdivider shall drain the land and provide drainage reserves in accordance with the Subdivision Guide Plan for the estate. Those easements required by the Council shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of the drains and sumps.

Specified Area of Locality

Special Provisions

- 6 At the time of the building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.
- 7 The subdivider shall, in accordance with the subdivision Guide Plan and the Schedule of Landscaping for this estate plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot to a new owner.
- 8 The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.
9. The subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the Local Authority and the Bush Fire Service of WA.

C. RANKIN, President.
I. BODILL, Chief Executive Officer

PD410**TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

TOWN OF NORTHAM

TOWN PLANNING SCHEME No. 4—AMENDMENT No. 13

Ref: 853/4/3/4, Pt 13.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Town of Northam Town Planning Scheme Amendment on 31 March, 1999 for the purpose of—

1. Include reference to "Mixed Business" in sub-clause 3.1.1.
2. In the Zoning Table—
 - (a) Insert a new column "4. Mixed Business" after the column for the Commercial Zone and appropriately re-number the columns which follow.
 - (b) In the new column for the Mixed Business zone show the following symbols adjacent to the use classes listed below—
 - AA Aged or Dependent Persons' Dwelling, Amusement Parlour, Ancillary Accommodation, Betting Agency, Caretakers' Dwelling, Civic Building, Civic Use, Club Premises, Convenience Store, Day Care Centre, Educational Establishment, Factory Unit Building, Family Care Centre, Fast Food Outlet, Funeral Parlour, Garden Centre, Grouped Dwelling, Health Studio, Home Occupation, Hotel, Industry-Cottage, Industry-Light, Industry-Service, Kindergarten, Medical Centre, Motel, Motor Vehicle Marine/Sales Premises, Motor Vehicle Hire Station, Motor Vehicle Repair Station, Motor Vehicle Wash Station, Multiple Dwelling, Museum, Night Club, Nursery, Petrol Filling Station, Private Hotel, Public Utility, Public Worship-Place of, Radio and TV Installation, Reception Centre, Residential Building, Restaurant, Service Station, Showroom, Tavern, Trade Display, Veterinary Consulting Room, Veterinary Hospital, Warehouse and Winehouse.
 - SA Display Home Centre, Hospital, Hospital Special Purposes.
 - P Carpark, Consulting Rooms, Dry Cleaning Premises, Laundromat, Office and Professional Office.

3. Insert the following new clause in Part 3—
 - “3.5 Mixed Business Zone

The Mixed Business Zone is intended to accommodate a variety of use classes outside the Commercial, Industrial and Residential Zone. It is essentially a mixed use zone where high architectural and amenity standards will be encouraged. Council shall determine appropriate development standards using standards normally applying in the Commercial Zone as a guide”.
4. Insert “Mixed Business Zone” after Industrial Zone” in sub-clause 5.7.1 and in the table thereunder insert the referenced “d) Mixed Business Zone” together with asterisks (*) under the columns setting out Carparking Spaces, Building Setbacks and Landscaped Area requirements.
5. Insert “Mixed Business Zone” after “Commercial Zone” in sub-clause 5.7.2.
6. Add “and Mixed Business Zone” at the end of sub-clause 5.7.3.
7. Delete clause 5.10 and substitute—
 - “5.10 Building Materials

On new buildings in the Commercial, Mixed Business and Industrial Zones the external cladding of walls facing a street, including side walls visible from a street, shall be constructed of brick, stone, concrete or other approved material”.
8. Insert “Mixed Business” after “Commercial” in each of sub-clauses 5.15.1 to 5.15.5 inclusive.
9. Deleting Clause 5.17 and inserting the following new clause—
 - “5.17 Development in Flood Fringe: Avon and Mortlock Rivers
 - 5.17.1 For the purposes of this clause 5.17 the expressions “flood fringe” and “the designated 100 year flood level” shall be as designated in the Avon River Flood Study Plans BD05-3-1 to BD05-3-4 approved on behalf of the Water Authority of Western Australia on the 15th December 1995, or any amendments that may from time to time be made thereto by the Water and Rivers Commission PROVIDED THAT for areas outside the said Avon River Flood Study Plans the expressions “flood fringe” and “the designated 100 year flood level” shall be as designated by the Council from time to time based on advice from the Water and Rivers Commission.
 - 5.17.2 The minimum finished habitable floor level of all buildings to be constructed within the flood fringe shall be 500mm above the designated 100 year flood level.
 - 5.17.3 Notwithstanding the provisions of sub-clause 5.17.2 Council may, at its discretion, approve a minimum floor level which is less than that prescribed by subclause 5.17.2 subject to the owner of the land on which the building is to be constructed entering into a legal agreement to the satisfaction of the Council indemnifying the Council against any liability which may arise as a result of such approval being given.
 - 5.17.4 A legal agreement required by subclause 5.17.3 may include provision for the Council to register an absolute caveat to secure a charge upon the land while any building approved under subclause 5.17.3 remains thereon, and may include provision for all costs, including costs concerning any withdrawals or re-lodgment of caveat, to be paid by the owner of the land”.
10. Rezoning the lots fronting the northern side of Fitzgerald Street from Millington Street up to and including Lot 5 (388) Fitzgerald Street from “Residential R12.5” to “Mixed Business”.

J. E. SMITH, Mayor.
D. S. BURNETT, Chief Executive Officer.

PD411*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

TOWN OF PORT HEDLAND

TOWN PLANNING SCHEME No. 4—AMENDMENT No. 53

Ref: 853/8/4/5, Pt 53.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Town of Port Hedland Town Planning Scheme Amendment on 25 March, 1999 for the purpose of—

1. Rezoning Port Hedland Lot 5974, Great Northern Highway, from “Services Corridor” Zone to “Special Sites—Caravan Park and Holiday Accommodation” Zone.
2. Rezoning Pt Stirrupiron Street, as shown on Scheme Amendment Map, from “Services Corridor” Zone to “Special Sites—Caravan Park and Holiday Accommodation” Zone.
3. Rezoning Pt Port Hedland Lot 5169, as shown on Scheme Amendment Map, from “Services Corridor” Zone to “Special Sites—Caravan Park and Holiday Accommodation” Zone.

4. Adding to Schedule 3 of the Scheme Text to include—
- | Description of Special Site | Permitted Uses and Conditions |
|--|--|
| Lot 5974 Great Northern Highway,
Pt 5169 and Pt Stirrupiron St. | Caravan Park and Holiday Accommodation |
5. Amending the Scheme Map accordingly.

G. J. BLACKMAN, Mayor.
A. FORD, Chief Executive Officer.

PD412*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME
SHIRE OF VICTORIA PLAINS
TOWN PLANNING SCHEME No. 4—DISTRICT SCHEME

Ref: 853/3/18/4.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended) that the Hon Minister for Planning approved the Shire of Victoria Plains Town Planning Scheme No. 4 on 24 March, 1999—the Scheme Text of which is published as a Schedule annexed hereto.

T. P. FIELD, President.
P. HAYES, Chief Executive Officer.

SCHEDULE
TOWN PLANNING AND DEVELOPMENT ACT 1928
SHIRE OF VICTORIA PLAINS
TOWN PLANNING SCHEME No. 4 (DISTRICT SCHEME)

The Victoria Plains Shire under and by virtue of the powers conferred upon it by the Town Planning and Development Act 1928 (as amended), herein after referred to as the Act, hereby makes the following Town Planning Scheme for the purposes of the Act.

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PART 1—PRELIMINARY

1.1 CITATION

This Town Planning Scheme may be cited as the Shire of Victoria Plains Scheme No 4 hereinafter called 'the Scheme', and shall come into operation on the publication of the Scheme in the *Government Gazette*.

1.2 RESPONSIBLE AUTHORITY

The authority responsible for implementing the Scheme is the Council of the Shire of Victoria Plains, hereinafter called 'The Council'.

1.3 SCHEME AREA

The Scheme applies to the whole of the Shire of Victoria Plains.

1.4 CONTENTS OF THE SCHEME

The Scheme comprises this Scheme Text and the Scheme Maps (1 to 7)

1.5 ARRANGEMENT OF SCHEME TEXT

The Scheme Text is divided into the following parts—

PART 1—PRELIMINARY

PART 2—RESERVES

- PART 3—ZONES
- PART 4—USE AND DEVELOPMENT OF LAND
- PART 5—DEVELOPMENT REQUIREMENTS
- PART 6—HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE
- PART 7—NONCONFORMING USES
- PART 8—ADMINISTRATION

1.6 SCHEME OBJECTIVES

The general objectives and purposes of the Scheme are to—

- (a) protect and foster agricultural industry;
- (b) ensure the orderly and proper development of the Shire;
- (c) preserve the amenity of the Shire;
- (d) ensure that any proposed use is appropriate to the area in which it is proposed;
- (e) discourage ribbon development along major roads within the Shire in order to protect the function and safety of highways;
- (f) encourage the establishment of tourist facilities within the Shire in line with the principles mentioned above;
- (g) make provision for the conservation and preservation of places of natural beauty, historic buildings and objects of historic or scientific interest;
- (h) reserve land required for public purposes.
- (i) Assist in the implementation of the State Planning Strategy and other relevant and regional policies.

1.7 REVOCATION OF EXISTING SCHEME

The Shire of Victoria Plains Scheme No 3 published in the *Government Gazette* on 17 October 1980 is hereby revoked.

1.8 INTERPRETATION

The words and expressions used in the Scheme shall have the respective meanings given to them in Schedule 1 or elsewhere in the Scheme and Clause 1.3 of the Residential Planning Codes.

Words and expressions used in the Scheme, but not defined in Schedule 1, or Clause 1.3 of the Residential Planning Codes, or the Town Planning and Development Act 1928 (as amended), shall have their normal and common meanings.

PART 2—RESERVES

The land shown as Reserves on the Scheme Maps are lands reserved under the Scheme for the purposes nominated here; PARKS AND RECREATION, PUBLIC PURPOSES, DRAINAGE AND WATER BODIES, and ROADS.

The reserves are delineated and depicted on the Scheme Maps according to the legend thereon.

PART 3—ZONES

3.1 ZONES

- (1) There are hereby created the zones nominated here; RESIDENTIAL, COMMERCIAL, INDUSTRIAL, RURAL RESIDENTIAL, and RURAL
- (2) The zones are delineated and depicted on the Scheme Maps according to the legend thereon.
- (3) The purpose and intent of the various zones is to allocate land for the following purposes—
 - (a) Residential—to contain land primarily for low density (single) residential and associated uses, with Grouped Dwellings and selected non-residential uses permitted with approval of the Council;
 - (b) Commercial—to contain land for the major service, retail, office and entertainment uses in the townsites;
 - (c) Industrial—to provide land for industrial activities carried out in the townsites;
 - (d) Rural Residential—to contain land for rural smallholdings in accordance with an approved Rural Strategy, or in the absence of such, in accordance with Commission Policy;
 - (e) Rural—to provide land for the range of normal rural activities conducted in the Shire and protect such land from inappropriate uses.

3.2 ZONING TABLE

(1) The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is 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.

- (2) The symbols used in the cross-reference in the Zoning Table have the following meanings—
 - 'P' means that the use is permitted by the Scheme.
 - 'AA' means that the use is not permitted unless the Council has granted planning approval.
 - 'SA' means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 4.3.
 - 'IP' means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by Council.

(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.

(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.

(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 categories the Council may—

- (a) Determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
- (b) Determine that the proposed use may be consistent with the purpose and intent of the zone and thereafter follow the SA procedure set out in Clause 4.3 in considering an application for planning approval; or
- (c) Determine that the use is not consistent with the purpose and intent of the particular zone and is therefore not permitted.

3.3 ADDITIONAL USE SITES

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

TABLE 1—ZONING TABLE

Land Use Classes	Zones				
	Residential	Commercial	Industrial	Rural Residential	Rural
Aquaculture				SA	AA
Caravan Park		AA		SA	AA
Child Minding Centre	SA	AA			
Consulting Rooms	SA	AA		SA	AA
Cottage Industry	AA			AA	AA
Dry Cleaning Premises		AA	AA		
Dwelling	P	AA		P	P
Education Establishment	SA				SA
Extractive Industry					AA
Fast Food Outlet		AA			
Fuel Depot			AA		AA
Garden Centre	SA	AA	P		AA
General Industry			AA		
Grouped Dwelling	AA	AA			AA
Holiday Accommodation	AA	AA			AA
Home Occupation	AA	AA		AA	AA
Hospital	SA				
Intensive Agriculture					AA
Kennels			AA	SA	AA
Laundromat		P	AA		
Licensed Premises		AA			
Light Industry			P		AA
Market		AA	AA		
Medical Centre		AA			
Motel		AA			AA
Noxious Industry					SA
Office	SA	P	IP	IP	IP
Place of Public Worship	AA	AA		AA	AA
Poultry Farm					AA
Private Recreation		AA	SA		AA
Public Amusement		AA	SA		AA
Restaurant		P			AA
Rural Industry			AA		AA
Rural Pursuit				AA	P
Service Industry		AA	P		AA
Service Station		AA	AA		
Shop		P	IP		
Showroom		P	P		
Trade Display		AA	AA		
Transport Depot	SA		P		AA
Vehicle Repairs		AA	P		
Vehicles Sales and Hire		AA	P		
Vehicle Wrecking			SA		
Warehouse			P		

PART 4—USE AND DEVELOPMENT OF LAND

4.1 REQUIREMENT FOR PLANNING APPROVAL

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

(2) The Planning Approval of the Council is not required for the following development of land—

- (a) The use of the land in a reserve, where such land is held by the Council or vested in a public authority—
 - (i) For the purpose for which the land is reserved under the Scheme; or
 - (ii) In the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;
- (b) The use of land which is a permitted ('P') use in the zone in which that land is situated, provided it does not involve the carrying out of any building or other works;
- (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;
- (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;
- (g) The erection on a lot of a single dwelling house including ancillary outbuildings, in a zone where the proposed use is designated with the symbol "P" in the cross reference to that zone, unless specific provisions of the Scheme requires the express approval of Council

(3) Notwithstanding that a single house does not require the prior approval of the Council pursuant to the Scheme, any person who wishes Council to vary any particular provision of the R-Codes relating to the erection of a single house shall, at the time of lodging an application for a building license or earlier, apply in writing to Council, seeking 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—

- (a) The variation requested is one which the Council has the power to approve; and
- (b) Approval of that variation would not compromise the objectives of the R-Codes.

4.2 APPLICATION FOR PLANNING APPROVAL

(1) Every application for planning approval shall be made in the form prescribed in Schedule 3 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

(2) Unless Council waives any particular requirement, every application for planning approval shall be accompanied by—

- (a) A plan or plans to a scale not less than 1:500 showing—
 - (i) Street names, lot number(s), north point and the dimensions of the site;
 - (ii) The location and proposed use of the site, including any existing buildings to be retained and proposed buildings to be erected on the site;
 - (iii) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (iv) The location, number, dimensions and layout of all parking spaces intended to be provided;
 - (v) The location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (vi) The location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same;
 - (vii) The nature and extent of landscaping proposed for the site;
- (b) Plans, elevations and sections of any building proposed to be erected or altered and any building it is intended to retain;
- (c) Where the development is proposed on land adjacent to the Shire boundary, a description of land uses in the neighbouring Shire adjacent to that portion of the boundary, and the likely effect of the proposal on those uses;
- (d) Any other plan or information that the Council may reasonably require to enable the application to be determined.

4.3 ADVERTISING OF APPLICATIONS

(1) Where an application is made for planning approval to commence or carry out development which involves an 'SA' use the Council shall not grant planning consent to that application unless notice of the application is first given in accordance with the provisions of Sub clause 4.3(3).

(2) Where an application is made for planning approval to commence or carry out development which involves an 'AA' use, or any other development which requires the planning consent of the Council, the Council may give notice of the application in accordance with the provisions of Sub-clause 4.3(3).

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

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

(4) The notice referred to in Sub-clause 4.3(3) (a) and (b) shall be in the form contained in Schedule 4 with such modifications, as circumstances require.

(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.

4.4 CONSULTATION WITH OTHER AUTHORITIES

(1) In determining any application for planning approval the Council may consult with any other statutory, public or planning authority and with any other party it considers appropriate.

(2) In the case of land reserved under the Scheme for purposes of a public authority, the Council may consult that authority before making its determination.

4.5 MATTERS TO BE CONSIDERED BY COUNCIL

In considering an application for planning approval, the Council shall have due regard to the following—

- (a) The purpose for which the subject land, and land in the locality, is reserved, zoned or approved for use under this Scheme;
- (b) The provisions of this Scheme, and any Council policy affecting the land;
- (c) Any relevant proposed Town Planning Scheme of the Council or Scheme Amendment insofar as they can be seriously entertained planning proposals;
- (d) Any approved Statement of Planning Policy of the Commission;
- (e) Any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;
- (f) the preservation of any object or place of heritage significance;
- (g) the requirements of orderly and proper planning;
- (h) the preservation of the amenities of the locality;
- (i) any other planning considerations which the Council considers relevant;
- (j) any relevant submissions or objections received on the application.

4.6 DETERMINATION OF APPLICATIONS

(1) In determining an application for planning approval the Council may—

- (a) grant planning approval with or without conditions;
- (b) refuse to grant its planning approval.

(2) The Council shall convey its decision to the applicant in the form prescribed in Schedule 5 to the Scheme.

(3) Where the Council grants planning approval, that planning approval—

- (a) continues in force for twelve months, or such other period as specified in the approval, after the date on which the application is granted planning approval; and
- (b) lapses if the development has not substantially commenced before the expiration of that period.

(4) Where the Council grants planning approval, the Council may impose conditions limiting the period of time for which the development is permitted.

4.7 DEEMED REFUSAL

(1) Subject to Sub clause 4.7(3) an application for planning approval shall be deemed to have been refused where a decision in respect of that application is not conveyed to the applicant by the Council within 60 days of the receipt of it by the Council, or within such further time as agreed between the applicant and the Council.

(2) An application for planning approval which is subject of a notice under Sub clause 4.3(3) shall be deemed refused where a decision in respect of that application is not conveyed to the applicant by the Council within 90 days of the receipt of it by the Council, or within such further time as agreed between the applicant and the Council.

(3) Notwithstanding that an application for planning consent may be deemed to have been refused under Sub clauses 4.7(1) and 4.7(2), the Council may issue a decision in respect of the application at any time after the expiry of the period specified in those Clauses, and that decision shall be regarded as being valid.

4.8 PLANNING CONSENT SUBJECT TO LATER PLANNING APPROVAL OF DETAILS

(1) Where a development application includes the carrying out of any building or works, the Council may grant planning approval subject to matters requiring the subsequent planning consent of the Council. These matters may include the siting, design, and external appearance of the buildings, means of access or landscaping.

(2) The Council may decline to deal with an application requiring later planning approval of details or call for further details if it thinks fit.

(3) Where the Council has granted planning approval subject to matters requiring the later planning approval of the Council, application for planning approval of those matters must be made not later than the expiration of twelve months beginning with the date of the first granting of planning approval.

4.9 PLANNING APPROVAL OF EXISTING DEVELOPMENTS

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

(2) The application to the Council for planning approval under Sub clause 4.9(1) shall be made on the form prescribed in Schedule 3.

(3) A development which was not permissible under this Scheme at the time it was commenced or carried out may be granted planning approval if at the time of approval under this Scheme it is permissible.

PART 5—DEVELOPMENT REQUIREMENTS**5.1 GENERAL DEVELOPMENT STANDARDS**

Subject to the provisions of the Scheme, the minimum standards for development in the various zones, except residential development provided for in the Residential Planning Codes, are set out in Table 2, except that—

- (a) In the Rural and the Rural Residential Zones the minimum building setbacks shall be 50m from any road and 20m from any internal boundary, and
- (b) The site requirements listed only apply to developments not covered by the residential planning codes.

TABLE 2—SITE REQUIREMENTS

ZONE	MINIMUM SETBACK			MAXIMUM PLOT RATIO	MAXIMUM SITE COVERAGE
	FRONT (Metres)	SIDE (Metres)	REAR (Metres)		
RESIDENTIAL	7.5	3	7.5	0.5:1	0.3
COMMERCIAL	NIL	NIL	6	0.5:1	(b)
INDUSTRIAL	7.5	(a)	(a)	0.4:1	(b)

- (a) For a masonry parapet wall - nil; for a metal or timber framed construction - 2.1 metres or the height of the wall, whichever is greater.
- (b) To be determined by Council.

5.2 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

Except for development in respect of which the Residential Planning Codes apply under this Scheme, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setback, site coverage, 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.

5.3 RESIDENTIAL PLANNING CODES

(1) 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 all amendments thereto.

(2) A copy of the Residential Planning Codes as amended shall be kept and made available for public inspection at the offices of the Council.

(3) 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.

(4) The Residential Planning Code density applicable to land within the Scheme area shall be determined by reference to the Residential Planning Code density numbers superimposed on the particular areas shown on the Scheme Map as being contained within the solid black line borders, or where such an area abuts onto another area having a Residential Planning Code density as being contained within the centre lines of those borders.

5.4 SPECIAL APPLICATION OF RESIDENTIAL PLANNING CODES—VARIATIONS AND EXCLUSIONS

(1) The Council may apply the provisions of the R17.5 Planning Code to Grouped Dwelling developments in the Residential Zone where a reticulated sewerage disposal system can be employed.

(2) Where no Residential Code area is depicted on the Scheme Map, residential development shall be in accordance with the R2 Planning Code.

(3) Where residential development is proposed in conjunction with other development in any zone except Rural, Council shall determine the appropriate density code to apply for development requirement purposes.

(4) No provision of the Residential Planning Codes relating to the density or setback shall prevent the granting of planning approval of a dwelling on a lot in the Residential Zone created prior to the operation of this scheme.

5.5 RURAL RESIDENTIAL ZONE

(1) The Scheme provisions for a specific area of the Rural Residential Zone shall include a Subdivision Guide Plan, which will form part of the Scheme. A description of the land together with any special provisions relating to the land shall be set forth in Schedule 6 if applicable. Development in this Zone will be required to have a 50 metre setback from all roads and 20 metres from internal boundaries.

(2) The Subdivision Guide Plan referred to in subclause 5.5(1) shall show—

- (a) the proposed ultimate subdivision including lot sizes and dimensions;
- (b) area to be set aside for public open space, pedestrian access ways, bridle paths, community facilities, firebreaks, emergency accessways and areas for firefighting facilities;
- (c) any physical features to be conserved and areas for preservation and tree planting;
- (d) the proposed staging of the development if relevant.

(3) Subdivision of land within the Rural Residential Zone shall be generally in accordance with the relevant Subdivision Guide Plan. Such subdivision shall be so designed to avoid ribbon development should such development be along the Great Northern Highway or any other important roads in the Shire.

(4) No dwelling-house shall be constructed in the Rural Residential Zone—

- (a) with an internal floor area less than 45 square metres without Council approval; and
- (b) unless it is connected to an approved potable water supply or a water tank, having a minimum capacity of not less than 90,000 litres or such other greater volume determined in the Rezoning process and, the inclusion of the tank is incorporated in the approved building or site development plan.

(5) Schedule 6 may preclude or set out certain restrictions on permissible land uses within the specific Rural Residential Zone, and may impose special requirements, such as stocking rates, restrictions on the keeping of certain animals and/or Rural Pursuits, clearing restrictions and revegetation requirements.

5.6 SETBACKS TO ROADS TO BE WIDENED

Any development proposed on a lot with frontage to a road proposed to be widened shall be setback from the street alignment of the road as if the road had been widened as proposed.

5.7 LOADING AND SERVICE BAYS

Every lot developed for commercial or industrial purposes shall be provided with an area for the loading and unloading of commercial vehicles at the rear of the development, separate from parking areas and access ways.

5.8 LOADING AND UNLOADING OF VEHICLES

Unless otherwise approved by the Council all loading and unloading of materials, and parking of vehicles associated with any commercial and industrial uses shall be contained within the boundaries of the site on which the uses are located.

5.9 FACTORY TENEMENT BUILDINGS

Industrial buildings occupied or intended to be occupied by more than one separate business establishment shall be constructed so that every occupancy—

- (a) has a floor area of at least 100 square metres and neither its width or length is less than eight metres;
- (b) has an adjacent open yard area no smaller than one-third of the floor area of the occupancy;
- (c) has an open yard with direct access to a service access road not less than 6 metres in width;
- (d) is separated from every other occupancy by a suitable distance or an internal wall or walls constructed of brick, stone, concrete or other material of equal or greater fire rating approved by Council.

5.10 INDUSTRIAL FENCES

The minimum standard fence for lots used for industrial purposes shall be a 1.8 metre link mesh security fence unless otherwise approved by the Council.

5.11 REFUSE STORAGE AREAS

All commercial and industrial developments shall provide at least one refuse storage area readily accessible to service vehicles and screened from view from a public street by a closed fence, wall or screen landscaping no less than 1.8 metres in height.

5.12 OUTDOOR STORAGE AREAS

Any outdoor areas used for the storage of motor vehicle bodies, timber, steel products or any other products or wastes in connection with a commercial or industrial use shall be screened from view from any public street by a closed wall or fence no less than 1.8 metres in height, or screen landscaping approved by the Council.

5.13 VEHICLE ACCESS WAYS

The Council may refuse to permit more than one vehicular entrance or exit from any lot or may require separate entrances and exits.

Access ways on all lots other than on residential lots shall be constructed so that all vehicles may enter and leave in forward gear.

All access ways shall be constructed and paved to the specification and satisfaction of the Council.

5.14 USE OF SETBACKS

The setback areas within any zone shall not be used for any purpose other than one or more of the following—

- (a) a means of access;
- (b) landscaping;
- (c) trade display, provided no more than 10 percent of the area is used, and is not located within three metres of the street;
- (d) the loading and unloading of goods;
- (e) the parking of vehicles for staff, clients or customers of the development.

5.15 OFF-STREET PARKING

With the exception of rural uses, sufficient off-street parking shall be provided with each development to accommodate the parking requirements of that development as determined by the Council.

Parking areas shall be laid out, paved, drained and marked to the satisfaction of the Council.

Any parking area with ten or more parking bays shall include landscaped areas equal to ten percent of the area of the carpark.

5.16 PARKING OF COMMERCIAL VEHICLES

No commercial vehicle in excess of 3 tonnes tare weight shall be permitted to be parked on any residential lot of less than 1,500 square metres, except for the purpose of activity normally associated with dwelling house uses without the granting of planning approval by the Council. Council shall not grant planning approval under this Clause unless—

- (a) provision is made for the vehicle to be housed in a garage or parked behind the building line;
- (b) the vehicle together with its load does not exceed three metres in height; and,
- (c) the Council is satisfied the use will not prejudicially affect the amenity of the neighbourhood due to emissions of any nature.

5.17 JOINT USE OF PARKING FACILITIES

The Council may permit reduced provision of parking facilities where the facilities are intended to be shared between different land uses provided it is satisfied that—

- (a) the total facilities provided are adequate for the aggregate demand;
- (b) no conflict will occur as a result of the joint use of the parking facilities; and,
- (c) the peak demands for parking from the activities sharing the parking area do not coincide.

Where the Council permits the joint use of parking facilities it may require the landowners involved to enter into a legal agreement with each other landowner for reciprocal rights to the parking facilities.

5.18 CONTROL OF ADVERTISEMENTS

(1) Power to Control Advertisements—

- (a) For the purpose of this Scheme the erection, placement and display of advertisements and the use of land for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Planning approval is required in addition to any licence required under a Local Law of the Council pertaining to Advertising.
- (b) Applications for Council's planning approval pursuant to this part shall be submitted in accordance with the provisions of Clause 6.2 of the Scheme and shall be accompanied by a completed additional information sheet in the form set out at Schedule 7 giving details of the Advertisement(s) to be erected, placed or displayed on the land.

(2) Existing Advertisements—Advertisements which—

- (a) were lawfully erected, placed or displayed prior to the approval of this Scheme; or
- (b) 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 clause referred to as existing Advertisements, may except as otherwise provided, continue to be displayed in accordance with the licence or approval as appropriate.

(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 planning approval to erect, place or display an advertisement, Council shall examine each such application in 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.

(4) Exemptions from the Requirement for Planning Approval - Subject to the provisions of the Main Roads (Control of Signs) Regulations, 1983 and notwithstanding the provisions of sub-clause 5.18(1)(a) the Council's prior planning approval is not required in respect of those advertisements listed in Schedule 8 which for the purpose of this clause are referred to "Exempted Advertisements". The exemptions listed in Schedule 8 do not apply to land, buildings, objects, structures and places included on the Heritage List or within a Heritage Precinct established or designated under Part 6 of the Scheme.

(5) Discontinuance—Notwithstanding the Scheme Objectives and Sub-clause 5.18(4) where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this clause, 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.

(6) Derelict and 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 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—

- (a) repair, repaint or otherwise restore the Advertisement to a standard specified by the Council in the Notice, or
- (b) remove the advertisement.

(7) Notices—

- (a) The Advertiser' shall be interpreted as any one person or any group comprised of the landowner, occupier, licensee or other person having an interest in or drawing benefit from the display of the advertisement concerned.
- (b) Any notice served in exceptional circumstances pursuant to sub-clause 5.18(5) or 5.18(6) shall be served upon the advertiser and shall specify:
 - (i) the Advertisement(s) the subject of the notice;
 - (ii) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;
 - (iii) the period, not being less than 60 days, within which the advertiser shall complete the action specified.
- (c) Any person upon whom a notice is served pursuant to this clause 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 thereafter have effect according to that decision.

(8) Scheme to Prevail—Where the provisions of this clause (5.18) are found to be in variance with any provisions of any Local Laws relating to the control of advertisements, the provisions of the Scheme shall prevail.

(9) Enforcement and Penalties—The Offences and Penalties specified in Clause 8.2 of the Scheme apply to the advertiser in this clause.

5.19 CASH PAYMENT IN LIEU OF PROVISION OF PARKING

The Council may accept a cash payment in lieu of the provision of on-site parking provided—

- (a) such cash payment is not less than the estimated cost to the owner of providing and constructing the parking area otherwise required by the Scheme, plus the value, as estimated by the Council, of that area of the land which would have been occupied by the parking area;
- (b) the Council has either already provided a public car park nearby, or made a commitment to provide one within a period of 18 months; and,
- (c) any such payment shall be paid into a special fund to be used to provide public car parks and the Council may use this fund to provide public car parks anywhere in the district.

5.20 LANDSCAPING

Unless otherwise approved by the Council, all developments shall be provided with an area of landscaping equal to ten percent of the site area.

Landscaping shall be provided and maintained in accordance with a landscape plan approved by the Council.

Landscaping will be provided by the owner of the development within 30 days of completion of the development and shall be maintained by the occupier.

5.21 TREE PLANTING

In considering an application for planning approval involving the clearing of trees or vegetation from a lot, the Council may—

- (a) implement clearing controls/restrictions;

- (b) seek the advice and take into account the requirements of Agriculture WA in order to comply with the responsibilities of that department under the Soil and Land Conservation Act 1945 (as amended); and
- (c) require the environs of wetlands including streamlines, and the crests of ridgelines or other elevated areas remain uncleared.

Where a lot, the subject of a development application is considered to be deficient in vegetation cover to support the proposal without additional environmental degradation, the Council may require the applicant to plant additional vegetation, trees and may promote replanting with appropriate native species.

5.22 DEVELOPMENT OF LOTS WITHOUT CONSTRUCTED ROAD ACCESS

Notwithstanding anything appearing elsewhere in the Scheme, planning approval is required for development of land abutting an unconstructed road or a lot which does not have frontage to a constructed road. In considering such an application, Council shall either—

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

PART 6—HERITAGE PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE

6.1 PURPOSE AND INTENT

The purpose and intent of the heritage provisions are—

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

6.2 HERITAGE LIST

- (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.
- (2) For the purposes of this Clause, the Heritage List is drawn from the Municipal Inventory, as amended from the 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.
- (3) The Council shall keep copies of the Heritage List with the Scheme documents for public inspection during normal office hours.

6.3 DESIGNATION OF HERITAGE PRECINCTS

- (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.
- (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.
- (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.
- (4) Subject to the provisions of Clause “6.5” the procedure to be followed by the Council in designating a heritage precinct shall be as follows—
 - (a) the Council shall notify in writing each owner of land affected by the proposal;
 - (b) the Council shall advertise the proposal by way of a notice in a newspaper circulating in the district, by the erection of a sign in a prominent location in the area affected by the designation, and by such other methods as the Council 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 with or without modification or reject the proposal after consideration of submissions;
 - (f) the Council shall forward notice of its decision to the Heritage Council of WA and the Western Australian Planning Commission.
- (5) The Council may modify or may cancel a heritage precinct or any policy statement, which relates to it by following the procedure set out in Sub clause 6.3(4) above.

6.4 NEW NORCIA HERITAGE PRECINCT

- (1) There shall be a Heritage Precinct as designated in the New Norcia Conservation and Development Plan approved by the Benedictine Community of New Norcia and endorsed by Council.

- (2) The purposes and the intent of the New Norcia Heritage Precinct will be to—
- (a) recognise the unique heritage values of the precinct while allowing a wide range of land use and development options in accordance with the Scheme Objectives and the needs of the existing community of New Norcia, and
 - (b) ensure the coordinated development and conservation of new Norcia in accordance with the New Norcia Conservation Design and Management Plan.

6.5 APPLICATIONS FOR PLANNING APPROVAL

- (1) In dealing with any matters, which may affect a heritage precinct or individual entry on the Heritage List, including any application for planning approval, the Council shall have regard to any heritage policy of the Council.
- (2) The Council may, in considering any application that may affect a heritage precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA and any other relevant bodies, and take those views into account when determining the application.
- (3) Notwithstanding any existing assessment on record, the Council may require a heritage assessment to be carried out prior to the approval for any development proposed in a heritage precinct or individual entry listed on the Heritage List.

6.6 FORMALITIES OF APPLICATION

- (1) In addition to the application formalities prescribed in Clause 6.5 and any formalities or requirements associated with applications for planning approval contained in any other provision of the Scheme, the Council may require an applicant for planning approval, where the proposed development may affect a place of cultural heritage significance or a heritage precinct, to provide one or more of the following to assist the Council in its determination of the application—
- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
 - (b) in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;
 - (c) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
 - (d) any other information, which the Council indicates, that it considers relevant.

6.7 VARIATIONS TO SCHEME PROVISION

- (1) Where desirable to facilitate the conservation of a heritage place or to enhance or preserve heritage values, the Council may vary any provision of the Scheme provided that, where in the Council's opinion the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for variation, the Council shall—
- (a) consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to Clause 4.3; and,
 - (b) have regard to any expressed views prior to making its decision to grant the variation.

(2) In granting variations under Sub clause 6.7(1) the Council may enter into a heritage agreement under Part 4 of the Heritage of Western Australia Act 1990 with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

PART 7—NONCONFORMING USES

7.1 NONCONFORMING USE RIGHTS

- (1) Except as otherwise provided in this part, 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.

7.2 EXTENSION OF NONCONFORMING USE

A person shall not alter or extend a nonconforming use or erect, alter or extend a building used in conjunction with a nonconforming 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.

7.3 CHANGE OF NONCONFORMING 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 nonconforming 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 nonconforming use and is closer to the intended uses of the zone or reserve.

7.4 DISCONTINUANCE OF NONCONFORMING USE

(1) When a nonconforming use of any land or building has been discontinued for a period of six months or more, such land or building shall thereafter only be used in conformity with the provisions of the Scheme.

(2) The Council may effect the discontinuance of a nonconforming 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.

7.5 DESTRUCTION OF BUILDINGS

If any building is, at the time of the Scheme coming into force, being used for a nonconforming 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 thereafter only be used 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 nonconforming use, or in a manner or position not permitted by the Scheme.

PART 8—ADMINISTRATION

8.1 POWERS OF THE SCHEME

In implementing the Scheme, the Council has the powers to—

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

8.2 OFFENCES

(1) No person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme—

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

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

8.3 COMPENSATION

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

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

8.4 ELECTION TO PURCHASE AND VALUATION

(1) Where compensation for injurious affection is claimed pursuant to either sub clauses 8.3(1) or 8.3(2), the Council may, at its option elect to acquire the land so affected instead of paying compensation.

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

(3) Where the Council elects to acquire land as provided in sub-clause 8.4(1), if the Council and the owner of the land are unable to agree as to the price to be paid for the land by the Council, the price at which the land may be acquired by the Council shall be the value of the land as determined in accordance with sub-clause 8.4(4).

(4) the value of the land referred to in sub-clause 8.4(3) shall be the value thereof on the date that the Council elects to acquire the land and that value shall be determined—

- (a) by arbitration in accordance with the Commercial Arbitration Act 1985; or
- (b) by some other method agreed upon by the Council and the owner of the land, and the value shall be determined without regard to any increase or decrease, if any, in value attributable wholly or in part to this Scheme.

(5) The Council may deal with or dispose of land acquired for a local reserve or pursuant to the preceding sub-clause 8.4(4) upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.

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.

8.6 PLANNING POLICIES

(1) The Council may prepare a planning policy (hereinafter called 'a Policy') which may make a provision for any matter related to the planning or development of part or the whole of the Shire. The Council may amend, add to or rescind a Policy so prepared.

(2) A Policy shall become operative only after the following procedures have been completed—

(a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Shire giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.

(b) The Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.

(c) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Shire.

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

(4) An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in Sub clause 8.6(2).

(5) A Policy may be rescinded by—

(a) preparation or final adoption of a new Policy pursuant to this Clause, specifically worded to supersede an existing Policy; and

(b) publication of a formal notice of rescission by the Council twice in a local newspaper circulating in the district.

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

(7) Any Policy prepared under this Clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

8.7 DELEGATION

(1) The Council may, either generally or in a particular case or cases, by resolution passed by an absolute majority of the Council, delegate to the Shire Clerk of the Council the authority to deal with an application for Planning approval made under this Scheme.

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

(3) The delegation of authority conferred by this Clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power.

(4) The performance of a function by a delegate under Sub clause 8.7(1) shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.

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

(6) A resolution to revoke or amend a delegation under this Clause may be passed by a simple majority.

(7) The CEO exercising the power delegated pursuant to the provisions of this Clause shall comply with the provisions of the Scheme governing the exercise of the power by the Council, to the extent that such provisions are reasonably applicable.

(8) An Officer or Member exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.

8.8 AMENDMENTS TO THE SCHEME

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

(2) The Council may, from time to time, initiate an amendment to the Scheme in accordance with the act and regulations and shall give consideration to any application to have the Scheme amended.

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

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

8.9 NOTICE FOR REMOVAL OF CERTAIN BUILDINGS

- (1) TWENTY-EIGHT (28) days written notice is hereby prescribed as the notice to be given pursuant to section 10 of the Act for the removal of certain buildings.
- (2) Council may recover expenses under section 10(2) of the Act in a court of competent jurisdiction.

SCHEDULE 1—INTERPRETATIONS

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 signs and shall be construed accordingly, but does not include—

- (a) a sign of less than two square metres in area relating to the carrying out of building or similar work on land on which it is displayed, not being land which is normally used for those purposes;
- (b) a sign of less than two square metres in area announcing a local event of a religious, educational, cultural, political, social or recreational character not promoted or carried on for commercial purposes;
- (c) a sign of less than two square metres in area relating to the prospective sale or the letting of the land or building on which it is displayed; and,
- (d) directional signs, street signs and other like signs erected by a public authority.

Aquaculture: means any fish farming operation for which a fish farm licence issued pursuant to the provisions of Part V of the Fisheries Act 1905 (as amended) and the Fisheries Regulations 1938 (as amended) is required.

Building Setback: means the shortest horizontal distance between a boundary or other specified point and the position of a building.

Caravan: means a vehicle as defined under the Road Traffic Act, 1974 (as amended) 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 allocated for that purpose.

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 on or in which cars are displayed for sale.

Child Minding 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) but does not include a family care centre as defined by those Regulations.

Civic Use: means land and buildings used by a Government Department, an instrumentality of the Crown, or the Council for administrative, recreational or other like 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 Licensing Act 1988 (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 State Planning Commission Act, 1985 (as amended).

Conservation: means, in relation to any place or Heritage Precinct, the management of that place or precinct in a manner that will—

- (a) enable the cultural heritage significance of that place or precinct to be retained; and
- (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct;

and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting;

Consulting Rooms: means a building (other than a hospital or medical centre) used by no more than two 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 two practitioners may be of the one profession or any combination of professions or practices.

Cultural Heritage Significance: means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.

Development: shall have the same meaning given to it in and for the purposes of the Act, but shall also include: “in relation to any building, object, structure or place entered in the Heritage List or contained within a Heritage Precinct, any act or thing that—

- (a) is likely to change the character of the place or the external appearance of any building; or
- (b) would constitute any irreversible alteration of the building.

- District:** means the Municipal District of the Shire of Victoria Plains.
- 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.
- Facade:** means the exposed faces of a building towards roads or open spaces or the frontal outward appearance of the building.
- Factory Unit:** means a portion of a factory unit building that is the subject of a separate occupancy.
- Factory Unit Building:** means an industrial building designed, used or adapted for use as two or more separately occupied areas.
- 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.
- Fuel Depot:** means land and buildings used for the storage and sale in bulk of solid, liquid or gaseous fuel, but does not include a service station.
- Garden Centre:** means land and buildings used for the display and sale 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 on which this Scheme is published in the *Government Gazette*.
- Gross Leaseable 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.
- Heritage Precinct:** means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.
- Holiday Accommodation:** means two or more dwellings on one lot which, by way of trade or business, are made available for occupation by persons other than the proprietor for holiday or other temporary purposes.
- Home Occupation:** means a business or activity carried out 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—
- entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;
 - does not cause injury to or prejudicially affect the amenity of the neighbourhood;
 - does not detract from the residential appearance of the dwelling house or domestic outbuilding;
 - does not entail employment of any person not a member of the occupier's household;
 - does not occupy an area greater than 20 m²;
 - does not display a sign exceeding 0.2 m² in area.
 - in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put;
 - will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
 - does not entail the presence, parking and garaging of a vehicle of more than two (2) tonnes tare weight;
- Hospital:** means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital.
- Incidental Use:** means the use of land in conjunction with and ancillary to the predominant use of the land.
- Industry—Cottage:** means a business, professional service, trade or light industry producing arts and craft goods which cannot be carried out under the provisions relating to a "home occupation" and which, in the opinion of Council—
- does not cause injury to or prejudicially affect the amenity of the neighbourhood;
 - where operated in a residential zone, does not entail the employment of any person other than a member of the occupier's household;
 - is conducted in an outbuilding, which is compatible within the principal uses to which land in the zone in which it is located may be put;
 - does not occupy an area in excess of 50 m²;
 - does not display a sign exceeding 0.2 m² 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 includes the management of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products;
- (b) the production of salt by the evaporation of salt water.

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

Industry—Hazardous: means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or service industries.

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 proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.

Industry—Noxious: means an industry, which is subject to licensing as “prescribed premises” under the Environmental Protection Act 1986 (as amended).

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.

Intensive Agriculture: means the use of land for the purposes of trade, commercial reward or gain, including such buildings and earthworks normally associated with the following—

- (a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;
- (b) the establishment and operation of plant and fruit nurseries;
- (c) the development of land for irrigated fodder production and irrigated pasture (including turf farms);
- (d) the development of land for the keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat, or fur production), and other livestock in feedlots;
- (e) dairy milking sheds;
- (f) the development of land for the keeping, rearing or fattening of other livestock above those stocking rates recommended by the Department of Agriculture in consultation with surrounding farmers for the applicable pasture type;
- (g) aquaculture.

Inventory: 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).

Kennels: means land and buildings used for the boarding, keeping or breeding of dogs or cats where such premises are registered or required to be registered.

Landscaping: includes any paved areas for pedestrians, but does not include car parking areas or vehicle access ways.

Laundromat: means any land or building, open to the public in which washing machines, with or without provision for drying clothes, are available for use.

Licensed Premises: means land the subject of a Hotel or Tavern Licence granted under the provisions of the Liquor Act, 1970 (as amended).

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.

Motel: means land and buildings used or intended to be used to accommodate patrons in a manner similar to an Hotel or Boarding House but in which special provision is made for the accommodation of patrons with motor vehicles.

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 lessee or licensee from the Crown; or
- (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.

Park Home: means a movable dwelling, not being a vehicle as defined under the Road Traffic Act, 1974 (as amended) but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilised by jacks and provided with skirting 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.

Piggery: shall have the same meaning given to it in and for the purposes of the Health Act, 1911 (as amended).

Place: means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes—

- (a) an area of land situated below low water mark on the seashore or on the band of tidal waters, or in the bed of any watercourse, lake or estuary;
- (b) any works or buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- (c) as much of the land beneath the place as is required for the purposes of its conservation.

Plot Ratio: shall have the same meaning as given to it in the Residential Planning Codes.

Poultry Farming: means land and buildings used for the hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act, 1911 (as amended).

Private Recreation: means land and buildings used for recreation which are not normally open to the public without charge.

Public Amusement: means land and buildings used for the amusement or entertainment of the public, with or without charge and includes a nightclub, cabaret and reception centre.

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

Public Worship: means the 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 institution.

Residential Building: means a building or portion of a building, together with rooms and out-buildings 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—

- (a) temporarily by two or more persons; or
- (b) permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, prison, hotel, motel, or 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.

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

- (a) the rearing or agistment of more than two animals used for the production of food, fibre or as beasts of burden;
- (b) the stabling or agistment of more than two horses;
- (c) a riding school;
- (d) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens; and
- (e) the sale of produce grown or reared solely on the lot;

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

- (a) the keeping of pigs;
- (b) poultry farming;
- (c) the processing, treatment or packing of produce; and
- (d) the breeding, rearing or boarding of domestic pets.
- (e) Intensive Agriculture

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

Showroom: means land and buildings wherein goods are displayed and may be offered for sale by wholesale and/or by retail excluding the sale by retail of: foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, medical or pharmaceutical products, china, glassware or domestic hardware, and items of personal adornment.

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 under Section 364 of the Local Government Act, 1960 (as amended) means the new street alignment so prescribed.

Trade Display: means land and buildings used for the display of trade goods and equipment for the purposes of advertisement.

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

Vehicle Repairs: means land and buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel-beating, spray painting and chassis re-shaping.

Vehicle Sales and Hire: means the display and sale or hire of new or used vehicles and may include, with the approval of Council, the servicing of vehicles sold from the site.

Vehicle Wrecking: means the storage, breaking up or dismantling of motor vehicles.

Veterinary Establishment: means land and buildings in which a Veterinary Surgeon treats domestic animals and sick animals and includes the accommodation of sick animals.

Warehouse: means land and buildings wherein goods are stored and may be offered for sale by wholesale.

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 land reserve.

SCHEDULE 2—ADDITIONAL USE SITES

- (a) Particulars of the Land
 - (b) Additional Use
 - (c) Conditions of Additional Use
-

SCHEDULE 3—APPLICATION FOR PLANNING APPROVAL

Owner of Land on Which Development is Proposed—

Surname:.....Other Names:

Address (in full)

Application Submitted by:

Address for Correspondence:

Locality of Development:

Description of Land—Land District: Location No:

Lot No: Plan/Diagram:..... Certificate of Title—Volume: Folio:.....
 Street:..... Development Proposed:
 Approximate Cost of Proposed Development:
 Estimated time of Completion:

.....
 Signature of Owner (if not the Applicant) Date

.....
 Signature of Applicant or Agent Date

*This form is to be submitted in duplicate with two copies of the site plan.
 This is not an application for a building licence. A separate application is required for a building licence.*

SCHEDULE 4—NOTICE OF APPLICATION FOR PLANNING APPROVAL

It is hereby notified for public information that the Council has received an application for planning consent for the purposes described hereunder—

Land Description—

Land District:..... Location No:..... Lot No:

Street Name:

Proposed Development:

Details of the proposal are available for inspection at the Offices of the Council. Submissions may be made to the Council in writing on or before the day of,
 (month) (year)

SCHEDULE 5—NOTICE OF APPROVAL/REFUSAL OF PLANNING APPROVAL

Name and Address of Applicant:

Name and Address of Owner (if not Applicant):

Description of Land:

Planning consent for the application dated the day of
 (month/year)

and the plans attached thereto is * granted subject to the following conditions/refused upon the following grounds:

This consent is valid for a period of months from the date hereof. If building development is involved and is not substantially completed within that period a fresh approval must be obtained.

.....
 (CEO) (Date)

This is not a building licence. A separate application is required for a building licence.

** STRIKE OUT WHERE NOT APPLICABLE*

SCHEDULE 6—RURAL RESIDENTIAL ZONE—PROVISIONS FOR SPECIFIED AREAS

- (a) Particulars of the Land
- (b) Proposed Uses
- (c) Special Provisions

SCHEDULE 7—CONTROL OF ADVERTISEMENTS ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL

Name of Advertiser (if different from owner):

Address in Full:

Description of property upon which advertisement is to be displayed including full details of its proposed position within the property:

Details of proposed sign—Height:.....
 —Width:.....
 —Depth:.....

Colours to be used:

Height above ground—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—

State intensity of light source:

State period of time for which advertisement is required—
 From: To:.....

Details of signs, if any, to be replaced by this advertisement if this application is approved—

NOTE: This application should be supported by a photograph (s) of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be replaced if application approved.

Signature of advertiser(s):

Signature of land owner(s):

Date:.....

—————

SCHEDULE 8—ADVERTISEMENTS EXEMPT FROM PLANNING APPROVAL

- (1) Real Estate For Sale sign placed on the property to which it applies – one sign up to 0.54 square metres (0.6 x 0.9m).
- (2) Advertising signs on commercial and/or industrial premises to a maximum of 24 square meters (4 x 6m) where the sign pertains to goods and services sold on the premises.
- (3) Signage at the entry of, but within a farming property to 13.5 square metres (3 x 4.5m) which indicates the name of the property and the owners.
- (4) Signs applicable to an approved Cottage Industry and Home Occupation.
- (5) Signs indicating an item or items are for sale, where the items for sale are owned by the legal occupier of the property upon which the sign is displayed.

—————

ADOPTION

Adopted by resolution of the Council of the Shire of Victoria Plains at the Ordinary Meeting of the Council held on the 24th day of October 1994.

T. P. FIELD, President.
 P. HAYES, Chief Executive Officer.

—————

FINAL APPROVAL

Adopted for final approval by resolution of the Council of the Shire of Victoria Plains at the Ordinary Meeting of the Council held on the 15th day of December 1998 and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of—

T. P. FIELD, President.
 P. HAYES, Chief Executive Officer.

WESTERN AUSTRALIAN PLANNING COMMISSION

Recommended/Submitted for final approval.

EUGENE FERRARO, for Chairman,
 Western Australian Planning Commission.

Dated 22 March 1999.

—————

MINISTER FOR PLANNING

Final approval granted.

G. D. KIERATH, Hon. Minister for Planning.

Dated 24 March 1999.

POLICE

PE501

POLICE ACT 1892
POLICE AUCTION

Under the provisions of the Police Act 1892, unclaimed found and stolen property and bicycles will be sold by public auction at Ross's Auctioneers, 241 Railway Parade, Maylands on Saturday 24th April 1999 at 9.00 am.

The auction is to be conducted by Mr Frank Lee.

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

PREMIER AND CABINET

PR401

MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor in accordance with Section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon M. J. Criddle MLC in the period 4 to 17 April 1999 inclusive—

Minister for Transport

Hon H. J. Cowan, MLA

M. C. WAUCHOPE, Director General,
Ministry of the Premier and Cabinet.

PR402

PUBLIC SECTOR MANAGEMENT ACT 1994
CHIEF EXECUTIVE OFFICER APPOINTMENTS

The Government of Western Australia is keen to ensure that Chief Executive Officers of all public service departments and agencies, are the most suitable for the position. I have therefore decided that it is generally preferable to advertise Chief Executive Officer positions at the expiry of existing appointments, to ensure that competitive and merit-based appointments are made. This approach should not, however, be seen as a reflection upon the capacity of current Chief Executive Officers whose terms of appointment have expired. I expect that present occupants will, in most cases, wish to apply for appointment to advertised positions.

Having received and considered relevant advice in respect of the Chief Executive Officer listed below, I, Richard Fairfax Court, Minister for Public Sector Management, notify that I have not recommended the reappointment of—

Name of Current Occupant	Title	Agency
Dr Bryan Jenkins	Chief Executive Officer	Department of Environmental Protection

I shall soon be requesting the Commissioner for Public Sector Standards to act to enable the filling of this vacancy.

RICHARD COURT, Premier and Minister for Public Sector Management.

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 THE GRANT OF A LICENCE			
1571/98	Holman Nominees Pty Ltd	Application for the grant of a Liquor Store licence in respect of premises situated in Mandurah and known as Mandurah Cellars.	14/4/99
1575/98	Domex Pty Ltd	Application for the grant of a Wholesale licence in respect of premises situated in Myaree and known as Global Trade and Marketing.	27/4/99
APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
1097/98	Kastel Nominees Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Osborne Park and known as Kastelbets Tavern.	22/4/99

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

G. B. AVES, Director of Liquor Licensing.

WATER

WA401

RIGHTS IN WATER AND IRRIGATION ACT 1914

NOTICE UNDER SECTION 13 OF THE ACT [Regulation 14(1)]

The Water & Rivers Commission has received the application listed below to take and use surface water for irrigation purposes.

Any owner or occupier of land within 4.8 kilometres of the applicants land and contiguous to the watercourse may object to that application.

Objections should be sent to reach me at the Water & Rivers Commission, PO Box 261, Bunbury WA 6230 prior to 22 April 1999 by certified mail.

Any queries regarding this application should be referred to Ms Rachael Nickoll on telephone (08) 9721 0666, Water Resources Officer, South West Region, Water and Rivers Commission.

W. F. TINGEY, Regional Manager, South West Region.

Schedule

- 1) Applicant: Ferguson Vineyard Management
Property: Wellington Location 1087, Lot 4
Watercourse: Tributary of the Ferguson River

WA402*

WATER AGENCIES (POWERS) ACT 1984

Water Supply Improvements: Shire of Busselton-Quindalup

PROPOSAL TO CONSTRUCT A GROUND LEVEL WATER STORAGE TANK

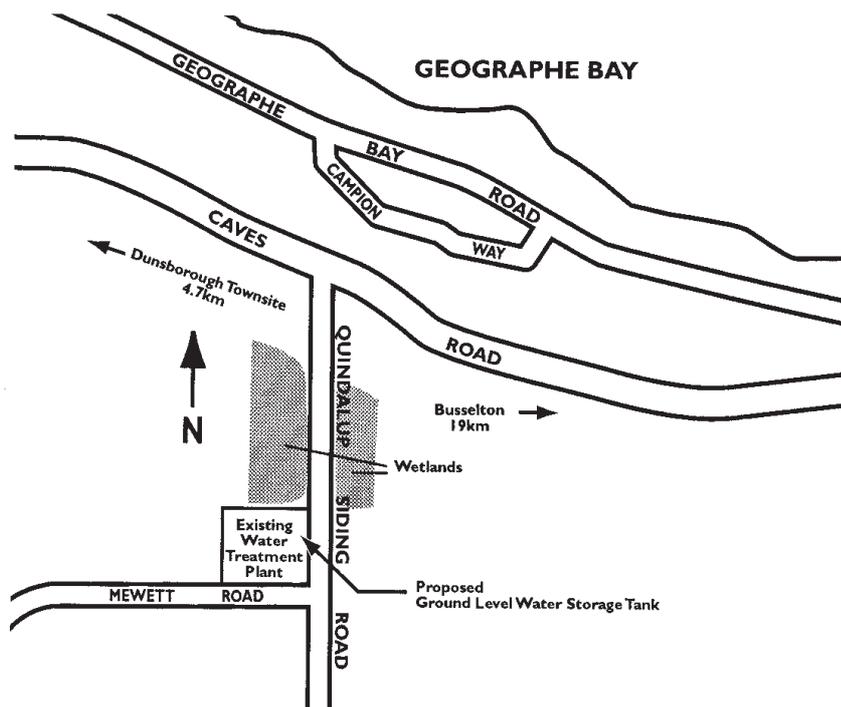
This project will begin in May 1999 and will take approximately five months to complete. It involves the construction of a concrete ground level water storage tank of approximately 2,500 cubic metres capacity and other associated construction work.

For further information on this essential water supply project please telephone Robert Keegan during normal office hours on (08) 9420 2265.

If you have an objection to the proposed works, please write to—

Robert Keegan
Project Manager
Water Corporation
PO Box 100
Leederville WA 6902

Any objections must be lodged by the close of business on 3 May 1999.



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 10 May 1999 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bromby, Lucy, late of Numbala Nursing Home, Derby, died 2/9/98. (DEC 318106 DC3)

Browne, Ellen, late of Casson House, 5 Woodville Street, North Perth, died 25/11/98. (DEC 316513 DS4)

Dick, Stanley Robert, late of 1/64 Deanmore Road, Scarborough, died 31/1/99. (DEC 317658 DL4)

Fruin, Marian Elizabeth, late of Riversea Hostel for the Aged, 720 Stirling Highway, Mosman Park, died 6/3/99. (DEC 317960 DA3)

Green, Henry John, late of 2/23 Wood Street, Inglewood, died 23/3/99. (DEC 318114 DA2)

Jovicic, Yugoslav, late of Unit 3/9 Dent Court, Orelia, 21/11/98. (DEC 318105 DC2)

Kelly, Verna Eileen, late of St Vincents Nursing Home, 1 Mangles Street, Bunbury, died 9/2/99. (DEC 317804 DP4)

Spade, Jack, late of Bindi Bindi Community, Onslow, died 19/8/98. (DEC 316038 DL4)

Smith, Frank, late of 17B Faulkner Way, Eden Hill, found dead 3/3/99. (DEC 317706 DP4)
 Sterrett, Dorothy Joyce, late of 138 Lewis Road, Forrestfield, died 21/2/99. (DEC 317862 DC4)
 Swan, James Harrison Gordon, late of 13A Hancock Street, Nollamara, died 18/1/99. (DEC 317235 DC4)
 Thompson, Doris Elizabeth Charlotte, late of 8 Swanson Street, Swan View, died 16/3/99. (DEC 318092 DS2)
 Trotter, James Thomas Dennis, late of 59 Huntriss Road, Karrinyup, died 26/1/99. (DEC 316681 DG3)
 Urquhart, Margery, late of Craigwood Nursing Home, Gardner Street, Como, died 6/3/99. (DEC 318023 DS4)
 Wise, Leonard, late of Lot 131-601 Pinjarra Road, Mandurah, died 5/11/98. (DEC 315450 DS4)
 Yovich, Rade, late of Lakeside Nursing Home, 68 Lyall Street, Redcliffe, died 10/3/99. (DEC 318097 DA3)

K. E. BRADLEY, Public Trustee,
 Public Trust Office, 565 Hay Street, Perth WA 6000.
 Telephone: 9222 6777.

ZZ102**PUBLIC TRUSTEE ACT 1941**

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

Dated at Perth the 1st day of April 1999.

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

Name of Deceased	Address	Date of Death	Date Election Filed
McPherson, Gwyne Miller (DEC 316489 DL4)	Guildford	4/1/99	17/3/99
Traylen, Betty Lorraine (DEC 317219 DS4)	Yanchep	6/2/99	17/3/99
Wise, Leonard (DEC 315450 DS4)	Burragup	5/11/98	17/3/99
Park, Bernice Mary (DEC 317238 DG4)	Bayswater	17/1/99	17/3/99
Ryder, Helen (DEC 315311 DP4)	Derby	27/5/98	11/3/99
Meeres, Amy Kirby (DEC 309163 DC4)	Ferndale	13/1/97	11/3/99
Dawson, Margaret Jane (DEC 316113 DP4)	Carlisle	16/12/98	25/3/99
Arbery, Ethel May (DEC 317094 DC4)	Subiaco	26/1/99	23/3/99
Condon, Leslie (DEC 315599 DC4)	Onslow	24/9/98	23/3/99
Cake, Cyril Anthony Douglas (DEC 313177 DS4)	Rivervale	30/7/98	23/3/99

ZZ201**TRUSTEES ACT 1962**

The estate of Vaida Irisa Cunningham, late of 160 Barker Road, Subiaco

Creditors and other persons having claims in respect of the estate of the deceased, who died on 26 November 1998, are required by the executors, Patrick Pinder Cunningham, of 160 Barker Road, Subiaco, to send particulars of their claims to them by the 12th day of May 1999, after which date the executors intend to convey or distribute the assets, having regard only to the claims of which they then have notice.

ZZ202**TRUSTEES ACT 1962**

NOTICE TO CREDITORS AND CLAIMANTS

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the Estate of the undermentioned deceased persons, are required by Perpetual Trustees W.A. Ltd of 89 St George's Terrace, Perth, to send particulars of their claims to the Company, by the undermentioned date, after which date the said Company may convey or distribute the assets, having regard only to the claims of which the Company then has notice.

Claims for the following expire one month after the date of publication hereof.

Abbonizio, Stefano, late of 51B Salisbury Street, Bayswater WA 6053, Property Manager, died 11 March 1999.

Allberry, Faith Laurie, late of Hamersley Nursing Home, 441 Rokeby Road, Subiaco WA 6008, Widow, died 1 March 1999.

Hastie, Joyce, late of 56 Hayes Street, Bunbury WA 6230, died 19 February 1999.

McHattie, George Alexander Murray, late of 60/144 Mill Point Road, South Perth WA 6151, Retired Purchasing Manager, died 23 March 1999.

Smith, Frederick Henry, late of 125 Forrest Street, Beverley WA 6304, Retired Bridge Carpenter, died 27 February 1999.

Tangney, Christina Julia Imelda, late of Guildford Village, 34 Swan Street, Guildford WA 6055, Spinster, died 27 February 1999.

Thomas, Neil George, late of 2 Edna Way, Duncraig WA 6023, Quality Management Consultant, died 30 January 1999.

Dated this 7th day of April 1999.

P. M. PRINDABLE, Senior Manager, Private Clients.

ZZ401**RULES OF THE SUPREME COURT 1971**

NOTICE OF APPOINTMENT OF PROVISIONAL LIQUIDATOR

(Pursuant to Order 81G Rule 86 Supreme Court Rules)

In the Supreme Court of Western Australia at Perth

No. COR 62 of 1999

In the Matter of Oaksilver Holdings Pty Ltd ACN 076 017 091

On 31 March 1999 the Supreme Court of Western Australia in proceedings No. COR 62 of 1999 appointed Anthony Hayes Douglas-Brown of Bentleys MRI Perth Pty Ltd, Chartered Accountants, Level 1, 10 Kings Park Road, West Perth in the State of Western Australia, as provisional liquidator of Oaksilver Holdings Pty Ltd.

Dated the 31st day of March 1999.

RICHARD PAYNE & ASSOCIATES, Solicitors for the Applicant.

TO: The Respondent

OF: Care of Shakespeare & Co.,
47 Outram Street
West Perth WA 6005.

ZZ402

ADVERTISEMENT OF APPLICATION FOR WINDING UP

IN THE SUPREME COURT OF WESTERN AUSTRALIA AT PERTH

No. COR 62 of 1999

IN THE MATTER OF OAKSILVER HOLDINGS PTY LTD ACN 076 017 091

Notice is hereby given that an application for the winding up in insolvency of the abovenamed company by the Supreme Court of Western Australia was on 17 March 1999 filed by Ronald Gilbert Buckey. The application is to be heard before a Master in chambers at the Supreme Court at Perth at 10.30 am on Wednesday 28 April 1999.

The liquidator whose appointment is sought is Anthony Hayes Douglas-Brown of Bentleys MRI Perth Pty Ltd, Chartered Accountants, of Level 1, 10 Kings Park Road, West Perth in the State of Western Australia

Any creditor or contributory of the company desiring to support or oppose the making of an order on the application may appear at the time of hearing by himself or his counsel for that purpose.

The applicant's solicitor is Richard Payne & Associates of Level 2, Colord House, 33 Colin Street, West Perth, Western Australia, 6005 (Telephone: 9481 0844; Facsimile: 9481 2434; Reference: RP)

NOTE:

- (1) Any person who intends to appear on the hearing of the application must serve on or send by post to the abovenamed solicitor notice in writing of that intention. The notice must state the name and address of the person or, if a firm, the name and address of the firm, and must be signed by the person or firm, or their solicitor (if any), and must be served or, if posted, must be sent by post in sufficient time to be received not later than 4 pm on Tuesday 27 April 1999.
- (2) A person may not, without leave of the Court, oppose the application unless, at least 7 days before the hearing date, the person has filed and served on the applicant—
 - (a) notice of the grounds of opposition; and
 - (b) an affidavit verifying the matters stated in the notice.

ZZ403

LOST WILL

If anyone knows the whereabouts of a Will for Roslyn Joy Coles late of 116 Hayes Avenue, Yokine in the State of Western Australia, deceased, intestate or if anyone has prepared a Will for her could you please contact Michael, Whyte & Co, Barristers & Solicitors, PO Box 993, West Perth WA 6872 (Reference: MHT990572)

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State Law Publisher
Telephone: 9321 7688

WESTERN AUSTRALIA

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