

**WESTERN
AUSTRALIAN
GOVERNMENT
Gazette**

3795



PERTH, FRIDAY, 27 JULY 2001 No. 149

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

© STATE OF WESTERN AUSTRALIA

CONTENTS

PART 1

	Page
Jetties Act 1926—	
Jetties Amendment Regulations 2001	3813-28
Navigable Waters Amendment Regulations (No. 2) 2001	3799-3800
Marine Navigational Aids Act 1973—Marine Navigational Aids Amendment Regulations 2001	3798-9
Mines Safety and Inspection Act 1994—Mines Safety and Inspection Amendment Regulations 2000	3797-8
Proclamations—	
Courts Legislation Amendment Act 2000—27 of 2000	3797
State Records Act 2000—52 of 2000	3797
Shipping and Pilotage Act 1967—	
Mooring Amendment Regulations 2001	3801
Navigable Waters Amendment Regulations (No. 2) 2001	3799-3800
Ports and Harbours Amendment Regulations 2001	3802-3
Western Australian Marine Act 1982—	
Mooring Amendment Regulations 2001	3801
Navigable Waters Amendment Regulations (No. 2) 2001	3799-3800
W.A. Marine Amendment Regulations 2001	3803-13

PART 2

Censorship.....	3829-31
Electoral	3832
Environmental Protection	3832-4
Health.....	3834-5
Justice.....	3835
Library Board.....	3835
Local Government.....	3835-41
Planning	3841-73
Police	3873
Premier and Cabinet.....	3873
Public Notices—	
Charitable Trusts.....	3877
Deceased Estates	3876-7
Racing, Gaming and Liquor	3874
Water	3874-6

IMPORTANT COPYRIGHT NOTICE

© State of Western Australia

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without written permission from the Attorney General for Western Australia. Inquiries in the first instance should be directed to the Government Printer, State Law Publisher, 10 William St, Perth 6000.

PUBLISHING DETAILS

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.

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 must be lodged with the Sales and Editorial Section, State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

Postal address:

State Law Publisher
P.O. Box 8448,
Perth Business Centre 6849

Delivery address:

State Law Publisher
Ground Floor,
10 William St. Perth, 6000
Telephone: 9321 7688 Fax: 9321 7536

- Inquiries regarding publication of notices can be directed to the Editor on (08) 9426 0010.
- 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 2001 (Prices include GST).

Deceased Estate notices, (per estate)—\$20.55

Real Estate and Business Agents and Finance Brokers Licences, (per notice)—\$48.00

Other articles in Public Notices Section—\$48.00 (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—\$9.55

Bulk Notices—\$178.20 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*

STATE RECORDS ACT 2000

52 of 2000

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.]	}	By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.
---	---	--

I, the Governor, acting under section 2 of the *State Records Act 2000* and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which the provisions of that Act, other than Parts 2 to 7 (inclusive) and sections 76, 78, 79, 80, 81, 83 and 84, come into operation.

Given under my hand and the Public Seal of the State on 24 July 2001.

By Command of the Governor,

S. M. McHALE, MLA, Minister for Culture and the Arts.

GOD SAVE THE QUEEN !

AA201*

COURTS LEGISLATION AMENDMENT ACT 2000

27 of 2000

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.]	}	By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.
---	---	--

I, the Governor, acting under section 2 of the *Courts Legislation Amendment Act 2000*, and with the advice and consent of the Executive Council fix 28 July 2001 as the day on which sections 6, 7 and 21 to 25 of that Act come into operation.

Given under my hand and the Public Seal of the State on 24 July 2001.

By Command of the Governor,

JIM MCGINTY, Attorney General.

GOD SAVE THE QUEEN !

MINERALS AND ENERGY

MN301*

Mines Safety and Inspection Act 1994

Mines Safety and Inspection Amendment Regulations 2000

Made by the Administrator in Executive Council.

1. Citation

These regulations may be cited as the *Mines Safety and Inspection Amendment Regulations 2000*.

2. The regulations amended

The amendments in these regulations are to the *Mines Safety and Inspection Regulations 1995**

[* Reprinted as at 17 October 1997.

For amendments to 31 July 2000 see 1999 Index to Legislation of Western Australia, Table 4, p. 190, and Gazette 23 June 2000.]

3. Regulation 3.50 amended

- (1) Regulation 3.50(2) is amended by deleting “Australian Map Grid (AMG)” and inserting instead —

“ Map Grid of Australia 1994 ”.

- (2) Regulation 3.50(3) is amended by deleting “AMG” and inserting instead —

“ Map Grid of Australia 1994 ”.

4. Regulation 3.51 amended

Regulation 3.51(1)(a)(ii) is amended by deleting “Australian Map Grid;” and inserting instead —

“ Map Grid of Australia 1994; ”.

By Command of the Administrator,

ROD SPENCER, Clerk of the Executive Council.

TRANSPORT

TR301*

Marine Navigational Aids Act 1973

**Marine Navigational Aids Amendment
Regulations 2001**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Marine Navigational Aids Amendment Regulations 2001*.

2. Commencement

These regulations come into operation on 1 August 2001.

3. Schedule amended

The Schedule to the *Marine Navigational Aids Regulations 1985** is amended as follows:

- (a) in item (a) by deleting “\$88.00” and inserting instead —
“ \$90.20 ”;
- (b) in item (b) by deleting “\$114.40” and inserting instead —
“ \$117.70 ”;
- (c) in item (c) by deleting “\$168.30” and inserting instead —
“ \$172.70 ”;
- (d) in item (d) by deleting “\$258.50” and inserting instead —
“ \$265.10 ”;
- (e) in item (e) by deleting “\$393.80” and inserting instead —
“ \$403.70 ”;
- (f) in item (f) by deleting “\$616.00” and inserting instead —
“ \$631.40 ”.

[* Reprinted as at 11 February 2000.
For amendments to 28 June 2001 see 2000 Index to
Legislation of Western Australia, Table 4, p. 218.]

By Command of the Governor,

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

TR302*

Shipping and Pilotage Act 1967
Jetties Act 1926
Western Australian Marine Act 1982

Navigable Waters Amendment Regulations (No. 2) 2001

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Navigable Waters Amendment Regulations (No. 2) 2001*.

2. Commencement

These regulations come into operation on 1 August 2001.

3. The regulations amended

The amendments in these regulations are to the *Navigable Waters Regulations**.

[* Reprinted as at 3 March 2000.

For amendments to 28 June 2001 see 2000 Index to Legislation, Table 4, p. 325 and Gazette 8 May 2001.]

4. Regulation 45B amended

- (1) Regulation 45B(3a)(b) is amended by deleting the Table to the paragraph and inserting the following table instead —

“

Table of fees

Where the length of the vessel is —

(i) less than 5 m	\$51.20
(ii) 5 m or over but less than 10 m	\$100.40
(iii) 10 m or over but less than 20 m	\$186.50
(iv) 20 m or over	\$255.20

”.

- (2) Regulation 45B(4) is amended by deleting “\$23.50” and inserting instead —

“ \$24.10 ”.

5. Regulation 45BAA amended

Regulation 45BAA(4)(g) is amended by deleting “\$19.00” and inserting instead —

“ \$24.10 ”.

6. Regulation 45BA amended

- (1) Regulation 45BA(2) is amended by deleting “\$211” and inserting instead —

“ \$216.00 ”.

- (2) Regulation 45BA(3) is amended by deleting “\$159” and inserting instead —

“ \$163.00 ”.

- (3) Regulation 45BA(6a)(b) is amended by deleting “\$58.” and inserting instead —

“ \$59.00. ”.

By Command of the Governor,

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

TR303*

Shipping and Pilotage Act 1967
Western Australian Marine Act 1982

Mooring Amendment Regulations 2001

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Mooring Amendment Regulations 2001*.

2. Commencement

These regulations come into operation on 1 August 2001.

3. Schedule 2 replaced

Schedule 2 to the *Mooring Regulations 1998** is deleted and the following Schedule is inserted instead —

“

Schedule 2 — Fees

Item		Fee
1	Application for mooring licence (r. 9(1)(c))	\$45.10
2	Annual mooring licence fee (r. 12(1)(c), 13)	\$220.00
3	Late fee (r. 13)	\$45.10
4	Exchange of mooring licence (r. 15(2)(b))	\$45.10
5	Application for transfer of mooring licence (r. 16(2)(b))	\$45.10
6	Substitution of licensed vessel (r. 25(5))	\$45.10
7	Application to register additional vessel (r. 27(e))	\$45.10

”

[* Published in Gazette 11 December 1998, p. 6661-78.]

By Command of the Governor,

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

TR304*

Shipping and Pilotage Act 1967

Ports and Harbours Amendment Regulations 2001

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Ports and Harbours Amendment Regulations 2001*.

2. Commencement

These regulations come into operation on 1 August 2001.

3. The regulations amended

The amendments in these regulations are to the *Ports and Harbours Regulations**.

[* *Published in Gazette 3 February 1966, p. 277-92*
For amendments to 28 June 2001 see 2000 Index to
Legislation of Western Australia, Table 4, p. 325-8.]

4. Regulation 14 amended

Regulation 14(3) is repealed and the following subregulation is inserted instead —

“

- (3) Where a second pilot is engaged to assist, an additional charge equal to half the amount payable for the first pilot is payable to a maximum of \$3 582.70 in respect of each occasion on which that vessel is required to be so piloted.

”

5. Third Schedule amended

- (1) The Third Schedule Part II item 1 is deleted and the following item is inserted instead —

“

1 Conservancy dues payable in respect of any vessel, other than a fishing vessel or a vessel referred to in regulation 18(1)(a) to (j), on the day of first entry of that vessel —

- (a) subject to paragraph (b), where the length of the vessel exclusive of bowsprit —
- | | |
|---|----------|
| (i) does not exceed 6 m | \$90.20 |
| (ii) exceeds 6 m but does not exceed 10 m | \$117.70 |

- | | | |
|-------|---|---------------|
| (iii) | exceeds 10 m but not exceed 20 m | \$172.70 |
| (iv) | exceeds 20 m but does not exceed 30 m | \$265.10 |
| (v) | exceeds 30 m but does not exceed 50 m | \$403.70 |
| (vi) | exceeds 50 m but does not exceed 70 m | \$631.40 |
| (b) | where vessel enters port for coal, fuel oil, supplies or orders, and not loading or unloading cargo or taking on more than ten passengers | \$80.30
”. |
- (2) The Third Schedule Part II item 4(1) is deleted and the following subitem is inserted instead —
- “
- | | | |
|-----|--|----------|
| 4 | (1) Conservancy dues payable in respect of the use by a fishing vessel of — | |
| | <ul style="list-style-type: none"> • the Emu Point Fishing Boat Harbour, Albany; • the Fishing Boat Harbour, Carnarvon; • the Bandy Creek Small Boat Harbour, Esperance; • the Fishing Boat Harbour, Fremantle; • the Inner Harbour, Geraldton; or • the Fishing Boat Harbour, Port Denison, | |
| | for a period of 12 months ending on 30 June, where the length of the vessel exclusive of the bowsprit — | |
| (a) | does not exceed 6 m | \$90.20 |
| (b) | exceeds 6 m but does not exceed 10 m | \$117.70 |
| (c) | exceeds 10 m but does not exceed 20 m | \$172.70 |
| (d) | exceeds 20 m but does not exceed 30 m | \$265.10 |
| (e) | exceeds 30 m but does not exceed 50 m | \$403.70 |
| (f) | exceeds 50 m | \$631.40 |
- ”.

By Command of the Governor,

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

TR305*

Western Australian Marine Act 1982

W. A. Marine Amendment Regulations 2001

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *W. A. Marine Amendment Regulations 2001*.

2. Commencement

These regulations come into operation on 1 August 2001.

3. *W.A. Marine (Certificates of Competency and Safety Manning) Regulations 1983* amended

Schedule 3 to the *W.A. Marine (Certificates of Competency and Safety Manning) Regulations 1983** is repealed and the following Schedule is inserted instead —

“

Schedule 3 — Fees

[r. 31A]

Reg.	Subject matter	Fee
9(1)	Addition or deletion of endorsement:	\$52
9(2)	Approval of foreign certificate:	\$52
10(1)	Revalidation of certificate:	\$42
14	Issue of replacement certificate:	\$32
17(1)	Registration of application for Certificate of Competency (fee includes 2 oral examinations):	\$90
17(1)	Further examinations if required: oral examination conducted at a place or time outside normal scheduled period or location (at request of examinee):	\$42/examination \$84/hour for an examiner \$54/hour for a clerk
27A(3)	Issue of Certificate of Proficiency:	\$8
28	Determination of manning requirements:	\$22
29(1)	Issue of dispensation:	\$52

”.

[* Reprinted as at 30 July 1997.

For amendments to 10 July 2001 see 2000 Index to Legislation of Western Australia, Table 4, p. 396.]

4. *W.A. Marine (Hire and Drive Vessels) Regulations 1983* amended

Regulation 4(2)(e) of the *W.A. Marine (Hire and Drive Vessels) Regulations 1983** is amended as follows:

- (a) in substituted clause 3.1.2(1)(b) by deleting “\$262.90” and inserting instead —
“ \$269.50 ”;
- (b) in substituted clause 3.1.2(3)(b) by deleting “\$130.90” and inserting instead —
“ \$134.20 ”;
- (c) in substituted clause 3.1.3(m) by deleting “\$50.60” and inserting instead —
“ \$51.70 ”.

[* Reprinted as at 9 March 2001.]

5. *W.A. Marine (Radiotelephony) Regulations 1981 amended*

Regulation 16 of the *W.A. Marine (Radiotelephony) Regulations 1981** is amended as follows:

- (a) in subregulation (2a) by deleting “\$250.80” and inserting instead —
“ \$257.40 ”;
- (b) in subregulation (2b) by deleting “\$125.40” and inserting instead —
“ \$128.70 ”.

[* Reprinted as at 16 February 2001.]

6. *W.A. Marine (Surveys and Certificates of Survey) Regulations 1983 amended*

Schedule 1 to the *W.A. Marine (Surveys and Certificates of Survey) Regulations 1983** is repealed and the following Schedule is inserted instead —

“

Schedule 1 — Fees

[r. 4A]

1. Survey Fees

- (a) Subject to paragraph (b), the standard fees for examination of plans of a vessel, initial surveys and subsequent surveys are as follows —

Length of vessel (metres)	Examination of plans (\$)	Initial survey (\$)	Subsequent surveys (\$)
Not exceeding 5	326.70	458.70	135.30
Over 5 but not exceeding 6	378.40	631.40	161.70
Over 6 but not exceeding 7	412.50	889.90	196.90
Over 7 but not exceeding 8	531.30	1 181.40	212.30
Over 8 but not exceeding 9	654.50	1 538.90	227.70
Over 9 but not exceeding 10	767.80	1 892.00	240.90
Over 10 but not exceeding 11	946.00	2 274.80	265.10
Over 11 but not exceeding 12	1 124.20	2 663.10	291.50
Over 12 but not exceeding 13	1 298.00	3 047.00	319.00
Over 13 but not exceeding 14	1 481.70	3 428.70	343.20
Over 14 but not exceeding 15	1 659.90	3 813.70	369.60
Over 15 but not exceeding 16	1 830.40	4 199.80	392.70
Over 16 but not exceeding 17	2 007.50	4 583.70	420.20
Over 17 but not exceeding 18	2 191.20	4 967.60	446.60
Over 18 but not exceeding 19	2 361.70	5 351.50	470.80
Over 19 but not exceeding 20	2 539.90	5 737.60	499.40
Over 20 but not exceeding 21	2 745.60	6 150.10	535.70

Length of vessel (metres)	Examination of plans (\$)	Initial survey (\$)	Subsequent surveys (\$)
Over 21 but not exceeding 22	2 952.40	6 562.60	577.50
Over 22 but not exceeding 23	3 159.20	6 975.10	618.20
Over 23 but not exceeding 24	3 370.40	7 394.20	654.50
Over 24 but not exceeding 25	3 572.80	7 803.40	691.90
Over 25 but not exceeding 26	3 786.20	8 214.80	730.40
Over 26 but not exceeding 27	3 987.50	8 627.30	767.80
Over 27 but not exceeding 28	4 199.80	9 047.50	810.70
Over 28 but not exceeding 29	4 402.20	9 460.00	848.10
Over 29 but not exceeding 30	4 609.00	9 869.20	886.60
Over 30 but not exceeding 31	4 844.40	10 313.60	938.30
Over 31 but not exceeding 32	5 084.20	10 763.50	992.20
Over 32 but not exceeding 33	5 315.20	11 202.40	1 041.70
Over 33 but not exceeding 34	5 555.00	11 647.90	1 095.60
Over 34 but not exceeding 35	5 790.40	12 090.10	1 147.30
Over 35 but not exceeding 36	6 029.10	12 532.30	1 199.00
Over 36 but not exceeding 37	6 271.10	12 973.40	1 252.90
Over 37 but not exceeding 38	6 499.90	13 424.40	1 299.10
Over 38 but not exceeding 39	6 738.60	13 863.30	1 350.80
Over 39 but not exceeding 40	6 975.10	14 306.60	1 403.60
Over 40 but not exceeding 41	7 243.50	14 776.30	1 472.90
Over 41 but not exceeding 42	7 506.40	15 251.50	1 536.70
Over 42 but not exceeding 43	7 771.50	15 730.00	1 599.40
Over 43 but not exceeding 44	8 039.90	16 194.20	1 665.40
Over 44 but not exceeding 45	8 305.00	16 676.00	1 730.30
Over 45 but not exceeding 46	8 570.10	17 141.30	1 791.90
Over 46 but not exceeding 47	8 837.40	17 613.20	1 857.90
Over 47 but not exceeding 48	9 101.40	18 090.60	1 921.70
Over 48 but not exceeding 49	9 372.00	18 561.40	1 985.50
Over 49 but not exceeding 50	9 634.90	19 032.20	2 052.60
Over 50	9 897.80	19 506.30	2 115.30

(b) The fees set out in paragraph (a) are subject to the following variations —

(i) for vessels under construction —

(A) The fee for examination of plans provides for the examination of the initial plans and one amendment. Fee for a second and each further amendment to plans: \$101.20/hour

- (B) If plans are changed to change class of the vessel or to add a class, fee for examination of plans:
- (a) \$101.20/hour; or
 (b) the sum of the amounts set out in item 1(b)(ii)(H)(I) and (II),
 whichever is greater
- (C) If vessel is to be issued with a Classification Certificate in respect of its hull and machinery by a recognised Classification Society —
- (I) fee for examination of plans: 50% of fee for examination of plans set out in item 1(a)
 (II) fee for initial survey: 50% of fee for initial survey set out in item 1(a)
- (D) If vessel is to be issued with a Classification Certificate in respect of its hull only, or machinery only, by a recognised Classification Society —
- (I) fee for examination of plans: 75% of fee for examination of plans set out in item 1(a)
 (II) fee for initial survey: 75% of fee for initial survey set out in item 1(a)
- (E) Where a vessel is to be built and surveyed during construction to the Uniform Shipping Laws (USL) code, for hull structure only, the fee to be paid is —
- (I) fee for examination of plans: 50% of fee for examination of plans set out in item 1(a)
 (II) fee for initial survey: 50% of fee for initial survey set out in item 1(a)
- (F) Where a vessel is to be built and surveyed during construction to the Uniform Shipping Laws (USL) code, for hull structure and machinery only, the fee to be paid is —
- (I) fee for examination of plans: 75% of fee for examination of plans set out in item 1(a)

- | | | |
|---|-------------------------------|--|
| (II) | fee for initial survey: | 75% of fee for initial survey set out in item 1(a) |
| (G) Where a vessel that has been built and surveyed during construction to the Uniform Shipping Laws (USL) code, for hull structure and machinery only, and is now surveyed for fire, safety and miscellaneous equipment, the fee to be paid is — | | |
| (I) | fee for examination of plans: | 25% of fee for examination of plans set out in item 1(a) |
| (II) | fee for initial survey: | 25% of fee for initial survey set out in item 1(a) |
| (H) If vessel is a commercial ski boat: | | |
| (I) | fee for examination of plans: | 50% of fee for examination of plans set out in item 1(a) |
| (II) | fee for initial survey: | 100% of fee for subsequent survey set out in item 1(a) |
| (I) If vessel is to be built in accordance with plans approved in respect of another vessel, and is to be used for the same operations, fee for examination of plans | | |
| | | Nil |
| (ii) for existing vessels — | | |
| (A) The fee for annual or subsequent survey provides for the initial survey and one further inspection to clear a deficiency notice. Fee for a second and each further inspection to complete a survey: | | |
| | | \$101.20/hour plus travel expenses |
| (B) If vessel is in more than one class, fee for subsequent surveys: | | |
| | | Fee for subsequent surveys set out in item 1(a) plus 50% of that fee for each additional class |
| (C) If class of vessel to be changed or a class is to be added — | | |

- | | |
|---|--|
| (I) examination of plans: | (a) \$101.20/hour plus fee for issue of new certificate of survey; or
(b) the sum of the amounts set out in item 1(b)(ii)(H)(I) and (II),
whichever is greater |
| (II) conducting survey: | (a) \$101.20/hour; or
(b) the sum of the amounts set out in item 1(b)(ii)(H)(I) and (II),
whichever is greater |
| (D) If vessel is to be surveyed for the first time in WA and has a current Classification Certificate in respect of its hull and machinery issued by a recognised Classification Society — | |
| (I) fee for examination of plans: | 50% of fee for examination of plans set out in item 1(a) |
| (II) fee for initial survey: | 50% of fee for initial survey set out in item 1(a) |
| (E) If vessel is to be surveyed for the first time in WA and has a current Classification Certificate in respect of its hull only, or machinery only, issued by a recognised Classification Society — | |
| (I) fee for examination of plans: | 75% of fee for examination of plans set out in item 1(a) |
| (II) fee for initial survey: | 75% of fee for initial survey set out in item 1(a) |
| (F) If vessel has a current Classification Certificate in respect of its hull and machinery issued by a recognised Classification Society, fee for subsequent surveys: | |
| | 50% of fee for subsequent surveys set out in item 1(a) |

- (G) If vessel has a current Classification Certificate in respect of its hull only, or machinery only, issued by a recognised Classification Society, fee for subsequent surveys: 75% of fee for subsequent surveys set out in item 1(a)
- (H) If significant alterations are to be made to vessel —
- (I) fee for examination of plans: 10% of fee for examination of plans set out in item 1(a) if structure requires assessment plus a further 10% of that fee for each of the following that require reassessment —
- machinery
 - accommodation, water tight arrangements, or structural fire protection;
 - equipment
- (II) fee for initial survey: 10% of fee for initial survey set out in item 1(a) if structure requires assessment plus a further 10% of that fee for each of the following that require reassessment —
- machinery
 - accommodation, water tight arrangements, or structural fire protection;
 - equipment
- (I) If Certificate of Survey previously issued in respect of vessel but not currently valid for the purposes of the Australian Marine Authority, the fee for reissue is —
- (I) fee for examination of plans: 50% of fee for examination of plans set out in item 1(a)

- | | |
|--|--|
| (II) fee for initial survey: | 150% of fee for subsequent survey set out in item 1(a) |
| (J) If vessel not fitted with deck structure or machinery: | 50% of fees set out in item 1(a) may apply |

Note: Hourly fees are charged per hour or part thereof.

2. Other Fees and Charges

The following fees are payable in relation to the matters set out in this item —

- | | |
|---|------------------------------------|
| (a) issue of certificate of survey where the Department accepts a certificate of survey issued by another marine authority: | \$73.70 |
| (b) extension of period of validity of certificate of survey: | \$73.70 |
| (c) issue of replacement or copy of certificate of survey: | \$73.70 |
| (d) pressure vessel — | |
| (i) examination of the plans (*see note 1): | \$101.20/hour |
| (ii) initial survey and test: | \$101.20/hour |
| (e) crane installation on a vessel — | |
| (i) examination of the plans (*see note 1): | \$101.20/hour |
| (ii) survey and test: | \$101.20/hour |
| (f) towage permit — | |
| (i) inspection of towage arrangement before the issue of permit: | \$101.20/hour plus travel expenses |
| (ii) issue of permit: | \$73.70 |
| (g) permit to operate — | |
| (i) inspection before the issue of a permit: | \$101.20/hour plus travel expenses |
| (ii) issue of permit: | \$73.70 |
| (h) permit to trial — | |
| (i) inspection before the issue of permit: | \$101.20/hour plus travel expenses |
| (ii) issue of permit: | \$73.70 |
| (i) data checking — | |
| (i) Check of Vessel Stability Data categories S, T, C.4, M, C.11, C.12.7.1, C.14.1 — | |
| (I) cost for first category or class: | \$506 |
| (II) cost for each additional category or class: | \$253 |

(ii)	Check of Vessel Stability for remaining categories (*see note 1) —	
	(I) cost for first category or class †:	\$1 518
	(II) cost for each additional category or class †:	\$506
	(III) cost for each additional category S, T, C.4, M, C.11, C.12.7.1, C.14.1	\$253
	† The fees for these remaining categories will be subject to a 50% reduction if complete technical information is supplied in an electronic form compatible with the software held at the Department. (Software submission format: HYDROMAX, WOLFSON, MAST.)	
(iii)	Checking of lightship data	\$506
(j)	attendance at inclining experiment, roll period test, authorised practical stability test or lightship test:	\$506
(k)	issue of Load Line Certificate:	\$50.60/m x length of vessel
(l)	surveyor required to attend a vessel, site or meeting:	\$101.20/hour plus travel expenses
(m)	performance of survey or service during overtime hours, weekends or public holidays (in addition to other applicable fees):	\$121.00/hour
(n)	request for information requiring search of —	
	(i) printed records:	\$91.30/hour, minimum charge \$91.30
	(ii) computer records:	\$101.20/hour, minimum charge \$101.20
(o)	photocopying:	90c/page
(p)	for a surveyor to attend a vessel, site, meeting or other survey or service outside the metropolitan area, on the request of the owner:	73c/km travelled by car

- Notes: 1. The fees for examination of plans and for checking stability data [items marked (*)] allow for returning plans/data to the applicant for one amendment. If further amendment or checking is required, the fee for the surveyor's time for checking, examining and approving plans or data is \$101.20/hour.
2. Hourly fees are charged per hour or part of an hour.
3. Fees provided for in this item may be waived if, in the opinion of the chief executive officer —
- the service is delivered in the interest of the Commercial Safety section (e.g. extension of survey where surveyor unavailable); or
 - the service is a remedy to an oversight or delay for which the regulations have not allowed (e.g. permit to operate issued if Certificate of Survey is authorised, but cannot be printed).

3. Fees for Hire and Drive Vessels

The survey fees for vessels licensed under the *W.A. Marine (Hire and Drive Vessels) Regulations 1983* are as follows —

(a) power boats not exceeding 5 m in length:	\$66.00
(b) sailing boats:	\$66.00
(c) boats propelled exclusively by oars or paddles:	\$40.70
(d) all other boats exceeding 5 m in length (including houseboats):	fees set out in item 1

4. Annual exemption fee

The annual exemption fee where the length of the vessel —

(a) does not exceed 5 m:	\$55.00
(b) exceeds 5 m but does not exceed 10 m:	\$108.90
(c) exceeds 10 m but does not exceed 20 m:	\$201.30
(d) exceeds 20 m but does not exceed 30 m:	\$275.00
Recording of transfer of vessel:	\$27.50

”.

[* Reprinted as at 30 July 1997.

*For amendments to 10 July 2001 see 2000 Index to
Legislation of Western Australia, Table 4, p. 400.]*

By Command of the Governor,

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

TR306*

Jetties Act 1926

Jetties Amendment Regulations 2001

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Jetties Amendment Regulations 2001*.

2. Commencement

These regulations come into operation on 1 August 2001.

3. The regulations amended

The amendments in these regulations are to the *Jetties Act Regulations 1940**.

[* Reprinted as at 10 December 1999.

For amendments to 9 July 2001 see 2000 Index to Legislation of Western Australia, Table 4, p. 185-6.]

4. Regulation 3 amended

- (1) Regulation 3 is amended by inserting before “In” the subregulation designation “(1)”.
- (2) At the end of regulation 3 the following subregulation is inserted —

“

- (2) For the purposes of calculation of fees, charges or dues under these regulations —

“**day**” means a period of 24 hours;

“**week**” means 7 consecutive days.

”.

5. Appendix I amended

- (1) Appendix I Part 2 is amended in the item headed “Bremer Bay” by deleting

“

2 000 tonnes or over	\$22/tonne
----------------------	------------

”

and inserting instead —

“

2 000 tonnes or over	\$22/tonne
General Cargo Wharfage fee (fish bait exempt)	\$22/tonne or m ³

”.

- (2) Appendix I Part 8 Division 1 is amended as follows:
 - (a) in the heading to the item **headed “All ports, or where no specific charge applies”** by deleting “ports” and inserting instead —

“ **locations** ”;

- (b) by deleting the item headed “Princess Royal Harbour (Albany)” and inserting the following item instead —

“

Princess Royal Harbour (Albany)

Use of water:	\$3.67/day or, if metering indicates that water usage is occurring in excess of \$3.67/ day, at cost
Use of 3-phase power:	\$25.30
Use of single-phase power:	\$6.33/day or, if metering indicates that electric power usage is occurring in excess of \$6.33/day, at cost

”.

- (3) Appendix I Part 8 Division 2 is amended as follows:

- (a) by deleting the item headed “Casuarina Boat Harbour (Bunbury)” and inserting the following item instead —

“

Casuarina Boat Harbour (Bunbury)

All Vessels (per day on the slipway):	\$77.00
Haulage charge (includes hauls up and down)	\$96.80
Fee for use of Transport land adjacent to the slipway for maintenance or storage	
for the first 30 days (per day or part of a day)	\$5.50
exceeding 30 days (per day or part of a day)	\$22.00

”.

- (b) by deleting the items headed “Princess Royal Harbour (Albany)” and “Shark Bay Boat Harbour (Denham)” and inserting the following items instead —

“

Princess Royal Harbour (Albany)

Slippage Fees —	
Vessels not exceeding 100 Gross Registered Tons —	
Vessels not exceeding 15 m:	\$127.60
Vessels over 15 but not exceeding 20 m:	\$205.70
Vessels over 20 but not exceeding 25 m:	\$256.30
Vessels over 25 m:	\$385.00
Vessels over 100 but not exceeding 200 Gross Registered Tons:	\$1 249.60
Vessels over 200 Gross Registered Tons:	\$2 472.80
Operator’s Time — At cost with a minimum for each service:	\$310.20

Shark Bay Boat Harbour (Denham)

Slippage Fees —	
Vessels not exceeding 12 m:	\$66.00
Vessels over 12 m:	\$77.00
Haulage charge (where vessel is hauled onto the slipway ramp “short term” for a Transport Marine Safety Inspection) per vessel	\$82.50
Haulage charge — all other vessels	\$132.00
Slipway Ramp Fee (commercial vehicles only - where owner removes vessel without use of Transport services) per vessel	\$22.00

”.

6. Appendix IA amended

- (1) Appendix IA Part 1 is amended by deleting the item headed “Swan and Canning Rivers”, and the note to that item, and inserting instead —

“

Swan and Canning Rivers

[Reg. 70B]

For other jetties provided by the Department —	
Commercial or Charter Vessels — annual rate	\$220.00 per vessel
— daily scheduled use rate	\$33.00 per month per daily allocated time period

Note: The scheduled use rate is an additional fee for allocation of specific daily time periods at public jetties for use by a vessel on a scheduled basis (whether or not the jetty is actually used).

”.

- (2) Appendix IA Part 2 is amended by deleting the item headed “Hillarys Boat Harbour”, and the notes to that item, and inserting instead —

“

Hillarys Boat Harbour

[Reg. 72]

Annual Fee:	\$286.00/ m x length of vessel with a minimum annual fee as follows:	
	10m pen	\$2 288 minimum
	12m pen	\$2 860 minimum
	13m pen	\$2 860 minimum
	15m pen	\$3 432 minimum
	18m pen	\$4 290 minimum
	25m pen	\$4 290 minimum

6 Monthly Fee:	60% of annual fee
3 Monthly Fee:	40% of annual fee
Monthly Fee:	15% of annual fee
Daily Casual Fee:	\$38.50/day (all vessels)
Short-term use (up to 3 hours)	\$22.00/3 hours (all vessels)
'Live on Board' Fee:	\$55/month per vessel

- Notes: 1. Commercial fishing vessels that have paid the annual fees at a Departmental Harbour will be charged 66% of the above fee.
2. A discount of 7.7 % applies for fixed (ie. non-floating) pens.
3. Commercial fishing vessels may pre-pay for casual daily use, for a cumulative equivalent number of days by paying any of the above period fees.

”

7. Appendix III amended

Appendix III is deleted and the following Appendix is inserted instead —

“

Appendix III

Part 1 — Pen and Berthage Fees (other than Port of Perth)

[Reg. 94A]

Note: All Daily Casual Fees are charged per day or part of a day.

1. Augusta

Shared use of jetty —	
Annual Fee:	\$404.25
Daily Casual Fee:	\$3.30/m x length of vessel

2. Bandy Creek Boat Harbour (Esperance)

Annual Fee: (Serviced pens — paid annually):	\$193.60/m x length of vessel
(Partially serviced pens — paid annually):	
Recreational vessel	\$135.30/m x length of vessel
Commercial vessel	\$155.10/m x length of vessel
(paid monthly):	10% of annual fee
Monthly Fee:	20% of annual fee
Monthly Fee — paid in advance (minimum of 3 months):	10% of annual fee

Daily Casual Fee:	
Recreational vessel	\$3.30/m x length of vessel
Commercial vessel	\$5.50/m x length of vessel
Short-term use (per 3 hours)	\$2.75/m x length of vessel
Electric Power Charge	
Single phase	At cost
3-phase metered	At cost
3-phase unmetered	\$22.00/day or part of a day
Boat Launching Ramp fee (Commercial vessels only):	
Annual fee per vessel	\$550.00
Monthly fee per vessel	\$110.00
Fee for crane use of wharf/hardstand to lift vessels to and from harbour	\$165.00 per lift
'Live on Board' Fee:	\$33.00/vessel per month

3. Batavia Coast Boat Harbour

Annual Fee:	
(paid annually):	\$138.60/m x length of vessel
(paid monthly):	10% of annual fee
Monthly Fee:	15% of annual fee
Weekly Fee:	\$26.40/m x length of vessel
Daily Casual Fee:	\$4.40/m x length of vessel
'Live on Board' Fee:	\$27.50 per vessel per month

4. Beadon Creek Boat Harbour (Onslow)

Berthage/Use of Service Jetty	
Daily Casual Fee (per day or part of a day):	\$5.50/m x length of vessel
Casual Berthage Fee (for short term use, e.g. 1 to 2 hours) —	
Annual fee	\$82.50/m x length of vessel
Monthly fee	20% of annual fee
Daily fee	\$2.75/m x length of vessel
Shared use of facilities (including mooring piles, service wharf to load, unload or for maintenance, extended berthing, access during cyclone alerts)	
Annual fee (paid annually)	\$220/m x length of vessel
(paid monthly)	10% of annual fee
Monthly fee	20% of annual fee
Daily fee	\$5.50/m x length of vessel

Fee for use of Service Jetty Hardstanding Area for storage or maintenance —	
For the first 30 days:	\$5.50/day or part of a day
After 30 days:	\$22.00/day or part of a day
3-phase electric power charges — (all vessels):	At cost
Service charges — water and electric power (single phase) when berthed at private jetties and drawing water or single phase power from service jetty outlets:	\$5.50/day or part of a day but, if any large drawing of water occurs and the value of the water exceeds \$5.50, the water to be charged at cost
water and electric power (single phase) when using the service jetty hardstand for storage or maintenance:	Charge forms a part of berthage fee

Note: No fee is payable for vessels seeking and being granted accommodation on the hardstand purely during the course of a cyclone event.

5. Bremer Bay

Berthage Fee (per day or part of a day) To be paid by users of service jetty:	\$5.50/m x length of vessel
Casual Berthage Fees for Short Term Use For charter vessels or combined charter/fishing vessels that have paid mooring fees, and use the jetty for passenger transfer or maintenance per annum per day (or part of a day)	\$66.00/metre x length of vessel \$2.75/metre x length of vessel
Electric Power Charge 3-phase Single phase (for vessels not paying wharfage or berthage fee)	\$22.00/12 hour period \$5.50/day
Water Charge (for vessels not paying wharfage or berthage fee)	\$5.50/day but, if any large drawing of water occurs and the value of the water exceeds \$5.50, the water to be charged at cost

Note: The Berthage Fee is only payable by the users of the service jetty who are not paying wharfage on loaded or unloaded fishing products (see Appendix I Part 2).

6. Carnarvon Boat Harbour

Standard Fee —	
Annual Fee: (paid annually):	\$181.50/m x length of vessel
(paid monthly):	10% of annual fee
Monthly Fee:	20% of annual fee

Monthly Fee paid in advance (minimum of 3 months)	12% of annual fee
Daily Casual Fee:	\$3.40/m x length of vessel
Shared use of Snapper Jetty/low level landing and attached partly serviced mooring pens	
Annual Fee: (paid annually):	\$165.55/m x length of vessel
(paid monthly):	10% of annual fee
4-Monthly Seasonal Fee:	48% of annual fee
Monthly Fee:	20% of annual fee
Monthly Fee paid in advance: (minimum of 3 months)	12% of annual fee
Daily Casual Fee:	\$3.40/m x length of vessel
Electric Power Charge (3-phase)	\$22.55/day or part of a day
'Live on Board' Fee:	\$28.60/vessel per month

7. Casuarina Boat Harbour (Bunbury)

General:	
Annual Fee: (paid annually):	\$182.60/m x length of vessel
(paid monthly):	10% of annual fee
Monthly Fee:	15% of annual fee
Daily Casual Fee:	\$3.30/m x length of vessel (per day or part of a day)
Extended Berthage at Service Jetty —	
Annual Fee: (paid annually):	\$182.60/m x length of vessel
(paid monthly):	10% of annual fee
Monthly Fee:	15% of annual fee
'Live on Board' Fee:	\$33.00 per month per vessel

8. Emu Point Boat Harbour (Albany)

Annual Fee: (paid annually): Recreational vessel	\$149.60/m x length of vessel
Commercial vessel less than 18m	\$165.00/m x length of vessel
18m or over	\$195.80/m x length of vessel
(paid monthly):	10% of annual fee
Monthly Fee:	10% of annual fee
Daily Casual Fee:	\$5.50/m x length of vessel

Short Term Use Fee (for use of service jetty by vessels for which mooring, berthage or pen fees not paid)/day – short term use —	
Annual Fee	\$101.20/m x length of vessel
Daily Casual Fee	\$3.30/m x length of vessel
Electric power — 3-phase	\$25.30/day or part of a day

9. Exmouth

Charter Boat Pens:	
Annual Fee: (paid annually):	\$323.40/m x length of vessel
(paid monthly):	10% of annual fee
Monthly Fee: (Sept. to May):	20% of annual fee
Monthly Fee: (June to August):	30% of annual fee
Daily Casual Fee:	\$5.50/m x length of vessel plus a service fee of \$2.75 per person
Transient Recreational Vessel Daily Casual Fee (If General purpose Pen is unavailable) per day:	\$3.30/m x length of vessel plus a service fee of \$2.75 per person
Charter Boat Passenger Transfer Pen (Daily casual fee):	
Vessel with Harbour Pen:	No Charge
Vessel with Harbour Mooring	\$4.40/m x length of vessel
Vessel without Mooring or Pen, and not paying a Shared Use fee:	\$5.50/m x length of vessel
General Purpose Pens:	
Annual Fee: (paid annually):	\$280.50/m x length of vessel
(paid monthly):	10% of annual fee
Monthly Fee:	20% of annual fee
Monthly Fee (minimum of 3 months, between 1 November and 30 March, and paid in advance):	10% of annual fee
Weekly Casual Fee:	\$19.80/m x length of vessel
Daily Casual Fee:	\$3.30/m x length of vessel plus a service fee of \$2.75 per person

Note: Charter vessels berthing in General Purpose Pens are to pay the same fees as if berthed in a Charter Boat Pen.

Trawler Pens:	
Annual Fee: (paid annually):	\$225.50/m x length of vessel
(paid monthly):	10% of annual fee
Monthly Fee:	20% of annual fee

Daily Casual Fee	\$4.40/m x length of vessel
Shared Use of Berthing & Mooring Pens (for those vessels not allocated a permanent mooring pen - and subject to availability):	
Annual Fee Charter Boat Pens:	\$323.40/m x length of vessel
Annual Fee General Purpose Pens:	\$280.50/m x length of vessel
Annual Fee Trawler Pens:	\$225.50/m x length of vessel

Note: Pen fees apply per vessel (even if the pen is used by more than one vessel), other than where the long-term lease has been granted.

'Live on Board' Fee:	\$27.50/month per vessel
Use of Service Jetty:	
Daily Casual Fee:	
Vessels with Harbour Pen/Mooring/Shared Use facility	\$2.75/m x length of vessel
Other Vessels:	\$5.50/m x length of vessel
Annual Fee:	Daily Casual Fee x 48

Note: No Berthage Fee applies for fuelling purposes or short duration for transfer (if vessel has harbour pen or mooring).

Cyclone Moorings (Using Seabed Piles and Wharf or Pen piles):	
Vessels that have paid Annual/Monthly Berthage or Harbour Pen fees:	No charge
Other Vessels (in addition to prescribed Harbour Fees and Charges):	\$11.00/m x length of vessel
Service Wharf Hardstand Area:	
Storage, etc.:	\$1.10/ m ² per day, minimum fee of \$22/ day
Use of Harbour Beach Area for Vessel Inspections by vessels not penned in the harbour	\$27.50 / day or part of a day
Rubbish Disposal	
Charge for Removal of any Waste Oil Drums (not removed by the owner)	\$5.50/20 L drum
for excess quantities, or if from other than vessels using harbour	\$55/service
to clean up rubbish not placed in bins	at cost
Water charge:	
General purpose, Service Wharf & Hardstand (large quantities)	At cost, minimum fee of \$3.30/day
Charter Pens (metered)	At cost

Electrical power charges	
Charter Pens – single/3-phase (metered):	at cost
General Purpose Pens – single phase (not metered):	No charge
Service Wharf and Hardstand – single phase for vessels not paying Pen or Berthage fees (or other users, including trucks using power at the jetty)	\$5.50/day or part of a day
3- phase (all users):	\$22.00/day or part of a day
Boat Ramp Charges:	
Recreational vessels	No charge
Commercial vessels – annual	\$550.00
- monthly	\$110.00

10. Fremantle Fishing Boat Harbour

Annual Fee —	
Vessels up to 19.99 m:	\$141.90/m x length of vessel
Vessels 20 m and over:	\$220.00/m x length of vessel
Private pleasure vessels:	\$231.00/m x length of vessel
Six-monthly payment of annual fee:	60% of annual fee

Note: The six-monthly payment applies to commercial vessels only using the harbour during refit periods.

Monthly Fee:	13% of annual fee
Daily Casual Fee:	\$2.20/m x length of vessel

11. Hopetoun

Daily Casual Fee:	\$3.30 /m x length of vessel
Annual Short Term Use Fee: for short term use of jetty for loading/unloading and passenger transfer	\$66.00/m x length of vessel

Note: The Daily Casual Fee will also apply to extended use on any day.

12. Johns Creek Boat Harbour (Point Samson)

General	
Annual Fee:	
(paid annually):	\$330.00/m x length of vessel
(paid monthly):	10% of annual fee
Monthly Fee:	20% of annual fee
Daily Casual Fee:	\$6.60/m x length of vessel
Extended Berthage (shared use of service jetty):	

Annual Fee:	
(paid annually):	\$330.00/m x length of vessel
(paid monthly):	10% of annual fee
Monthly Fee:	20% of annual fee
Use restricted to old pens/shared use of old Service Jetty for Extended Berthage:	
Annual Fee:	
(paid annually):	\$264.00/m x length of vessel
(paid monthly):	10% of annual fee
Monthly Fee:	20% of annual fee
Daily Casual Fee:	\$5.50
Electrical Power Charge: (3-phase)	
If metered	At cost
plus a meter reading fee of	\$11.00
If unmetered	\$22.00/12 hour period

13. Jurien Boat Harbour

Annual Fee:	
(paid annually):	\$181.50/m x length of vessel
(paid monthly):	10% of annual fee
Monthly Fee:	20% of annual fee
Weekly Fee:	\$26.40/m x length of vessel
Daily Casual Fee:	\$4.40/m x length of vessel
Transient Vessels Fee (for use of service jetty by vessels for which mooring, Berthage or Pen fees not paid) per day:	\$1.65/m x length of vessel

14. Kalbarri Boat Harbour

Annual Fee:	
(paid annually):	\$189.20/m x length of vessel
(paid monthly):	10% of annual fee
Monthly Fee:	20% of annual fee
Use of Service Jetty for loading or unloading (for vessels not paying pen, mooring or berthing fee)	\$550.00/vessel per year
Daily Casual Fee:	\$3.85/m x length of vessel
Minimum for overnight stay	\$44.00/vessel
Electric Power Charge:	
3-phase (all users)	\$22.00/day
Single phase: for vessels not paying annual or monthly fee (or other users, including trucks using power at the jetty)	\$5.50/day, or if meter indicates power consumption in excess of \$5.50 per day, at cost

15. Lancelin

Daily Casual Fee — (Berthage/Use of Service Jetty, for extended/overnight stay):	\$5.50/m x length of vessel
---	-----------------------------

Note: Vessels undertaking emergency repairs for which special prior Departmental approval has been sought, and obtained, to berth at the jetty for the period in question, are to be exempt from this fee.

16. Leeman

Daily Casual Fee:	\$3.30/m x length of vessel
Minimum for overnight stay	\$49.50/vessel

17. Mandurah Boat Harbour

Annual Fee: (paid annually):	\$132.00/m x length of vessel
(paid monthly):	10% of annual fee
Monthly Fee:	15% of annual fee
Daily Casual Fee:	\$2.75/m x length of vessel
Water and Sullage Fees —	
Annual Use Fee:	\$220.00 per vessel
Single Use Fee:	\$22.00 per vessel
Water Fees (for vessels not paying water and sullage fee)	
Annual Use Fee:	\$33.00 per vessel
Single Use Fee:	\$11.00 per vessel

18. Port Denison

Annual Fee:	\$456.50 plus \$48.40/m x length of vessel
Monthly Casual Fee (commercial vessels):	20% of annual fee
Daily Casual Fee:	\$5.50/m x length of vessel
Extended Stay Fee (for extended or overnight stays at the service jetty between 1 November to 30 June for vessels that have paid annual berthing/mooring fees): <i>[Not payable if Daily Casual Fee is paid or prior Departmental approval is obtained]</i>	\$44.00/day

19. Port Gregory

Daily Casual Fee:	\$3.30/m x length of vessel
Minimum for overnight stay	\$44

20. Shark Bay Boat Harbour (Denham)

Annual Fee:	
(paid annually):	\$192.50/m x length of vessel
(paid monthly):	10% of annual fee
Monthly Fee:	20% of annual fee
Annual Service Jetty Fee (for short term use of service jetty for loading and unloading)	\$82.50/m x length of vessel
Daily Casual Fee:	\$4.95/m x length of vessel
Annual Extended Berthage Fee (for shared use of recreational jetty for extended berthage)	\$121.00/m x length of vessel
Fee for use of Service Jetty Hardstand for Vessel Storage & Maintenance, per day —	
for the first 14 days:	\$33.00/day or part of a day
after 14 days:	\$55.00/day or part of a day
Electric Power Charge:	
3-phase	\$22.00/day
Single phase	\$5.50/day or if meter indicates power consumption in excess of \$5.50/ day, at cost
Water Charge:	\$3.30/day or if meter indicates water consumption in excess of \$3.30/day, at cost

Part 2 — Pile Mooring Fees

[Reg. 94B]

Note: Unless otherwise indicated, payment of pile mooring fees entitles the hirer to free use of the service jetty located within the harbour in which the mooring is located, subject to the availability of berth space, and to the direction of authorised officers. This free use may be limited to loading, unloading and fuelling operations.

Note: The Beadon Creek Boat Harbour (Onslow) pile mooring fees can be found in Part 1, under the inclusive heading of "Shared use of facilities", in that harbour's pen and berthing fees.

Carnarvon Boat Harbour

Annual Fee:	
(paid annually):	\$101.20/m x length of vessel
(paid monthly):	10% of annual fee
Monthly Fee:	20% of annual fee
Daily Fee:	\$1.70/m x length of vessel

Other harbours and ports, generally

Annual Fee:	
(paid annually):	\$110.00/m x length of vessel
(paid monthly):	10% of annual fee
Monthly Fee:	20% of annual fee
Daily Fee:	\$2.20/m x length of vessel

Part 3 — Miscellaneous fees

[Reg. 94C]

Fees payable for any Departmental jetty, wharf or harbour for which no other fee has been prescribed:

Daily Casual Fee:	\$3.30/m x length of vessel
General Cargo Wharfage:	
for cargo	\$4.40/tonne or m ³
if vessel lifted over service jetty	\$9.90/m
Rubbish Disposal:	
for excess quantities, or if from other than vessels not using harbour	\$55/service
to clean up rubbish not placed in bins	at cost

Part 4 — Service jetties — Fuel wharfage fees

Rate per litre of fuel oil used

Augusta	\$0.022
Beadon Creek (Onslow)	\$0.044
Bremer Bay	\$0.022
Carnarvon	\$0.033
Cervantes	\$0.0605
Emu Point (Albany)	\$0.044
Exmouth	\$0.033
Fremantle Fishing Boat Harbour	\$0.011
Greenhead	\$0.0495
Hopetoun	\$0.0385
Johns Creek (Point Samson)	\$0.044
Jurien	\$0.0385
Kalbarri	\$0.044
Lancelin	\$0.0275

Leeman	\$0.0385
Mandurah	\$0.011
Port Gregory	\$0.0385
Shark Bay (Denham)	\$0.033

”.

By Command of the Governor,

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

— PART 2 —

CENSORSHIP

CS401*

CENSORSHIP ACT 1996

I, JIM McGINTY, 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 18th day of July 2001.

JIM McGINTY, Attorney General.

Schedule

17 July 2001

Refused Classification

Title or Description	Refused Classification	Publisher
Australian Penthouse (Limited Edition) Feb 1994 Vol 15 No 2		Gemkilt Publishing Pty Ltd
Australian Penthouse (Limited Edition) Jun 1994 Vol 15 No 6		Gemkilt Publishing Pty Ltd
Australian Penthouse (Limited Edition) Nov 1994 Vol 15 No 11		Gemkilt Publishing Pty Ltd
Australian Penthouse (Limited Edition) May 1995 Vol 16 No 5		Gemkilt Publishing Pty Ltd
Australian Penthouse (Limited Edition) Sep 1995 Vol 16 No 9		Gemkilt Publishing Pty Ltd

CS402*

CENSORSHIP ACT 1996

I, JIM McGINTY, 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 18th day of July 2001.

JIM McGINTY, Attorney General.

Schedule

17 July 2001

Restricted Classification

Title or Description	Restricted Classification	Publisher
30 Something (Score Special) No 54		The Score Group
40 Plus Vol 10 No 8		Fantasy Publications Ltd
40 Plus Vol 10 No 9		Fantasy Publications Ltd
40 Plus Guide To Bored & Lonely, The Vol 3 No 2		Fantasy Publications Ltd
Asian Babes Vol 9 No 10		Fantasy Publications Ltd
Asian Beauties Vol 9 No 1		Tribecca Publishing
Australasian Sex Paper Nov 1997 Vol 9 No 74		ASP Productions Pty Ltd
Australasian Sex Paper Jul 1998 Vol 10 No 81		ASP Productions Pty Ltd
Australian Penthouse (Limited Edition) Aug 2001 Vol 22 No 8		Gemkilt Publishing Pty Ltd
Australian Penthouse (Plus) Aug 2001 Vol 22 No 8		Gemkilt Publishing Pty Ltd
Australian Rosie, The Jun 2001 No 144		Xpress Australia Pty Ltd
Barely 18 Special (Just Legal) Vol 1 No 28		D&T Publ Co Inc
Best of 40 Plus, The Vol 2 Iss 9		Fantasy Publications Ltd
Best of Big & Black, The Vol 2 Iss 9		Fantasy Publications Ltd

Restricted Classification—*continued*

Title or Description	Publisher
Best of Big Ones Special, The (Breast Is Best) Vol 2 Iss 8	Fantasy Publications Ltd
Best of Cheri (Special Edition #141) Vol 23 No 10	Cheri Magazine Inc
Best of Electric Blue, The (60 Plus) Vol 2 No1	Fantasy Publications Ltd
Best of Mayfair, The (Summer Special) No 4	Paul Raymond Publications Ltd
Best of Mens World, The No 17	Paul Raymond Publications Ltd
Best of Razzle, The No 26	Paul Raymond Publications Ltd
Best of Real Wives, The Vol 2 Iss 7	Fantasy Publications Ltd
Celebrity Skin May 2001 Vol 23 No 95	Man's World Publications
Celebrity Sleuth Vol 14 No 3	Broadcast Communications Inc
Cheeks Jul 2001 No 39	Cheeks Publications Inc
Cheri Jul 2001 Vol 25 No 13	Cheri Magazine Inc
Club Jun 2001 Vol 27 No 5	Paragon Publishing Inc
Club Confidential (Amateur Sex Stars-Bonus Issue) Apr 2001	Paragon Publishing Inc
Club Confidential Apr 2001 Vol 10 No 4	Paragon Publishing Inc
Club International Vol 30 No 5	Paul Raymond Publications Ltd
Club International Vol 30 No 6	Paul Raymond Publications Ltd
Club Max (Best of Club) No 171	Paragon Publishing Inc
Creating Nicole (Metro Blue Movies)	Amazing Media Group
D-Cup Jul 2001 No 46	D-Cup Publications Inc
Dude Jul 2001 Vol 5 No 5	Dugent Corp
Eighteen Spring 2001	The Score Group
Escort (Contact UK) Vol 1 No 1	Paul Raymond Publications Ltd
Escort Vol 21 No 6	Paul Raymond Publications Ltd
Fantasiary Vol 1 Iss 1	Amazing Media Group
Finally Legal Jul 2001 Vol 3 No 7	Dowager Inc
For Men Iss 34	Fantasy Publications Ltd
For Men Special (Live Chat Girls) No 10	Fantasy Publications Ltd
For Women Vol 8 No 7	Fantasy Publications Ltd
Fox Jul 2001 Vol 20 No 1	Montcalm Publishing Corporation
Gallery Jun 2001 Vol 29 No 6	Montcalm Publishing Corporation
Genesis Jul 2001 No 48	Genesis Publications Inc
Gent (Home Of The D-Cups) Jun 2001 No 47	Gent Publications Inc
Girls/Girls (Asia 18) Aug 2001 No 46	Gem Publications Inc
Hawk Jul 2001 Vol 10 No 7	Killer Joe Productions Inc
High Society Jul 2001 Vol 26 No 7	The Crescent Publishing Group Inc
Hustler (Gold Edition) Vol 6 No 8	JT Publishing Pty Ltd
Hustler's Barely Legal Apr 2001 Vol 8 No 8	LFP Inc
Hustler's Hometown Girls Apr 2001 Vol 4 No 10	LFP Inc
Jade 18 Vol 7 No 2	Tribeca Publishing Inc
Jock Jul 2001 Vol 11 No 6	Global Media Group Ltd
Just 18 Jul 2001 No 47	Just 18 Inc
Mayfair Vol 36 No 5	Paul Raymond Publications Ltd
Mayfair Vol 36 No 6	Paul Raymond Publications Ltd
Men Only (Summer Special) Iss 4	Paul Raymond Publications Ltd
Men Only Vol 66 No 6	Paul Raymond Publications Ltd
Mens World Vol 13 No 6	Paul Raymond Publications Ltd
Mens World Vol 13 No 7	Paul Raymond Publications Ltd
Model Directory Vol 19 No 5	Paul Raymond Publications Ltd
Model Directory Vol 19 No 6	Paul Raymond Publications Ltd
More Than A Handful.Com Vol 1 Iss 1	Amazing Media Group Inc
Mothers In Law Vol 1 No 7	Fantasy Publications Ltd
Mothers In Law Vol 1 No 8	Fantasy Publications Ltd
Naughty Neighbors Jun 2001 Vol 7 No 6	The Score Group
New Talent Vol 8 No 5	Fantasy Publications Ltd
Nude Readers' Wives No 169	Fantasy Publications Ltd
Numbers Aug 2001 Vol 12 No 4	Global Media Group Ltd
Only 18 Vol 4 No 2	Fantasy Publications Ltd

Restricted Classification—*continued*

Title or Description	Publisher
Oui Aug 2001 Vol 31 Iss 8	Global Media Group Ltd
Penthouse Jun 2001 Vol 32 No 10	General Media Communications Inc
Penthouse Forum Jun 2001 Vol 31 No 6	General Media Communications Inc
Petite Jul 2001 No 34	Gent Publications Inc
Picture Premium, The No 34	ACP Extra
Pirate No 68	Private Media
Plumpers and Big Women Jul 2001 No 36	Gent Publications Inc
Purely 18 Jun 2001 Vol 3 No 8	Canary Inc
Razzle Vol 19 No 6	Paul Raymond Publications Ltd
Readers' Wives Vol 9 No 2	Fantasy Publications Ltd
Readers' Wives Guide To Continental Wives Vol 3 No 6	Fantasy Publications Ltd
Real Wives Vol 8 No 3	Fantasy Publications Ltd
Real Wives Vol 8 No 4	Fantasy Publications Ltd
Score Jul 2001 Vol 10 No 7	The Score Group
Shaved Orientails Vol 8 No 1	Tribecca Publishing
Shaved Orientails Vol 8 No 1	Tribecca Publishing
Soho Vol 1 Iss 10	Paul Raymond Publications Ltd
Stag's Girls Over 40 Jul 2001 No 47	Stag Publications Inc
Stroke Vol 14 No 4	Stroke
Stroke Sep-Oct 1995 Vol 15 No 1	Stroke
Swank Jul 2001 No 48	Swank Publications Inc
Swank Satin (X-Tasy) Aug 2001 No 37	Dogwood Publications Inc
Swank Special (Hot Asians) Jul 2001 No 37	Gem Publications Inc
Swank Unleashed (Mature Nymphos) Jul 2001 No 37	Dogwood Publications Inc
Swank Untamed (Anal Action) Jul 2001 No 37	Dogwood Publications Inc
Swank X-Rated Series (Uncensored) Jun 2001 No 45	Dogwood Publications Inc
Triple X No 42	Private Media
Velvet Jul 2001 No 48	Velvet Publications Inc
Very Best of High Society, The #132 Vol 18 No 4	The Crescent Publishing Group
Very Best of Readers' Wives, The Vol 2 Iss 8	Fantasy Publications Ltd
Very Best of Readers' Wives, The Vol 2 Iss 9	Fantasy Publications Ltd
Voluptuous Jun 2001 Vol 8 No 6	The Score Group
X-Treme Vol 1 No 8	Fantasy Publications Ltd

CS403***CENSORSHIP ACT 1996**

I, JIM McGINTY, 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 18th day of July 2001.

JIM McGINTY, Attorney General.

Schedule

17 July 2001

Unrestricted Classification

Title or Description	Publisher
Australian Penthouse (National) Sep 2001 Vol 22 No 9	Gemkilt Publishing Pty Ltd
Hustler (Australia) Vol 6 No 8	JT Publishing Pty Ltd

ELECTORAL

EL401**GRAIN MARKETING ACT 1975**

THE GRAIN POOL OF WA (ELECTIONS) REGULATIONS 1976

THE GRAIN POOL OF WA

ELECTION RESULTS

Election of Directors for Electoral Zones 6 & 7

I, Louis Zampogna, being Returning Officer appointed to conduct elections for the above positions pursuant to Regulation 7 of the *Grain Pool of WA (Elections) Regulations 1976*, hereby declare the following persons duly elected after the close of poll at 10:00 am on Wednesday, 11 July 2001.

Electoral Zone 6 David John Adams

Electoral Zone 7 Steven John Tilbrook

LOUIS ZAMPOGNA, Returning Officer.

ENVIRONMENTAL PROTECTION

EP401**ENVIRONMENTAL PROTECTION ACT 1986**

(Section 20)

Delegation (No.33)

1. Subject to 2, the Chief Executive Officer by this instrument delegates to the holder for the time being of the office of Director, Environmental Regulation, Department of Environmental Protection ("the delegate"), all the powers and duties conferred or imposed on the Chief Executive Officer under Regulations 5(2), 6, 7(1), 7(2), 7(3), 8, 10(1), 11, 13(1), 14(1), 15(3), 15(4), 16, 17(3), 20(2), 21, 22(1), 24(3), 27(2), 27(3), 27(4), 28(1), 28(3), 30(3), 31, 38(5), 45, 47(4), 49(1), 49(3), 50 and 52(1) of the Environmental Protection (Controlled Waste) Regulations 2001.

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

Dated this 6th day of July 2001.

ROGER PAYNE, A/Chief Executive Officer.

Approved—

Hon. Dr JUDY EDWARDS, Minister for the Environment and Heritage.

EP402**ENVIRONMENTAL PROTECTION ACT 1986**

(Section 20)

Delegation (No.34)

1. Subject to 2, the Chief Executive Officer by this instrument delegates to the holder for the time being of the office of Manager, Controlled Waste, Department of Environmental Protection ("the delegate"), all the powers and duties conferred or imposed on the Chief Executive Officer under Regulations 5(2), 6(1), 7(1), 7(2), 7(3), 8, 10(1), 13(1), 14(1), 15(3), 15(4), 17(3), 20(2), 22(1), 24(3), 27(2), 27(3), 28(1), 30(3), 31, 38(5), 45, 47(4), 49(1), 49(3) and 50 of the Environmental Protection (Controlled Waste) Regulations 2001.

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

Dated this 6th day of July 2001.

ROGER PAYNE, A/Chief Executive Officer.

Approved—

Hon. Dr JUDY EDWARDS, Minister for the Environment and Heritage.

EP403**ENVIRONMENTAL PROTECTION ACT 1986**

(Section 20)

Delegation (No.35)

1. Subject to 2, the Chief Executive Officer by this instrument delegates to the holder for the time being of the office of Environmental Officer (DEP98010), Controlled Waste, Department of Environmental Protection ("the delegate"), all the powers and duties conferred or imposed on the Chief Executive Officer under Regulations 5(2), 6(1), 7(1), 7(2), 7(3), 10(1), 13(1), 15(3), 15(4), 17(3), 20(2), 22(1), 24(3), 27(2), 27(3), 28(1), 30(3), and 31 of the Environmental Protection (Controlled Waste) Regulations 2001.

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

Dated this 6th day of July 2001.

ROGER PAYNE, A/Chief Executive Officer.

Approved—

Hon. Dr JUDY EDWARDS, Minister for the Environment and Heritage.

EP404**ENVIRONMENTAL PROTECTION ACT 1986**

(Section 20)

Delegation (No.36)

1. Subject to 2, the Chief Executive Officer by this instrument delegates to the holder for the time being of the office of Director, Environmental Regulation, Department of Environmental Protection ("the delegate"), all the powers and duties conferred or imposed on the Chief Executive Officer under Regulations 4(2), 5, 6, 7, 9, 10(2), 11, 13, 14, 15(1), 15(2), 16(3), 17, 35(2), 45(1), 45(3) and 50 of the Environmental Protection (Liquid Waste) Regulations 1996.

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

Pursuant to section 59(1)(e) of the Interpretation Act 1984 delegation number 26 dated 17th day of April 1998 is hereby revoked.

Dated this 6th day of July 2001.

ROGER PAYNE, A/Chief Executive Officer.

Approved—

Hon. Dr JUDY EDWARDS, Minister for the Environment and Heritage.

EP405**ENVIRONMENTAL PROTECTION ACT 1986**

(Section 20)

Delegation (No.37)

1. Subject to 2, the Chief Executive Officer by this instrument delegates to the holder for the time being of the office of Manager, Controlled Waste, Department of Environmental Protection ("the delegate"), all the powers and duties conferred or imposed on the Chief Executive Officer under Regulations 4(2), 5(1), 6, 7, 9, 11, 13, 14, 15(1), 15(2), 16(3), 17, 35(2), 45(1) and 45(3) of the Environmental Protection (Liquid Waste) Regulations 1996.

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

Pursuant to section 59(1)(e) of the Interpretation Act 1984 delegation number 27 dated 17th day of April 1998 is hereby revoked.

Dated this 6th day of July 2001.

ROGER PAYNE, A/Chief Executive Officer.

Approved—

Hon. Dr JUDY EDWARDS, Minister for the Environment and Heritage.

EP406**ENVIRONMENTAL PROTECTION ACT 1986**

(Section 20)

Delegation (No.38)

1. Subject to 2, the Chief Executive Officer by this instrument delegates to the holder for the time being of the office of Environmental Officer (DEP98010), Controlled Waste, Department of Environmental Protection ("the delegate"), all the powers and duties conferred or imposed on the Chief Executive Officer under Regulations 4(2), 5(1), 6, 7, 9, 13, 14, 15(1), 15(2), 16(3), 35(2), and 45(3) of the Environmental Protection (Liquid Waste) Regulations 2001.

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

Pursuant to section 59(1)(e) of the Interpretation Act 1984 delegation number 28 dated 17th day of April 1998 is hereby revoked.

Dated this 6th day of July 2001.

ROGER PAYNE, A/Chief Executive Officer.

Approved—

Hon. Dr JUDY EDWARDS, Minister for the Environment and Heritage.

HEALTH

HE401***MEDICAL ACT 1894**

MEDICAL (UNMET AREA OF NEED) DETERMINATION (No.12) 2001

Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.

Citation

1. This determination may be cited as the Medical (Unmet Area of Need) Determination (No.12) 2001.

Commencement

2. This determination comes into operation on the day on which it is published in the *Government Gazette*.

Unmet area of need

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 11AF(1)D of the Act.

Expiry of determination

4. This determination expires one year after its commencement.

SCHEDULE—UNMET AREA OF NEED

- General medical services in the Shire of Harvey.

Dated this 14th day of July 2001.

HON R. C. KUCERA, APM MLA, Minister for Health.

HE402***MEDICAL ACT 1894**

MEDICAL (UNMET AREA OF NEED) DETERMINATION (No. 13) 2001

Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.

Citation

1. This determination may be cited as the Medical (Unmet Area of Need) Determination (No.13) 2001.

Commencement

2. This determination comes into operation on the day on which it is published in the *Government Gazette*.

Unmet area of need

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 11AF(1)D of the Act.

Expiry of determination

4. This determination expires two years after its commencement.

SCHEDULE—UNMET AREA OF NEED

- General medical services in Yanchep and Two Rocks in the City of Wanneroo.

Dated this 16th day of July 2001.

HON R. C. KUCERA, APM MLA, Minister for Health.

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—

Mr Barry David Bewley of Unit 128 RAAFA Estate 250 Baltimore Parade Merriwa.
to the office of Justice of the Peace for the State of Western Australia.

GARY THOMPSON, Executive Director, Court Services.

JM402**EX OFFICIO JUSTICE OF THE PEACE**

It is hereby notified for public information that Cr Albert William LLewellyn has been appointed under Section 9 of the *Justices Act 1902* to be a Justice of the Peace for the Magisterial District of Northam during his term of office as the President of the Shire of Northam.

GARY THOMPSON, Executive Director, Court Services.

LIBRARY BOARD

LF401**STATE RECORDS ACT 2000**

The Governor has been pleased to appoint Kandy-Jane Henderson under section 58(d) of the *State Records Act 2000* to be a member of the State Records Commission for a term of 3 years commencing on and from 24 July 2001.

CHRIS COGGIN, Director, State Records Office.

LOCAL GOVERNMENT

LG401***LOCAL GOVERNMENT ACT 1995***Shire of Chittering***AUTHORISED PERSONS**

It is hereby notified for public information that the following persons have been appointed Authorised Officers in accordance with the relevant Acts hereunder effectively immediately.

1. Dog Act 1976 & Regulations, Control of Off-Road Vehicles Act 1978 & Regulations, Litter Act 1979 & Regulations, Local Government Laws, Local Government Act 1995 (Sections 3.39, 9.10, 9.11, 9.15)
Raymond Patrick Hooper Dale Robin Stewart
Karl Richard Hempstead Keith Colin Dickerson
Lyall Bruce Davieson

2. Dog Act 1976—Registration Officers Only

Karen Patricia Parker	Raelene Isobel Kay
Denice Kay Mulcahy	Helen Lorraine Loton
Samantha Jane Donaldson	Veronica Robinson
Lorraine Ann Selby	Skye Leanne Drummond
3. Section 449 of the Local Government (Miscellaneous Provisions) Act 1960
Karl Hempstead as a Ranger and Pound Keeper
4. Issue of Infringement Notices—Section 59 (2) (a) of the Bush Fires Act 1954

Raymond Patrick Hooper	Dale Stewart
Karl Richard Hempstead	Keith Colin Dickerson
Lyll Bruce Davieson	
5. Health Act 1911
Lyll Bruce Davieson
6. Bush Fires Act 1954 Section 38 (FCO)

Dennis Badcock, Chief Bush Fire Control Officer	
Gavin Martin	Noel Metcalf
Graham Taylor	Greg Cocking
Max Smith, Deputy Chief Bush Fire Control Officer (North) & Fire Weather Officer	
John Rose	Rawson Donaldson
Phil Humphry	Laurie Don
Phil Beales	
Hartley Read, Deputy Chief Bush Fire Control Officer (South)	
Robert Marchesi, Fire Weather Officer	
Paul Martin	Kim Fewster
7. Bush Fires Act 1954 Section 40 (Dual)

Dennis Badcock, the Shires of Victoria Plains, Toodyay and Gingin and the Cities of Swan and Wanneroo

Hartley Read, the Shires of Victoria Plains, Toodyay and Gingin and the Cities of Swan and Wanneroo

Max Smith, the Shires of Victoria Plains, Toodyay and Gingin and the Cities of Swan and Wanneroo

From the Shire of Gingin, Maxwell Borwick, George Grant, Grant Hyne, Harold Morris and Errol Howard.
8. Bush Fires Act 1954—Clover Burning Officer Section 24
Ray Hooper
9. Certain Provisions About Land—Part 3—Division 3—Subdivision 2 Section 3.24 of the Local Government Act 1995
Ray Hooper
10. Powers of Entry—Part 3—Division 3 Section 3.28 & 3.29 of the Local Government Act 1995

Ray Hooper	Dale Robin Stewart
David Lawn	Mathew Selby
Lyll Bruce Davieson	Karl Richard Hempstead
11. Miscellaneous Provisions About Enforcement—Part 9—Division 2—Subdivision 1 Sections 9.13, 9.16 & 9.17 of the Local Government Act 1995

Ray Hooper	Dale Robin Stewart
Karl Richard Hempstead	
12. Miscellaneous Provisions About Enforcement—Part 9—Division 2—Subdivision 1 Section 9.19 of the Local Government Act 1995
Ray Hooper
13. Miscellaneous Provisions About Enforcement—Part 9—Division 2—Subdivision 1 Section 9.20 of the Local Government Act 1995
Ray Hooper
14. Impounding & Removing Goods Involved in Certain Contraventions Section 3.39 of the Local Government Act 1995

Raymond Patrick Hooper	Karl Richard Hempstead
------------------------	------------------------

All previous authorisations are hereby revoked.

RAY HOOPER, Chief Executive Officer.

LG402***LOCAL GOVERNMENT ACT 1995****HEALTH ACT 1911***Shire of Narembeen***Memorandum of Imposing Rates and Charges**

At a meeting of the Narembeen Shire Council held on Wednesday 18th July 2001, it was resolved that rates and charges as specified hereunder be imposed on all rateable property within the Municipality in accordance with the provisions of the Local Government Act 1995 and Health Act 1911.

Schedule of Rates and ChargesGeneral Rate:

Rural Area	2.2100 cents in the dollar on Unimproved Values.
Residential/GRV	9.1700 cents in the dollar on Gross Rental Values.
Mining Tenements	2.2100 cents in the dollar on Unimproved Values.

Minimum Rate:

Residential/GRV	\$50.00 per lot.
Commercial/Industrial/GRV	\$150.00 per lot.
Rural/UV	\$150.00 per assessment.
Mining Tenements/UV	\$150.00 per assessment.

Discount:

A discount of four percent (4%) is allowed on all Current Rates paid in full by the 14th September 2001.

Rubbish Charges:

One hundred and twenty dollars (\$120.00) per annum per 240 litre bin.

Pensioner Concessions:

Eligible pensioners are entitled to a fifty percent (50%) rate rebate provided by the State Government. A ten percent (10%) discount on the rubbish charge is offered by Council to all eligible pensioners who pay the rubbish charge in full by 14th September 2001.

Instalment Plan Interest Rates:

A charge of 5.5% per annum, calculated daily by simple interest.

Late Payment Interest Rate:

A charge of 10% per annum, calculated daily by simple interest.

Due Dates for Payment of Rates and Services Levies 2001-2002:

Four Instalment Plan:

- 14th September 2001;
- 14th November 2001;
- 14th January 2002; and
- 14th March 2002.

S. C. PADFIELD, Shire President.

Date: 24/7/01

A. B. WRIGHT, Chief Executive Officer.

Date: 24/7/01

LG501***BUSH FIRE ACT 1954**

CITY OF MANDURAH FIRE NOTICE 2001/2002

NOTICE TO ALL OWNERS AND/OR OCCUPIERS OF LAND

RURAL/SEMI RURAL FIREBREAKS

When the area of land is 2023m² (approximately 1/2 acre) and over the owner or occupier is subject to Section 33 of the *Bush Fires Act 1954*, and is required to provide a 4 metre mineral earth firebreak, with a vertical height clearance of 4.2 metres, both clear of flammable material. The areas that apply are as follows—

- Immediately inside all external boundaries of the said land.
- Immediately surrounding all outbuildings erected on the said land.

Such firebreaks may be constructed by one or more of the following methods, approved by a duly authorised Council officer.

PLOUGHING, CULTIVATING, SCARIFYING, CHEMICAL SPRAYING OR OTHER METHOD

and are to be cleared to the satisfaction of Ranger Services. In addition, you may be required to carry out further works that may be deemed necessary and specified by way of a separate written notice forwarded to the address as shown on the City of Mandurah rate records for that land.

In some instances natural occurring features such as rocky outcrops, natural water courses or landscaping, such as reticulated gardens/lawns or driveways may be an acceptable substitute for cleared firebreaks.

All firebreaks as designated above must be completed on or before the 30th day of November 2001 OR WITHIN 14 DAYS OF BECOMING THE OWNER OR OCCUPIER, SHOULD THIS BE AFTER THAT DATE and maintained clear of inflammable material up to and including 31 May 2002.

PERMITS ARE NEEDED FOR ALL FIRES**RESIDENTIAL LOT CLEARING**

When the area of the land is less than 2023m² (approximately 1/2 acre) reduce all flammable material on the land except living standing trees, from the whole of the land by 30 November 2001, by either rotary hoeing, slashing, chemical spraying or other approved method. Burning will only apply if no other option is available or a specific order has been served upon the landowner. A FOUR METRE FIRE BREAK IS NOT ACCEPTABLE.

TAKE NOTICE that pursuant to Clause 33(4) of the *Bush Fires Act*, where the owner or occupier of land who has received a Notice, fails or neglects to comply with the requirements of that Notice within the time specified, the City of Mandurah may, by its officers and with such servants, workmen and contractors, vehicles and machinery as the officers deem fit, enter upon the land and carry out the requirements of the Notice which have not been complied with. Pursuant to Clause 33(5) of the *Bush Fires Act*, the amount of any costs and expenses incurred by the City of Mandurah may be recovered from you as the owner-occupier of the land.

APPLICATION TO VARY THE ABOVE REQUIREMENTS

If you consider it to be impracticable to clear a firebreak or reduce flammable-material on your land as required by this Notice, you may apply to the City of Mandurah or its duly authorised officers. Apply no later than the 14th day of November 2001, for permission to provide firebreaks in alternative positions or other methods of fire prevention on your land. If permission is not granted, you must comply with the requirements of this Notice.

FIRE PERMIT REQUIREMENTS

RESTRICTED PERIOD	PROHIBITED BURNING	RESTRICTED PERIOD
PERMIT REQUIRED		PERMIT REQUIRED
1/4/01—30/11/01 →	1/12/2001 - 31/3/2002	→ 1/4/01—30/11/02

By order of the Council.

STEPHEN GOODE, Chief Executive Officer.

LG502*

BUSH FIRE ACT 1954

SHIRE OF CAPEL

BUSH FIRE ORDER 2001/2002

Regulated Burning Times

These times are subject to change. Always check with the Shire of Capel Office or your area Bush Fire Control Officer.

Prohibited—No Burning

15 December 2001 to 14 March 2002 inclusive.

Restricted—Permit Required

2 November 2001 to 14 December 2001 inclusive.

15 March 2002 to 26 April 2002 inclusive.

With reference to Section 33 of the Bush Fires Act 1954, you are required to carry out fire prevention work on land owned or occupied by you in accordance with the provisions of this Order.

This work must be carried out by 30 November, 2001, and kept maintained throughout the summer months until the close of the Restricted Burning Period on 26 April 2002. (This date is subject to change, always check with the Shire of Capel Office or your area Bush Fire Control Officer).

An inspection of firebreaks and hazard removal will be carried out in all areas of the Shire by an Authorised Officer after 30 November, 2001.

Persons who fail to comply with the requirements of this Order may be issued with an infringement notice or prosecuted with a penalty up to \$1,000 through the courts, and additionally, Council may carry out the required work at a cost to the owner or occupier.

DEFINITIONS:

For the purpose of this Order the following definitions apply—

“Firebreak” means ground from which all flammable material has been removed, which is trafficable and permits the free movement of a four wheel drive vehicle, on which no flammable material is permitted to accumulate during the Prohibited and Restricted Burning Periods.

“Firebreak Exemption”

- (i) Applies when the firebreak cannot be installed due to the ground being water logged to such an extent to prevent the installation of the firebreak. However, the firebreak must be installed at the earliest opportunity when ground conditions permit.
- (ii) Applies where a paddock fence breaks the continuity of a continuous firebreak on a land holding exceeding 5 hectares.

“Greenbelt Area” means all land zoned rural located west of—

- (i) Minninup Road - from the northern boundary of the Shire of Capel to the junction of Minninup Road and Fishermans Road.
- (ii) The unmade portion of Minninup Road from the junction of Minninup Road and Fishermans Road to its junction with Mangles Road.
- (iii) Mangles Road from its junction with the unmade portion of Minninup Road in (ii) south to its junction with Roberts Road.
- (iv) Roberts Road from its junction with Mangles Road West to its junction with Mallokup Road.
- (v) Mallokup Road from its junction with Roberts Road South to its junction with Ludlow North Road.
- (vi) Ludlow North Road from its junction with Mallokup Road South to the Southern Boundary of the Shire of Capel.

“Haystack” means any collection of hay including fodder rolls placed or stacked together that exceeds 100 cubic metres in size (eg 5m x 5m x 4m).

“Low Fuel Zone” means the removal of dead grass, dead trees, leaf litter and trash, and the removal of dead branches to a height of 1.5 metres from live standing trees.

“Plantation”

- (i) A Plantation is any area of planted pines or eucalyptus species exceeding 3 hectares in area.
- (ii) A windbreak is a planted area a maximum of 15 metres wide but with no defined length.

FIREBREAK VARIATIONS

If it is considered impractical for any reason to clear firebreaks or remove flammable materials from the land as required by this notice, you may make written application and include a plan of your land detailing your fire prevention measures to the Council or its duly Authorized Officer, no later than 31 October, 2001 for—

- (i) Permission to provide firebreaks in alternative positions or take alternative action to abate fire hazards on the land.
- (ii) An exemption from the requirement to provide firebreaks for either a twelve month or a five year period.

This application must be counter-signed by the Bush Fire Control Officer for the area in which the land is situated to signify his agreement to the variation. If permission is not granted by the Council or its duly Authorized Officer, you shall comply with the requirements of this Order.

MINIMUM FIRE HAZARD REMOVAL REQUIREMENTS**A. All land other than specified in this notice.****1. Where the area of land is 2000m² or less.**

The land is to be maintained as a low fuel zone to the whole of the land.

2. Where the area of land exceeds 2000m², but no more than 5000m².

- (a) A 3 metre wide firebreak is required inside and along external boundaries of the land with exception of a boundary abutting a dedicated road reserve containing a constructed road pavement (ie hotmix or gravel road).

On the vertical plane on the side of the firebreak the trees are to be pruned to a minimum height of 3.5 metres.

A 15 metre low fuel zone around all buildings on the land is required.

OR

- (b) The land is to be maintained as a low fuel zone to the whole of the land.

3. Where the area of land exceeds 5000m², but not more than 50,000m² (5 hectares)

A 3 metre wide firebreak is required inside and along all external boundaries of the land with exception of a boundary abutting a deducted road reserve containing a constructed road pavement (ie hotmix or gravel road).

A 20 metre wide low fuel zone around all buildings on the land is required.

On the vertical plane on the side of the firebreak the trees are to be pruned to a minimum height of 5 metres.

4. Where the land exceeds 5 hectares (50,000m²) in size.

- (i) Firebreaks at least 2 metres in width and not more than 20 metres from the perimeter of all buildings and haystacks situated on the land so as to completely surround the buildings and haystacks.
- (ii) Firebreaks at least 2 metres in width close as practical inside and along all external boundaries so as to form a continuous break all around the holding except where a Bush Fire exemption applies (roadside firebreaks do not constitute a legal firebreak under the Bush Fires Act).
- (iii) When such land abuts a residential or special rural land, such land shall have a three (3) metre wide firebreak along the common boundary between such land and the residential or special rural land (ie common fence line).

B. Special Rural Lots - Part Boyanup AA Lot 157, Gelorup (Ramblewood Stage 4)

Lots 66, 68, 70, 71, 72, 73, 74 and 77 of Part Boyanup AA Lot 157 are required to maintain the 5 metre wide strategic firebreak that is on the land. On lots 66 to 68 and lots 70 to 77 of Part Boyanup AA Lot 157 which have buildings situated on them, a 20 metre wide low fuel zone is required around all buildings.

C. Peppermint Grove Townsite

All lands situated within Peppermint Grove Townsite are exempt from the Order to install a firebreak, but Council does retain the right to remove any fire hazard at the owner and/or occupier's expense following the failure of an owner and/or occupier to comply with the requisition of an Order in writing to clear a fire hazard or firebreak in accordance with Section 33 of the Bush Fires Act 1954.

D. Greenbelt Area

A 3 metre wide firebreak is required on the west side of the roads defining the 'Green Belt' area, unless an exemption has been granted.

E. Plantations

Boundary Firebreaks—

On the horizontal plane a firebreak shall be provided 15 metres wide and immediately adjoining all external boundaries of the of the planted area. The outer 10 metres will be cleared of all flammable material while the inner 5 metres, i.e. that portion closest to trees may be kept in a reduced fuel state, i.e. by slashing or grazing grass provided that the height of the grass does not exceed 8cm.

On the vertical plane a clear space 4 metres high will be maintained above the outer 10 metres of the firebreak.

Internal Firebreaks—

Plantations shall be subdivided into areas not exceeding 30 hectares by firebreaks 6 metres wide which shall be cleared of all flammable material. In the vertical plane a clearance of a minimum height of 4 metres from the ground level will be maintained above the firebreak.

F. Special Risks

1. Powerlines—

Firebreaks shall be provided along powerlines where they pass through or lie adjacent to plantation areas. The specification of the width and the height of clearing shall be in accordance with Western Power specifications.

2. Fuel and/or Gas Depots—

In respect of land owned or occupied by you on which is situated any container normally used to contain liquids or gas fuel, including the land on which any ramp or supports are constructed, you shall have land clear of all flammable materials.

3. Campfires—

Campfires are totally banned within the whole of the Shire including beaches, at all times, except in recognized camping and picnic areas where properly constructed facilities exist or where a permit is issued under the Shire of Capel Property Local Law.

R. G. BONE, Chief Executive Officer.

The following persons have been appointed as Bush Fire Control Officers for the Shire of Capel and all other appointments are hereby cancelled.

CHIEF BUSH FIRE CONTROL OFFICER

Chris Scott: Telephone 9795 7443, Mobile 0408921356

DEPUTY CHIEF BUSH FIRE CONTROL OFFICER

Murray Scott: Telephone 9727 2223, Mobile 0407270023

SHIRE BUSH FIRE CONTROL OFFICER/SHIRE RANGER**Wade Bloffwitch:** Telephone 9727 2030, Mobile 0417953959**BUSH FIRE CONTROL OFFICERS**

Area	Bush Fire Control Officer	Telephone	Mobile Telephone
Gelorup	Murray Blake	9795 7617	0409099953
Gelorup	Phil Allen	9795 7426	
Stratham	Murray Scott	9727 2223	0407270023
Elgin north	Chris Scott	9795 7443	0408921356
Elgin South	Barry Bell	9727 2342	0417966126
Boyanup North	Trevor Brockman	9731 5454	
Boyanup East	Brian Smith	9731 5618	0408939296
Boyanup South	Brian Ewart	9731 5204	0427315204
Capel River	Ron Hartnup	9731 7151	
Capel South	Mike Norton	9727 2066	0417183439
Capel Town	John James	9727 2071	
Stirling	Jim Campbell	9727 2170	
Stirling	Geoff Callow	9727 2750	0407980988

TO REPORT ANY FIRE WITHIN THE SHIRE OF CAPEL, DIAL 000**PLANNING****PD101****CORRECTION***TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF BRIDGETOWN-GREENBUSHES

TOWN PLANNING SCHEME No. 3—AMENDMENT No. 54

Ref: 853/6/5/3 Pt 54

It is hereby notified for public information that the notice under the above Amendment No. 54 published at page 3716 of the *Government Gazette* No. 144 dated 20 July 2001, contained an error which is now corrected as follows—

At point 7 (a), line three, delete 'Rural' from the zones which are to have 'X' uses for the use class 'Aquaculture'.

A. MacNISH, Chief Executive Officer.

PD102**CORRECTION***TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF DARDANUP

TOWN PLANNING SCHEME No. 3—AMENDMENT No. 113

Ref: 853/6/9/6 Pt 113

It is hereby notified for public information that the notice under the above Amendment No. 113 published at page 3721 of the *Government Gazette* No. 144 dated 20 July 2001, contained an error which is now corrected as follows—

At point 3. - 8.2 Permitted Development should read 7.11 Permitted Development

M. L. CHESTER, Chief Executive Officer.

PD401*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT
METROPOLITAN REGION SCHEME (SECTION 33) AMENDMENT No. 1015/33
EASTERN DISTRICTS OMNIBUS (No. 4)
OUTCOME OF SUBMISSIONS

The Western Australian Planning Commission has considered all the submissions received in respect of the amendment proposal for the 'Eastern Districts Omnibus (No.4)' amendment No. 1015/33. This proposal was first published in the *Government Gazette* on 9 May 2000. The Commission has recommended that the amendment proposal be modified. The amendment (as modified) is shown on Western Australian Planning Commission plans numbered 1.3953, 1.3954/2, 1.3955/2, 1.3956/1, 1.3957/1 (map sheets numbered 8/10m, 9/9m, 12/64m, 13/27m, 16/162m, 17/42m, and 20/110m).

The amendment has been presented to and approved by the Lieutenant Governor and deputy of the Governor in accordance with the requirements of the Metropolitan Region Town Planning Scheme Act. It will now be tabled in both Houses of Parliament, where it must remain for 12 sitting days. During this time either House may, by resolution, disallow the amendment. As soon as the amendment is no longer subject to disallowance it becomes legally effective in the Metropolitan Region Scheme.

Copies of the amendment and the accompanying *Report on Submissions* are available for public inspection from Wednesday, 1 August 2001 to Wednesday, 19 September 2001 at the following locations—

- Ministry for Planning
1st floor, Albert Facey House
469 Wellington Street
PERTH
- J S Battye Library
Alexander Library Building
Francis Street
NORTHBRIDGE

Council Offices of the municipalities of—

- City of Perth
- City of Fremantle
- City of Bayswater
- City of Swan
- Town of Bassendean
- Shire of Kalamunda
- Shire of Mundaring

Copies of the *Report on Submissions* are available upon request from these display locations.

PETER MELBIN, Secretary.
Western Australian Planning Commission.

PD402*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT
METROPOLITAN REGION SCHEME (SECTION 33) AMENDMENT No. 1022/33
EASTERN DISTRICTS OMNIBUS (NO. 5)
OUTCOME OF SUBMISSIONS

The Western Australian Planning Commission has considered all the submissions received in respect of the amendment proposals for the 'Eastern Districts Omnibus (No. 5)', Amendment No. 1022/33. This proposal was first published in the *Government Gazette* on 11 July 2000. The Commission has recommended that the amendment proposals be modified. The amendment, as modified, is shown on Western Australian Planning Commission plans 1.3974, 1.3975/1 and 1.3976/2 (map sheets numbered 8/11m, 9/10m, 12/66m and 16/165m).

The amendment has been presented to and approved by the Lieutenant-Governor and deputy of the Governor in accordance with the requirements of the Metropolitan Region Town Planning Scheme Act. It will now be tabled in both Houses of Parliament, where it must remain for 12 sitting days. During this time either House may, by resolution, disallow the amendment. As soon as the amendment is no longer subject to disallowance it becomes legally effective in the Metropolitan Region Scheme.

Copies of the amendment and the accompanying *Report on Submissions* are available for public inspection from Wednesday, 1 August 2001 to Wednesday, 19 September 2001 at the following locations—

- Ministry for Planning
1st floor, Albert Facey House
469 Wellington Street
PERTH
- J S Battye Library
Alexander Library Building
Francis Street
NORTHBRIDGE

The Municipal Offices of—

- City of Perth
- City of Fremantle
- City of Swan
- Town of Bassendean
- Shire of Kalamunda

Copies of the *Report on Submissions* are available upon request from these display locations.

PETER MELBIN, Secretary.
Western Australian Planning Commission.

PD701*

TOWN PLANNING AND DEVELOPMENT ACT, 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME
SHIRE OF COOROW
 TOWN PLANNING SCHEME No. 2

Ref: 853/3/20/2

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the Shire of Coorow Town Planning Scheme No. 2 on 12 July 2001 the Scheme Text of which is published as a Schedule annexed hereto.

A. C. KAU, President.
 S. N. HAZELDINE, Chief Executive Officer.

Schedule

Preamble

This Town Planning Scheme of the Shire of Coorow consists of this Scheme Text and the Scheme Maps. The Scheme Text should be read with the Local Planning Strategy for the Shire.

Part 2 of the Scheme Text sets out the Local Planning Framework. At the core of this Framework is the Local Planning Strategy which sets out the long-term planning directions for the local government, applies State and regional planning policies and provides the rationale for the zones and other provisions of the Scheme. In addition to the Local Planning Strategy, the Framework provides for Local Planning Policies which set out the general policies of the local government on matters within the Scheme.

The Scheme divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

SCHEME DETAILS

The Shire of Coorow
 Town Planning Scheme No.2
 District Zoning Scheme

The Shire of Coorow under the powers conferred by the *Town Planning and Development Act 1928* makes the following Town Planning Scheme.

TABLE OF CONTENTS

- Part 1 Preliminary—sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.
- Part 2 Local Planning Policy Framework—sets out the relationship between the Scheme and the Local Planning Strategy and the procedures for preparing and adopting Local Planning Policies.
- Part 3 Reserves—sets out the reserves which apply in the Scheme area and related provisions.
- Part 4 Zones and the use of land—sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.
- Part 5 General development requirements—sets out the planning requirements which may apply to a particular use or development in a zone.
- Part 6 Special control areas—sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.
- Part 7 Heritage protection—sets out special provisions which apply to heritage places and areas.
- Part 8 Development of land—sets out the circumstances under which approval is required for the development of land as distinct from the use of land.
- Part 9 Applications for planning approval—sets out the procedure for applying for planning approval including both the use and development of land.
- Part 10 Procedure for dealing with applications—sets out the procedure for dealing with applications for planning approval and the matters to be taken into account.
- Part 11 Enforcement and administration—sets out the general provisions for the administration and enforcement of the Scheme.

Schedules

- Schedule 1 Dictionary of defined words and expressions
 - General definitions
 - Land use definitions
- Schedule 2 Additional uses

Schedule 3	Restricted uses
Schedule 4	Special use zones
Schedule 5	Exempted advertisements
Schedule 6	Form of application for planning approval
Schedule 7	Additional information for advertisements
Schedule 8	Notice of public advertisement of planning proposal
Schedule 9	Notice of determination on application for planning approval

PART 1—PRELIMINARY

1.1. Citation

1.1.1. The Shire of Coorow Scheme No. 2 ("the Scheme") comes into operation on its Gazettal date.

1.1.2. The following Scheme(s) is (are) revoked—

Shire of Coorow Town Planning Scheme No 1 Gazettal date 16 December 1988

1.2. Responsible authority

The Shire of Coorow is the responsible authority for implementing the Scheme.

1.3. Scheme area

The Scheme applies to the Scheme area which covers all of the local government district of the Shire of Coorow as shown on the Scheme Map.

1.4. Contents of Scheme

The Scheme comprises—

- (a) the Scheme Text;
- (b) the Scheme Map (sheets 1-8).

The Scheme is to be read in conjunction with the Local Planning Strategy.

Note: The Scheme Map comprises an overall map that covers the entire Shire and a series of seven maps which focus on the areas of higher intensity.

1.5. Purposes of Scheme

The purposes of the Scheme are to—

- (a) set out the local government's planning aims and intentions for the Scheme area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in the First Schedule to the Town Planning Act.

1.6. The aims of the Scheme

The aims of the Scheme are—

- To assist the effective implementation of regional plans and policies including the State Planning Strategy.
- To ensure there is sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.
- To provide for housing choice and variety with a community identity and high levels of amenity.
- To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home based employment.
- to facilitate a diverse and integrated network of open space catering for active and passive recreation, consistent with the needs of the community.
- To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.
- To protect and enhance the environmental values and natural resources of the Scheme area and to promote ecologically sustainable land use and development.
- To safeguard and enhance the character and amenity of the built and natural environment of the Scheme area.

1.7. Definitions

1.7.1. Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have—

- (a) in the Town Planning Act; or

- (b) if they are not defined in that Act—
 - (i) in the Dictionary of defined words and expressions in Schedule 1; or
 - (ii) in the Residential Planning Codes.

1.7.2. If there is a conflict between the meaning of a word or expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Planning Codes—

- (a) in the case of a residential development, the definition in the Residential Planning Codes prevails; and
- (b) in any other case the definition in the Dictionary prevails.

1.7.3. Notes, and instructions printed in italics, are not part of the Scheme.

1.8. Relationship with local laws

Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.

PART 2—LOCAL PLANNING POLICY FRAMEWORK

2.1. Scheme determinations to conform with Local Planning Strategy

Except to the extent that the Local Planning Strategy is inconsistent with the Scheme, determinations of the local government under the Scheme are to be consistent with the Local Planning Strategy.

2.2. Local Planning Policies

The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply—

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

and may amend or add to or rescind the Policy.

2.3. Relationship of Local Planning Policies to Scheme

2.3.1. If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2. A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Note: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Planning Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.

2.4. Procedure for making or amending a Local Planning Policy

2.4.1. If a local government resolves to prepare a Local Planning Policy, the local government—

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of—
 - (i) where the draft Policy may be inspected;
 - (ii) the subject and nature of the draft Policy; and
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.

2.4.2. After the expiry of the period within which submissions may be made, the local government is to—

- (a) review the proposed Policy in the light of any submissions made; and
- (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

2.4.3. If the local government resolves to adopt the Policy, the local government is to—

- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
- (b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.

2.4.4. A Policy has effect on publication of a notice under clause 2.4.3(a).

2.4.5. A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.

2.4.6. Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

2.5. Revocation of Local Planning Policy

A Local Planning Policy may be revoked by—

- (a) the adoption by a local government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or

- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

PART 3—RESERVES

3.1. Reserves

Certain lands within the Scheme area are classified as Local Reserves.

3.2. Local Reserves

“Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

3.3. Use and development of Local Reserves

3.3.1. A person must not—

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local Reserve,

without first having obtained planning approval under Part 9 of the Scheme.

3.3.2. In determining an application for planning approval the local government is to have due regard to—

- (a) the matters set out in clause 10.2; and
- (b) the ultimate purpose intended for the Reserve.

3.3.3. In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval.

PART 4—ZONES AND THE USE OF LAND

4.1. Zones

4.1.1. The Scheme area is classified into the zones shown on the Scheme Map.

4.1.2. The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

4.2. Objectives of the zones

The objectives of the zones are—

- Residential Zone
To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Planning Codes.
- Commercial Zone
To provide for retail shopping, office and commercial development, and social, recreational and community activities servicing the town as a whole.
- Industrial Zone
To provide for manufacturing industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas.
- Public Assembly
To provide for places of worship such as churches or halls to serve the community.
- Rural Zone
To provide for a range of rural pursuits such as broadacre and diversified farming which are compatible with the capability of the land and retain the rural character and amenity of the locality.
- Rural Residential Zone
To provide for well managed residential uses in a rural setting so as to ensure landscape protection, conservation and small scale farming.
- Special Use Zone
To provide for special categories of land use which are not fully compatible with other zones in the Scheme.
- Private Clubs and Institutions Zone
To provide for development or establishment of uses to satisfy the general cultural, religious, education, health and recreational and needs of the community.
- Tourist Accommodation Zone
To provide for tourism development and uses associated with tourism development, including retailing and service facilities where such facilities are an integral part of the development and are of a scale appropriate to the needs of the development.

4.3. Zoning Table

4.3.1. 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 (Table 1).

4.3.2. 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 providing the use complies with the relevant development standards and the requirements of the Scheme;
- 'D' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;
- 'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;
- 'X' means a use that is not permitted by the Scheme.

4.3.3. A change in the use of land from one use to another is permitted if—

- (a) the local government has exercised its discretion by granting planning approval;
- (b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (d) the change is to an incidental use that does not change the predominant use of the land.

- Note:*
1. The planning approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.
 2. The local government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.
 3. In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 10.2.
 4. The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.

4.4. Interpretation of the Zoning Table

4.4.1. 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.

4.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may—

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

TABLE 1—Zoning Table

P—Permitted D—Discretion A—Special Notice X—Not Permitted

Use Classes	ZONES*							
	Residential	Commercial	Industrial	Tourist Accom	Rural	Rural Residential	Places Public Assembly	Private Clubs & Institutions
Aged Persons Hostel	D	X	X	A	D	D	D	X
Agriculture Intensive	X	X	X	X	A	X	X	X
Animal Establishment	X	X	X	X	P	D	X	X
Aquaculture	A	X	D	D	P	A	X	X
Caravan Park	X	A	X	P	D	D	X	X
Caretaker's Dwelling	P	D	D	D	D	D	D	D
Carpark	A	D	D	D	D	D	D	D
Civic Use	X	D	X	X	X	X	P	P
Consulting Room	A	P	D	X	A	A	X	D
Dog Kennels	X	X	A	X	A	A	X	X

Use Classes	ZONES*							
	Residential	Commercial	Industrial	Tourist Accom	Rural	Rural Residential	Places Public Assembly	Private Clubs & Institutions
Dry Cleaning Premises	X	A	A	X	X	X	X	X
Dwelling	P	X	X	D	P	P	X	X
Educational Establishment	A	D	D	X	A	A	D	D
Fast Food Outlet	X	P	D	A	X	X	X	X
Fish Shop	X	P	D	A	X	X	X	X
Fuel Depot	X	X	A	X	X	X	X	X
Funeral Parlour	X	P	D	X	A	X	X	X
Health Club	X	P	X	A	X	A	X	D
Home Occupation	D	X	X	X	D	D	X	X
Hospital	X	A	X	X	A	X	X	X
Hotel	X	A	X	A	A	X	X	X
Industry Cottage	A	P	P	A	A	A	X	X
Industry Extractive	X	X	X	X	A	X	X	X
Industry General	X	X	P	X	X	X	X	X
Industry Hazardous	X	X	A	X	A	X	X	X
Industry Light	X	X	P	X	A	X	X	X
Industry Rural	X	X	P	X	D	A	X	X
Industry Service	X	D	P	X	A	X	X	X
Milk Depot	X	P	A	X	A	X	X	X
Motel	X	A	X	P	A	X	X	X
Motor Vehicle Repair	X	A	P	X	A	X	X	X
Motor Vehicle Wrecking	X	X	D	X	X	X	X	X
Office	X	P	A	A	A	A	D	D
Place of Worship	A	D	X	X	A	A	P	D
Public Utility	X	D	P	D	D	D	D	D
Reception Centre	X	P	X	D	A	A	D	D
Recreation Private	X	P	D	D	A	A	D	P
Restaurant	A	P	X	P	A	A	X	A
Rural Pursuit	X	X	X	X	P	D	X	X
Service Station	X	P	D	X	A	X	X	X
Shop	X	P	D	A	A	X	X	D
Showroom	X	P	P	X	X	X	X	X
Stables	X	X	X	X	P	D	X	X
Trade Display	X	P	P	X	X	A	D	D
Transport Depot	X	A	P	X	A	X	X	X
Veterinary Centre	X	D	D	X	A	A	X	X
Zoological Gardens	X	X	X	A	D	A	X	X

* Special Use Zone: Use in accordance with conditions in Schedule 3 of Scheme

4.5. Additional uses

Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land.

4.6. Restricted uses

Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

Note: A restricted use is the only use or uses that is permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

4.7. Special use zones

4.7.1. Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

4.7.2. A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

4.8. Non-conforming uses

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent—

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

Note: "Land" has the same meaning as in the Town Planning Act and includes houses, buildings and other works and structures.

4.9. Extensions and changes to a non-conforming use

4.9.1. A person must not—

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another non-conforming use,

without first having applied for and obtained planning approval under the Scheme.

4.9.2. An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

4.9.3. Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

4.10. Discontinuance of non-conforming use

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

4.11. Termination of a non-conforming use

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

Note: Section 13 of the Town Planning Act enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the Land Administration Act 1997, that section and the Scheme.

4.12. Destruction of non-conforming use buildings

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the local government.

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.1. Compliance with development standards and requirements

Any development of land is to comply with the provisions of the Scheme and should be in accordance with planning policy.

5.2. Residential Planning Codes

5.2.1. A copy of the Residential Planning Codes is to be kept and made available for public inspection at the offices of the local government.

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

5.2.3. The Residential Planning Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Planning Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Planning Code density, as being contained within the area defined by the centre-line of those borders.

5.3. Special application of Residential Planning Codes

The following variations to the Codes apply in this Scheme.

5.3.1 For the purpose of this Scheme no building in a residential zone shall exceed a height of 8 metres without Council's Planning Approval and shall be dealt with in accordance with provisions in Scheme and any Council Policy.

5.3.2 In the area coded R17.5/R30, the R30 coding may be applied to no more than 2 medium density lots indicated on the plan of subdivision.

5.3.3 In the area coded R 12.5/15, the R 12.5 Code shall apply unless the Council is satisfied that a satisfactory system of on-site effluent disposal can be achieved and continue to function effectively on a permanent basis under the R 15 Code.

5.4. Restrictive covenants

5.4.1. Subject to clause 5.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Planning Codes which apply under the Scheme.

5.4.2. Where clause 5.4.1. operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.4.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 9.4.

5.5. Variations to site and development standards and requirements

5.5.1. Except for development in respect of which the Residential Planning Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

5.5.2. In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to—

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and
- (b) have regard to any expressed views prior to making its determination to grant the variation.

5.5.3. The power conferred by this clause may only be exercised if the local government is satisfied that—

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

5.6. Environmental conditions

There are no environmental conditions imposed by the Minister for Environment which apply to the Scheme.

5.7. Site and Development Requirements

5.7.1 The Development Table (Table 2) sets out the site and development requirements for various land uses in the Scheme area.

5.7.2 A person shall not develop or use any land or erect, use or adapt any building unless car parking spaces in accordance with the Development Table or as specified by the Council are provided and such spaces are constructed and maintained in accordance with the requirements of the Council.

5.7.3 The Council in determining applications for any development may require such development to comply generally with the standards required for development in that zone as required in the Development Table to ensure that the scale, nature, design, general appearance and impact of such uses is compatible with the intentions for the development in that zone and the objectives of the Scheme.

5.8 Relocated Residential Dwellings and Transportable Residential Dwellings

5.8.1 Relocated Residential Buildings

Within the Scheme area a building may not be placed on a lot and occupied as a dwelling following transportation as a whole or as parts of a building unless in the opinion of the Council, such a building is in a satisfactory condition and will not detrimentally affect the amenity of the area; or the building has been specifically constructed as a transportable dwelling.

5.8.2 Transportable Residential Buildings

Transportable residential dwellings over 5 years old will not be supported in areas zoned Residential or Commercial.

The erection or re-erection of a transportable residential dwelling shall be regarded as being the erection of a new building and shall require the planning consent of Council.

5.9 Access for Loading and Unloading of Vehicles

5.9.1 No person shall use a building for business or industry or for any purpose for which a licence has been granted under the Liquor Act 1970, unless there is provided a paved access-way for vehicles from a street to the building for the purpose of loading and unloading and of a nature mentioned hereunder.

5.9.2 The access-way shall be so constructed that vehicles using it may return to a street in forward gear.

5.9.3 If there exists a right-of way to the side or rear of the lot, an area shall be paved on the lot so that vehicles when loading or unloading shall not remain in the right-of-way and the area shall be of such a size that if no alternative route exists vehicles may manoeuvre so as to return to a street in forward gear.

5.9.4 Except as hereinafter mentioned the access-way shall be not less than four and one half metres in width. If the size of the lot makes the provision of a four and one half metres wide access-way impracticable or unreasonable the Council may permit an access-way of a narrower width but in no case less than three metres in width.

5.9.5 The Council may vary the requirement of clauses 5.9.1 to 5.9.4 if all buildings are set twenty metres back from the street frontage.

5.10 Car Parking Requirements

Car parking requirements are set out for a range of land uses in Table 2 of Town Planning Scheme No 2.

5.10.1 Where an application is made for development and the purpose for which the land or building is to be used is not specified in Table 2, the Council shall determine the number of car parking spaces to be provided on the land having regard to the nature of the proposed development, the number of employees likely to be on the site, the prevention or obstruction of roads and streets, and the orderly and proper planning of the locality and the preservation of its amenities.

5.10.2 Council may waive a requirement for parking on a site if it is satisfied that adequate constructed car parking is available in close proximity to the proposed development, and where this is not available, Council may accept a cash payment in lieu of provisions of parking to be applied in accordance with the following sub-clause.

5.10.3 Where a developer cannot provide parking in accordance with the Scheme on site, the following formula shall be used to calculate the cash-in-lieu provision;

$$\text{CPS} \times \text{LV} \times \text{CC} = \$$$

Where; CPS = Area of Car Parking Space
(21.25 sqm per bay)

LV = Undeveloped Land Value

CC = Construction Cost

The cash-in-lieu will be limited to an amount per car Parking Space, which will be updated from year to year.

5.10.4 Cash-in-lieu money will be deposited by Council into a special fund to be applied solely to the provision, construction and maintenance of car parking.

5.10.5 The dimensions of car parking spaces, parking angle, driveway widths and landscaping detail shall be in accordance with Council Policy.

5.11 Commercial Areas

5.11.1 Plot Ratio

Council shall permit a building in the Commercial Zone to have a plot ratio of 1.0 and may permit an increase of 50 percent providing that Council is satisfied on matters relating to access, car parking, servicing, loading and unloading and any other matter the Council by its absolute majority may take into consideration.

5.11.2 Upper Floors

Where the ground floor of a multi-storey building is used for the purpose of shops or offices, the upper floors of such buildings may be used for the purposes of shops, offices or residential accommodation providing that—

- The residential use is confined to the upper floor.
- The residential use is used only by the owner/occupier of the shop or office within the same building.

5.12 Industrial Areas

5.12.1 Building Setbacks

- Front setbacks shall be 7.5 metres from any front boundary.
- Side setbacks shall be determined by Council.
- No setbacks (nil) are required from the rear boundary.

5.12.2 Site Cover

No more than 50 percent of any lot shall be built upon without the approval of the Council

5.12.3 Landscape Treatment

An area of not less than 10% of the land between the front building line and the street frontage shall be set aside for landscaping, and such landscaping shall be established and maintained in accordance with an approved plan relating thereto.

5.12.4 Open Air Display

A person may display finished goods for sale up to the front boundary of the lot.

5.12.5 Stock Piling and Storage of Materials

No dumping or storage of waste materials for use on premises, or construction, servicing or maintenance shall be permitted between the building line and the street frontage.

5.12.6 Car Parking

On site car parking shall be provided in accordance with Table 2 in the Scheme Text.

5.13 General Appearance Of Buildings

No person shall without the written approval of the council erect a building which by virtue of colour or type of materials, architectural style, height or bulk, ornamental or general appearance, has an exterior design which is out of harmony with existing buildings or the landscape character of the area.

5.14 Height and Appearance of Buildings

With the exception of buildings and structures required for agricultural use in Rural Zones, no building in excess of two storeys or a height of 8 metres above natural ground level shall be erected within the Scheme Area.

Council may approve buildings which exceed the height specified after considering information provided and any submissions made by persons owning or having an interest in land affected directly or indirectly by the proposed building—

- Will be in harmony with the general character of buildings in the locality.
- Will not be detrimental to the amenity or character of the locality or the quality of environment or the townscape.
- Will observe the required setbacks from the boundaries of the lot on which it is to be constructed and will not prejudice the siting, design, aspect and privacy of buildings on other nearby lots.
- Will not impair the potential for development of other vacant blocks in the vicinity with particular regard to amenity, aspect and views.
- Has been designed in harmony with the natural land form of the site.

Any such decision shall only be made by an absolute majority of Council.

5.15 Visual Protection of Scenic Routes

Any development application on Indian Ocean Drive, Brand Highway or Midlands Road will be subject to the following controls—

- Setback 200m from road.
- Landscaping of buildings in view of scenic roads to visually screen harsh structures.
- No advertisements in the building setback lines without the approval of Council.

TABLE 2—SITE AND DEVELOPMENT REQUIREMENTS TABLE **

Control Use	Minimum Boundary Setback (metres)			Maximum Plot Ratio	ΦMinimum landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Child Care Premises	7.5	7.5	*	*	*	1 for every 4 children plus 1 per employee.
Consulting Room	*	*	*	0.4 in Res Zone 0.5 elsewhere	30 in Res Zone	3 for every consulting room
Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the Council.
Fast Food Outlet	*	*	*	1.0	*	1 for every 10 sqm retail floor area
Funeral Parlour	*	*	*	1.0	10	As determined by the Council (minimum 6).
Hospital	9.0	7.5	5.0	0.5	20	1 per 4 beds and 1 per employee.
Hotel	*	*	*	*	10	1 for every bedroom plus 3 per 25 sqm bar and lounge area plus 1 space per 2 employees

Control Use	Minimum Boundary Setback (metres)			Maximum Plot Ratio	ΦMinimum landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Industry General	7.5	10	5	*	15	1 per 2 employees
Industry Light	7.5	10	5	*	10	1 per 2 employees.
Industry Service	7.5	10	5	*	10	1 per 2 employees.
Library	*	*	*	*	*	1 for every 35 sqm floor area
Motel	9.0	7.5	3 per storey	1.0	30	1 per unit, plus 3 spaces per 25sqm of service area plus 1 space per 2 employees
Office	*	*	*	1.0	*	1 for every 40sqm gross lettable area.
Private Clubs and Institutions	*	*	*	0.5	*	1 for every 4 persons accommodated.
Reception Centre	*	*	*	0.5	30	1 for every 4 persons whom the building is designed to accommodate.
Restaurant	*	*	*	1.0	*	1 for every 10sqm of gross lettable area or 1 for every 4 seats provided, whichever is the greater.
Service Station	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site.
Shop	*	*	*	1.0	*	1 for every 20sqm of gross lettable area.
Showroom	*	*	*	1.0	10	1 for every 100sqm of gross lettable area.
Veterinary Centre	*	*	*	*	30	1 for every 10msq gross floor area, plus 1 for each person employed.

** This table is intended as a guideline and may be varied at the discretion of the Shire Council

* Means 'to be determined by the Council' in each particular case.

Φ Landscaping to be generally at street frontage.

PART 6—SPECIAL CONTROL AREAS

6.1. Operation of special control areas

There are no special control areas which apply to the Scheme.

PART 7—HERITAGE PROTECTION

7.1. Heritage List

7.1.1. The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

7.1.2. In the preparation of the Heritage List the local government is to—

- have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*; and
- include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.

7.1.3. In considering a proposal to include a place on the Heritage List the local government is to—

- notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;
- invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
- carry out such other consultations as it thinks fit; and

- (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

7.1.4. Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.

7.1.5. The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

7.1.6. The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.3.

Note: 1. *The purpose and intent of the heritage provisions are—*

(a) *to facilitate the conservation of places of heritage value; and*

(b) *to ensure as far as possible that development occurs with due regard to heritage values.*

2. *A "place" is defined in Schedule 1 and may include works, buildings and contents of buildings.*

7.2. Designation of a heritage area

7.2.1. If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate that area as a heritage area.

7.2.2. The local government is to—

(a) adopt for each heritage area a Local Planning Policy which is to comprise—

(i) a map showing the boundaries of the heritage area;

(ii) a record of places of heritage significance; and

(iii) objectives and guidelines for the conservation of the heritage area;

and

(b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.

7.2.3. If a local government proposes to designate an area as a heritage area, the local government is to—

(a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;

(b) advertise the proposal by—

(i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;

(ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and

(iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal;

and

(c) carry out such other consultation as the local government considers appropriate.

7.2.4. Notice of a proposal under clause 7.2.3(b) is to specify—

(a) the area subject of the proposed designation;

(b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and

(c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.

7.2.5. After the expiry of the period within which submissions may be made, the local government is to—

(a) review the proposed designation in the light of any submissions made; and

(b) resolve to adopt the designation with or without modification, or not to proceed with the designation.

7.2.6. If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.

7.2.7. The local government may modify or revoke a designation of a heritage area.

7.2.8. Clauses 7.2.3 to 7.2.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

7.3. Heritage agreements

The local government may, in accordance with the *Heritage of Western Australia Act 1990*, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

- Note:*
1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.
 2. Detailed provisions relating to heritage agreements are set out in the *Heritage of Western Australia Act 1990*.

7.4. Heritage assessment

Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.

7.5. Variations to Scheme provisions for a heritage place or heritage area

Where desirable to—

- (a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under clause 7.1.1; or
- (b) enhance or preserve heritage values in a heritage area designated under clause 7.2.1,

the local government may vary any site or development requirement specified in the Scheme or the Residential Planning Codes by following the procedures set out in clause 5.5.2.

PART 8—DEVELOPMENT OF LAND

8.1. Requirement for approval to commence development

Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under Part 9.

- Note:*
1. The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).
 2. Development includes the erection, placement and display of any advertisements.

8.2. Permitted development

Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of local government—

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the Heritage List under clause 7.1 of the Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where—
 - (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Planning Codes; or
 - (ii) the development will be located in a heritage area designated under the Scheme;
 - (iii) is a Relocated Dwelling, or a Transportable Dwelling;
 - (iv) is a dwelling which exceeds 8 metres in height;
 - (v) is an ancillary out building which exceeds an area of 72sqm and/or exceeds 4 metres in height.
- (c) the demolition of any building or structure except where the building or structure is—
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
 - (iv) located within a heritage area designated under the Scheme;
- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees; and
- (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a heritage area.

Note: Development carried out in accordance with a subdivision approval granted by the Commission is exempt under section 20D of the *Town Planning Act*.

8.3. Amending or revoking a planning approval

The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

8.4. Unauthorized existing developments

8.4.1. The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

8.4.2. Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning approval.

- Note:*
1. *Applications for approval to an existing development are made under Part 9.*
 2. *The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.*

PART 9—APPLICATIONS FOR PLANNING APPROVAL

9.1. Form of application

9.1.1. An application for approval for one or more of the following—

- (a) a use or commencement of development on a Local Reserve under clause 3.4;
- (b) commencement of a 'P' use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;
- (c) commencement of a 'D' use or an 'A' use as referred to in clause 4.3.2;
- (d) commencement of a use not listed in the Zoning Table under clause 4.4.2(b);
- (e) alteration or extension of a non-conforming use under clause 4.9;
- (f) a change of a non-conforming use under clause 4.9;
- (g) continuation of a non-conforming use under clause 4.12;
- (h) variation of a site or development requirement under clause 5.5;
- (i) commencement of development under clause 8.1;
- (j) continuation of development already commenced or carried out under clause 8.4;
- (k) a subsequent planning approval pursuant to an approval under clause 10.8.1; and
- (l) the erection, placement or display of an advertisement,

is, subject to clause 9.1.2, to be made in the form prescribed in Schedule 6 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

9.1.2. An application for the erection, placement or display of an advertisement is to be accompanied by the additional information set out in the form prescribed in Schedule 7.

9.2. Accompanying material

Unless the local government waives any particular requirement every application for planning approval is to be accompanied by—

- (a) a plan or plans to a scale of not less than 1:500 showing—
 - (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
 - (ii) the existing and proposed ground levels over the whole of the land the subject of the application and the location, height and type of all existing structures, and structures and vegetation proposed to be removed;
 - (iii) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
 - (iv) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (v) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (vi) 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;
 - (vii) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
 - (viii) the nature and extent of any open space and landscaping proposed for the site;
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- (c) any specialist studies that local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and
- (d) any other plan or information that the local government may require to enable the application to be determined.

9.3. Additional material for heritage matters

Where an application relates to a place entered on the Heritage List or within a heritage area, the local government may require an applicant to provide one or more of the following to assist the local government 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) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government 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.

9.4. Advertising of applications

9.4.1. Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is—

- (a) an 'A' use as referred to in clause 4.3.2; or
- (b) a use not listed in the Zoning Table,

the local government is not to grant approval to that application unless notice is given in accordance with clause 9.4.3.

9.4.2. Despite clause 9.4.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice to be given in accordance with clause 9.4.3.

9.4.3. The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways—

- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;
- (b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;
- (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

9.4.4. The notice referred to in clause 9.4.3(a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the local government.

9.4.5. Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the local government.

9.4.6. After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

10.1. Consultation with other authorities

10.1.1. In considering an application for planning approval the local government may consult with any other statutory, public or planning authority it considers appropriate.

10.1.2. In the case of land reserved under the Scheme for the purposes of a public authority, the local government is to consult that authority before making its determination.

10.2. Matters to be considered by local government

The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application—

- (a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved statement of planning policy of the Commission;
- (d) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;

- (i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (s) whether public utility services are available and adequate for the proposal;
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (u) whether adequate provision has been made for access by disabled persons;
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (w) whether the proposal is likely to cause soil erosion or land degradation;
- (x) the potential loss of any community service or benefit resulting from the planning approval;
- (y) any relevant submissions received on the application;
- (z) the comments or submissions received from any authority consulted under clause 10.1.1;
- (za) any other planning consideration the local government considers relevant.

10.3. Determination of applications

In determining an application for planning approval the local government may—

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

10.4. Form and date of determination

10.4.1. As soon as practicable after making a determination in relation to the application, the local government is to convey its determination to the applicant in the form prescribed in Schedule 9 and the date of determination is to be the date given in the notice of the local government's determination.

10.4.2. Where the local government refuses an application for planning approval the local government is to give reasons for its refusal.

10.5. Term of planning approval

10.5.1. Where the local government grants planning approval for the development of land—

- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and
- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.

10.5.2. A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1.

10.6. Temporary planning approval

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.

10.7. Scope of planning approval

Planning approval may be granted—

- (a) for the use or development for which the approval is sought;
- (b) for that use or development, except for a specified part or aspect of that use or development; or
- (c) for a specified part or aspect of that use or development.

10.8. Approval subject to later approval of details

10.8.1. Where an application is for a development that includes the carrying out of any building or works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the local government thinks fit.

10.8.2. In respect of an approval requiring subsequent planning approval, the local government may require such further details as it thinks fit prior to considering the application.

10.8.3. Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

10.9. Deemed refusal

10.9.1. Subject to clause 10.9.2, an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government within 60 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

10.9.2. An application for planning approval which is the subject of a notice under clause 9.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

10.9.3. Despite an application for planning approval being deemed to have been refused, the local government may issue a determination in respect of the application at any time after the expiry of the period specified in clause 10.9.1 or 10.9.2, as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

10.10. Appeals

An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may appeal under Part V of the Town Planning Act.

PART 11—ENFORCEMENT AND ADMINISTRATION**11.1. Powers of the local government**

11.1.1 The local government in implementing the Scheme has the power to—

- (a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
- (b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the Town Planning Act; and
- (c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the Town Planning Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

11.1.2 An employee of the local government authorized by the local government may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

11.2. Removal and repair of existing advertisements

11.2.1. Where an existing advertisement at, or at any time after, the coming into force of the Scheme, is, in the opinion of the local government, in conflict with the amenity of the locality, the local government may by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt or otherwise modify the advertisement.

11.2.2. Where, in the opinion of the local government, an advertisement has deteriorated to a point where it is in conflict with the aims of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by written notice require the advertiser to—

- (a) repair, repaint or otherwise restore the advertisement to a standard specified by the local government in the notice; or
- (b) remove the advertisement.

11.2.3. For the purpose of clauses 11.2.1 and 11.2.2 any notice is to be served on the advertiser and is to specify—

- (a) the advertisement the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and
- (c) the period, being not less than 60 days from the date of the local government's determination, within which the action specified is to be completed by the advertiser.

11.2.4. A person on whom notice is served under this clause may appeal under Part V of the Town Planning Act against the determination of the local government.

11.3. Delegation of functions

11.3.1. The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

11.3.2. The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 11.3.1.

11.3.3. The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.

11.3.4. Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

11.4. Person must comply with provisions of Scheme

A person must not—

- (a) contravene or fail to comply with the provisions of the Scheme;
- (b) use any land or commence or continue to carry out any development within the Scheme area—
 - (i) otherwise than in accordance with the Scheme;
 - (ii) unless all approvals required by the Scheme have been granted and issued;
 - (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and
 - (iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.

Note: Section 10(4) of the Town Planning Act provides that a person who—

- (a) contravenes or fails to comply with the provisions of a town planning scheme; or*
- (b) commences or continues to carry out any development which is required to comply with a town planning scheme otherwise than in accordance with that scheme or otherwise than in accordance with any condition imposed with respect to the development by the responsible authority pursuant to its powers under that scheme,*

is guilty of an offence.

Penalty: \$50 000, and a daily penalty of \$5 000.

11.5. Compensation

11.5.1. A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under section 11(1) of the Town Planning Act—

- (a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or
- (b) where the land has been reserved for a public purpose and—
 - (i) an application made under the Scheme for approval to carry out development on the land is refused; or
 - (ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,not later than 6 months after the application is refused or the permission granted.

11.5.2. A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under clause 11.5.1.

1. A claim for compensation under section 11(1) of the Town Planning Act may be made in the Form No. 7 in Appendix A of the *Town Planning Regulations 1967*.

11.6. Purchase or taking of land

11.6.1. If, where compensation for injurious affection is claimed under the Town Planning Act, the local government elects to purchase or take the land compulsorily the local government is to give written notice of that election to the claimant within 3 months of the claim for compensation being made.

11.6.2. The local government may deal with or dispose of land acquired by it for the purpose of a Local Reserve upon such terms and conditions as it thinks fit but the land must be used, and preserved, for a use compatible with the purpose for which it is reserved.

Note: Section 13 of the Town Planning Act empowers the local government to purchase or compulsorily acquire land comprised in a scheme.

11.7. Notice for removal of certain buildings

11.7.1. Under section 10(1) of the Town Planning Act, 28 days written notice is prescribed as the notice to be given for the removal of a building or other work referred to in that subsection.

11.7.2. The local government may recover expenses under section 10(2) of the Town Planning Act in a court of competent jurisdiction.

SCHEDULES

Schedule 1	Dictionary of defined words and expressions General definitions Land use definitions
Schedule 2	Additional uses
Schedule 3	Restricted uses
Schedule 4	Special use zones
Schedule 5	Exempted advertisements
Schedule 6	Form of application for planning approval
Schedule 7	Additional information for advertisements
Schedule 8	Notice of public advertisement of planning proposal
Schedule 9	Notice of determination on application for planning approval

SCHEDULE 1—DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

[cl. 1.7]

1. General definitions

In the Scheme—

“**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. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;

“**amenity**” means all those factors which combine to form the character of an area and include the present and likely future amenity;

“**building envelope**” means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained;

“**conservation**” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“**cultural heritage significance**” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“**floor area**” has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board;

“**frontage**”, when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning as in the Residential Planning Codes; and
- (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;

“**Gazettal date**”, in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 7(3) of the *Town Planning Act*;

“**height**” when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning as in the Residential Planning Codes; or
- (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;

“**incidental use**” means a use of premises which is ancillary and subordinate to the predominant use;

“**local government**” means the Shire of Coorow;

“**Local Planning Strategy**” means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the *Town Planning Regulations 1967* and amended from time to time;

“**lot**” has the same meaning as in the *Town Planning Act* but does not include a strata or survey strata lot;

“**minerals**” has the same meaning as in the *Mining Act 1978*;

“**net lettable area (nla)**” means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

- (a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;

- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;
- “**non-conforming use**” has the same meaning as it has in section 12(2)(a) of the Town Planning Act;
- “**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;
 - (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;
 - (c) is a lessor or licensee from the Crown; or
 - (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;
- “**place**”, in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;
- “**plot ratio**”, in the case of residential dwellings has the same meaning as in the Residential Planning Codes;
- “**precinct**” means a definable area where particular planning policies, guidelines or standards apply;
- “**predominant use**” means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;
- “**premises**” means land or buildings;
- “**Residential Planning Codes**” means the Residential Planning Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1, as amended from time to time;
- “**retail**” means the sale or hire of goods or services to the public;
- “**substantially commenced**” means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;
- “**Town Planning Act**” means the *Town Planning and Development Act 1928*;
- “**wholesale**” means the sale of goods or materials to be sold by others;
- “**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 use and development of land, but does not include a reserve or special control area.

2. Land use definitions

In the Scheme—

- “**aged persons hostel**” means any land or buildings used for the accommodation of aged persons in independent units and where meals and other facilities are provided.
- “**agriculture—extensive**” means premises used for the raising of stock or crops but does not include agriculture-intensive or animal husbandry-intensive;
- “**agriculture—intensive**” means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following—
- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
 - (b) the establishment and operation of plant or fruit nurseries;
 - (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
 - (d) aquaculture;
- “**agroforestry**” means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;
- “**amusement parlour**” means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;
- “**animal establishment**” means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry-intensive or veterinary centre;
- “**animal husbandry—intensive**” means premises used for 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;
- “**aquaculture**” shall have the same meaning as given to the term in and for the purposes of the *Fish Resources Management Act 1994*.
- “**bed and breakfast**” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;
- “**betting agency**” means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*;

- “**caravan park**” has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;
- “**caretaker’s dwelling**” means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;
- “**carpark**” means premises used primarily for parking vehicles 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 premises in which cars are displayed for sale;
- “**child care premises**” has the same meaning as in the *Community Services (Child Care) Regulations 1988*;
- “**cinema/theatre**” means premises where the public may view a motion picture or theatrical production;
- “**civic use**” means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;
- “**club premises**” means premises used by a legally constituted club or association or other body of persons united by a common interest;
- “**community purpose**” means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit;
- “**consulting rooms**” means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;
- “**convenience store**” means premises—
- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
 - (b) operated during hours which include, but may extend beyond, normal trading hours;
 - (c) which provide associated parking; and
 - (d) the floor area of which does not exceed 300 square metres net lettable area;
- “**corrective institution**” means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
- “**dog kennels**” means any land or buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the council, and may include the sale of dogs.
- “**dry cleaning premises**” means any land or buildings used for the cleaning of garments and other fabrics by chemical processes.
- “**educational establishment**” means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
- “**exhibition centre**” means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;
- “**family day care**” means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*;
- “**fast food outlet**” means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;
- “**fish shop**” means a building where wet fish and similar foods are displayed and offered for sale.
- “**fuel depot**” means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;
- “**funeral parlour**” means premises used to prepare and store bodies for burial or cremation;
- “**health club**” means any land or buildings used for physical exercise and associated activities.
- “**home business**” means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- (a) does not employ more than 2 people not members of the occupier’s household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) does not occupy an area greater than 50 square metres;
 - (d) does not involve the retail sale, display or hire of goods of any nature;
 - (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
 - (f) does not involve the use of an essential service of greater capacity than normally required in the zone;
- “**home occupation**” means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- (a) does not employ any person not a member of the occupier’s household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;

- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;

“home office” means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling;

“home store” means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;

“hospital” means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;

“hotel” means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;

“industry” means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for—

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail; or
- (d) the provision of amenities for employees,

incidental to any of those industrial operations;

“industry—cottage” means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which—

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier’s household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area;

“industry—extractive” means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry-mining;

“industry—general” means an industry other than a cottage, extractive, light, mining, 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 do not cause any injury to or adversely affect the amenity of the locality;
- (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;

“industry—mining” means land used commercially to extract minerals from the land;

“industry—rural” means—

- (a) an industry handling, treating, processing or packing rural products; or
- (b) a workshop servicing plant or equipment used for rural purposes;

“industry—service” means—

- (a) an industry-light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or

- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;
- “lunch bar”** means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;
- “marina”** means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings and all offices and storerooms used in connection with the marina;
- “marine filling station”** means premises used for the storage and supply of liquid fuels and lubricants for marine craft;
- “market”** means premises used for the display and sale of goods from stalls by independent vendors;
- “medical centre”** means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);
- “milk depot”** means any land or buildings to which milk and by-products are delivered for distribution by vendors to consumers but in which milk is not processed or pasteurised.
- “motel”** means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Licensing Act 1988*;
- “motor vehicle, boat or caravan sales”** means premises used to sell or hire motor vehicles, boats or caravans;
- “motor vehicle repair”** means premises used for or in connection with—
- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
 - (b) repairs to tyres,
- but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;
- “motor vehicle wrecking”** means any land or buildings used for storage, breaking up or dismantling of motor vehicles and includes the sale of secondhand motor vehicle accessories and spare parts.
- “motor vehicle wash”** means premises where the primary use is the washing of motor vehicles;
- “night club”** means premises—
- (a) used for entertainment with or without eating facilities; and
 - (b) licensed under the *Liquor Licensing Act 1988*;
- “office”** means premises used for administration, clerical, technical, professional or other like business activities;
- “park home park”** has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;
- “place of worship”** means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;
- “plantation”** has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia* (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers;
- “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.
- “reception centre”** means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;
- “recreation—private”** means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;
- “residential building”** has the same meaning as in the Residential Planning Codes;
- “restaurant”** means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Licensing Act 1988*;
- “restricted premises”** means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—
- (a) publications that are classified as restricted under the *Censorship Act 1996*;
 - (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;
- “rural pursuit”** means any premises used for—
- (a) the rearing or agistment of animals;
 - (b) the stabling, agistment or training of horses;

(c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or

(d) the sale of produce grown solely on the lot,

but does not include agriculture-extensive or agriculture-intensive;

“**service station**” means premises used for—

(a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and

(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,

but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;

“**shop**” means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;

“**showroom**” means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

“**stable**” means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.

“**storage**” means premises used for the storage of goods, equipment, plant or materials;

“**tavern**” means premises licensed as a tavern under the *Liquor Licensing Act 1988* and used to sell liquor for consumption on the premises;

“**telecommunications infrastructure**” means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;

“**tourist accommodation**” means development and associated tourism uses such as retailing and services, where such uses are an integral part of the development and are of a scale appropriate to the needs of the development.

“**trade display**” means premises used for the display of trade goods and equipment for the purpose of advertisement;

“**transport depot**” means any land or buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons, or for the transfer of goods or persons from one motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of vehicles, and may include overnight accommodation on-site for the transport workers.

“**veterinary centre**” means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

“**warehouse**” means premises used to store or display goods and may include sale by wholesale;

“**winery**” means premises used for the production of viticultural produce and may include sale of the produce.

“**zoological gardens**” means any land or buildings used for the keeping, breeding or display of animals and the term includes zoo but does not include a dog kennels or a cattery, animal husbandry or animal keeping.

SCHEDULE 2—ADDITIONAL USES

[cl. 4.5]

No.	Description of land	Additional use	Conditions
1	Greenhead Greenhead Road Lots 2-4, 31-40, 45-63, 197-201, 204-207, 392-394	Boatyard and storage of equipment	
2	Coorow Main Street Lot 1	Telecentre	
3	Coorow Main Street Lot 89	Office/showroom	

SCHEDULE 3—RESTRICTED USES

[cl. 4.6]

No.	Description of land	Restricted use	Conditions

SCHEDULE 4—SPECIAL USE ZONES

[cl. 4.7.1]

No.	Description of land	Special use	Conditions
1	Coorow Poynton Parade, Lots 9, 10, 11	Service Station	
2	Bristol Street, Pt. Vic. Loc. M1640	Fuel Depot & Transport Depot	
3	Commercial Street, Lot 115	Machinery Repairs	
4	Leeman Thomas Street, ↑34516	Purposes associated with the Fishing Industry	
	Nairn Street, Lot 41	Hardware Store	
	Nairn Street, Lots 49 & 50	Residential Purposes	
	Rudduck Street, Lot 474	Service Station & Shop	
	Nairn Street, Lot 308	Emergency Service Centre	
8	Green Head Green Head Road/Mitchell Street	Civic Purposes	
9	Pt. Lot 193	Purposes associated with the Fishing Industry	
	John Street, Lot 3		
10	John Street, Lot 395	Purposes associated with the Fishing Industry	
11	Rural Area Brand Highway, lot 1	Service Station	

SCHEDULE 5—EXEMPTED ADVERTISEMENTS

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN ¹	MAXIMUM SIZE
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly.	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN ¹	MAXIMUM SIZE
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ² .
Shops, Showrooms and other uses appropriate to a Shopping Area.	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	N/A
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.	Total area of any such advertisement, shall not exceed 15m.
	A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	N/A
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or council of a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	N/A
	(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a local government, and	N/A
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings.	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²

¹ Includes the change of posters on poster signs to non-illuminated signs unless otherwise stated.

TEMPORARY SIGNS	EXEMPTED SIGN—TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:		
(i) Dwellings.	One Advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
(ii) Multiple Dwellings, Shops, Commercial and Industrial projects.	One sign as for (i) above	5m ²
(iii) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (i) above One additional sign showing the name of the project builder.	10m ² 5m ²
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
Property Transactions. Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:		
(a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m ² .
(b) Multiple Dwellings, Shops, Commercial and Industrial Properties.	One sign as for (a) above	Each sign shall not exceed an area of 5m ² .
(c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.	One sign as for (a) above	Each sign shall not exceed an area of 10m ² .
Display Homes Advertisement signs displayed for the period over which homes are on display for public inspection.	(i) One sign for each dwelling on display (ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m ² 5m ²

² Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated.

SCHEDULE 6—FORM OF APPLICATION FOR PLANNING APPROVAL

[cl. 9.1.1]

Application for planning approval

Owner details		
Name:		
Address:		
		Postcode:
Phone: (work): (home): (mobile):	Fax:	E-mail:
Contact person:		
Signature:		Date:
Signature:		Date:
<i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature.</i>		

Applicant details		
Name:		
Address:		
		Postcode:
Phone: (work): (home): (mobile):	Fax:	E-mail:
Contact person for correspondence:		
Signature:		Date:

Property details		
Lot No:	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants):		
Street name:		Suburb:
Nearest street intersection:		

Existing building/land use:
Description of proposed development and/or use:
Nature of any existing buildings and/or use:
Approximate cost of proposed development:

Estimated time of completion:

OFFICE USE ONLY
 Acceptance Officer's initials: Date received:
 Local government reference no:

SCHEDULE 7—ADDITIONAL INFORMATION FOR ADVERTISEMENTS

[cl. 9.1.2]

Note: to be completed in addition to the Application for Planning Approval form

1.	Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:
2.	<p>Details of proposed sign:</p> <p>(a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other):</p> <p>(b) Height: Width: Depth:</p> <p>(c) Colours to be used:</p> <p>(d) Height above ground level—</p> <ul style="list-style-type: none"> • (to top of advertisement): • (to underside): <p>(e) Materials to be used:..... </p> <p>Illuminated: Yes / No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:..... </p>
3.	Period of time for which advertisement is required:
4.	<p>Details of signs (if any) to be removed if this application is approved: </p> <p>Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 4 above.</p> <p>Signature of advertiser(s): (if different from land owners)</p> <p>Date:</p>

ADOPTION

Adopted by resolution of the Council of the Shire of Coorow at the meeting of the Council held on the 16th day of February 1999.

A. C. KAU, Shire President.
S. HAZELDINE, Chief Executive Officer.

Dated: 18th April 2001.

FINAL APPROVAL

1. Adopted by resolution of the Council of the Shire of Coorow at the meeting of the Council held on the 17th day of April 2001 and the seal of the Municipality was pursuant to that resolution affixed in the presence of—

A. C. KAU, Shire President.
S. HAZELDINE, Chief Executive Officer.

2. Submitted and recommended for final approval by the Western Australian Planning Commission—

EUGENE FERRARO, for Chairman,
Western Australian Planning Commission.

Dated: 15 May 2001.

3. Final approval granted—

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

Dated: 12 July 2001.

POLICE

PE501**POLICE ACT 1892****POLICE AUCTION**

Under the provisions of the Police Act 1892, unclaimed and stolen property will be sold by Public Auction at South West Auctioneering Company, lot 51 Strelley Street, Busselton on 4/8/2001.

B. MATTHEWS, Commissioner of Police.

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 J. A. McGinty MLA in the period 10 to 20 August 2001 (both dates inclusive)—

Attorney General; Minister for Justice and Legal Affairs; Electoral Affairs; Peel and the South West—Hon N. D. Griffiths MLC

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

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			
8402	Fileur Holdings Pty Ltd	Application for the grant of a Wholesaler's licence in respect of premises situated in Denmark and known as Fileur Holdings Pty Ltd	23/8/2001
8418	John Frazer and Janice Woods	Application for the grant of a Producer—Wine licence in respect of premises situated in Wilyabrup and known as Frazer Woods Wines	23/8/2001
8420	OSB Operations Pty Ltd	Application for the grant of a Special Facility licence in respect of premises situated in Perth and known as Old Swan Brewery Bar & Restaurant	26/8/2001
APPLICATIONS FOR THE REMOVAL OF A LICENCE			
128275	Live and Loud Entertainment Pty Ltd	Application for the removal of a Cabaret licence from premises situated in Perth suburb to a new site in Northbridge and known as Geremiah'S	16/8/2001
128878	Woolworths (WA) Pty Ltd	Application for the removal of a Liquor Store licence from premises situated in Fremantle suburb to a new site in South Fremantle and known as Woolworths Liquor	21/8/2001
APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
8762	Rubyland Investments Pty Ltd And Beldena Investments Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Margaret River and known as Settlers Tavern	8/8/2001

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

HUGH HIGHMAN, Director of Liquor Licensing.

WATER

WA401

METROPOLITAN WATER AUTHORITY ACT 1982

NOTICE OF ALTERATION OF DECLARED DRAINAGE AREA

Armadale 2001 Addition

File: CV1 2001 00534 VO1

Made by the Hon. Minister for the Environment and Heritage pursuant to Section 104(3).

1. The area formerly known as Metropolitan Main Drainage District No. 1, deemed, pursuant to Section 104(7) of the Metropolitan Water Authority Act 1982, to have been declared a drainage area, is referred to in this notice as "the declared drainage area".

2. Notice is hereby given that the boundaries of the declared drainage area, as altered, are, as from 27 September 2001 to be further altered by the addition of the land shown shaded in the Schedule hereto and more particularly delineated on plan FX57-0, Sheet 3.

3. A person who is aggrieved by this proposal or who alleges that any land is not land which will—

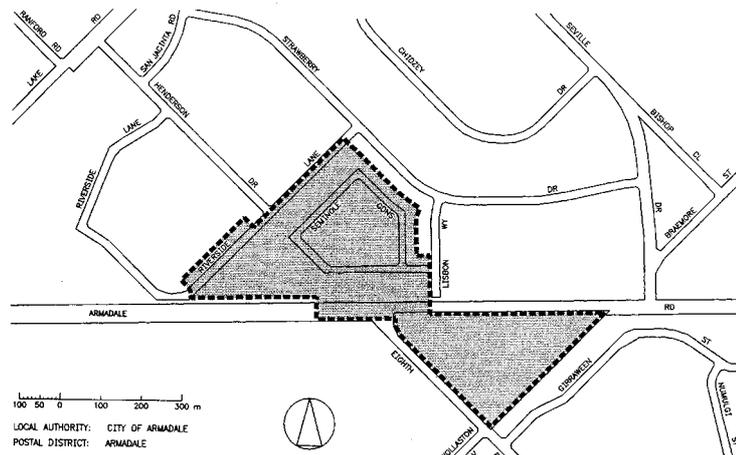
- (a) benefit from; or
- (b) contribute to the need for,

the main drains as delineated on plan FX57-0, Sheet 2 may, pursuant to Section 104(4) of the Metropolitan Water Authority Act 1982, by notice in writing to the Minister within one month of the publication of this notice, object to the proposal contained herein.

Dr JUDY EDWARDS, MLA, Minister for the Environment and Heritage.

Note: Plan FX57-0 may be inspected at the Water Corporation's Business Office at 13 South St, Canning Vale between the hours of 8.30am and 4.30pm on any working day.

Schedule



In accordance with the provisions of the M.W.A. Act 1982, it is hereby notified that all rateable land situated within such portions of the declared area as altered by this notice shall be rated for main drainage from 1 October 2001.

J. I. GILL, Managing Director, Water Corporation.

WA402

METROPOLITAN WATER AUTHORITY ACT 1982 NOTICE OF ALTERATION OF DECLARED DRAINAGE AREA Yangebup 2001 Excision

FILE: CV1 2001 00980 VO1

Made by the Hon. Minister for the Environment and Heritage pursuant to Section 104(3).

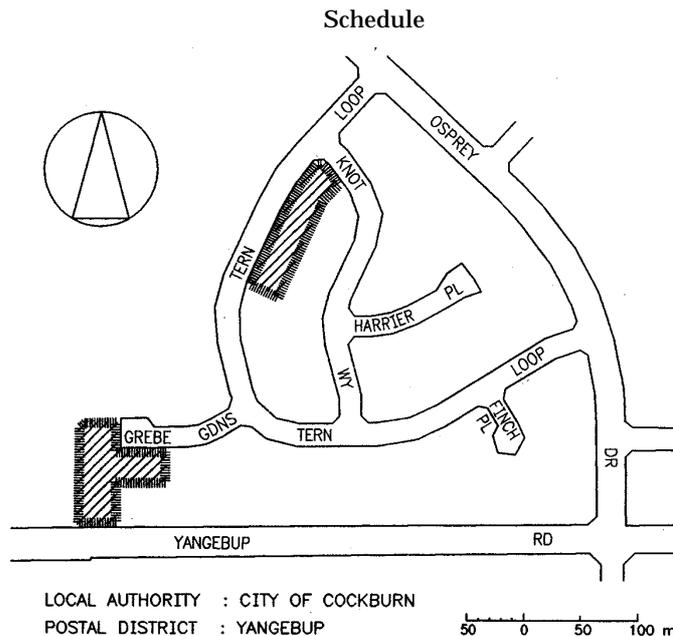
1. The area formerly known as Metropolitan Main Drainage District No. 1, deemed, pursuant to Section 104(7) of the Metropolitan Water Authority Act 1982, to have been declared a drainage area, is referred to in this notice as "the declared drainage area".

2. Notice is hereby given that the boundaries of the declared drainage area, as altered, are, as from 27 September 2001 to be further altered by the excision of the land shown shaded in the Schedule hereto and more particularly delineated on plan FZ07-0, Sheet 3.

3. A person who is aggrieved by this proposal may, pursuant to Section 104(4) of the Metropolitan Water Authority Act 1982, by notice in writing to the Minister within one month of the publication of this notice, object to the proposal contained herein.

Dr JUDY EDWARDS MLA, Minister for the Environment and Heritage.

Note: Plan FZ07-0 may be inspected at the Water Corporation's Business Office at 13 South St, Canning Vale between the hours of 8.30am and 4.30pm on any working day.



In accordance with the provisions of the M.W.A. Act 1982, it is hereby notified that all land situated within such portions of the declared area as altered by this notice shall cease to be rated for main drainage from 1 October 2001.

J. I. GILL, Managing Director, Water Corporation.

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 27th August 2001 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

- Baker, Ronald Edward, Late of 5 Goddard Street, Lathlain, died 29/6/2001, (DEC33364900DC2)
- Beauchamp, Margaret Mary, Late of 5 Crail Street, Floreat Park, died 10/7/2001, (DEC33367100DC3)
- Broadbent, Stanley, Late of 6 Yarnall Place, Ferndale, died 16/6/2001, (DEC33340500DA2)
- Devine, Raymond Bernard, Late of Quadriplegic Centre, Selby Street, Shenton Park, formerly of 184 Rutland Avenue, Carlisle, died 4/7/2001, (DEC33362600DP2)
- Gillespie, Mavis Irene, Late of 67 Cawston Road, Attadale, died 7/7/2001, (DEC33362000DS3)
- Heath, Annie Gwendoline, Late of Unit 418/31 Williams Road, Nedlands, died 26/11/2000, (DEC33093400DC4)
- McCormack, Joan, Late of Montrose Nursing Home, 12 Grange Street, Claremont, formerly of 32 Goldsworthy Road, Claremont, died 15/7/2001, (DEC33364000DS4)
- Mills, Kathleen Mary, Late of Tandarra Ningana Nursing Home, 26 Plantation Drive, Bentley, died 29/3/2001, (DE033221800DP2)
- Nicholls, Mervyn Douglas, Late of 4 Birchley Crescent, Balga, died 14/3/2001, (DEC33206200DP2)
- Park, Gladys, Late of 18 Gummery Street, Bedford, died 23/6/2001, (DEC33356100DC4)
- Sermon, Keith Reginald, Late of 14 Swan Street, Mosman Park, formerly of Whitby Falls Psychiatric Rehabilitation Centre, South West Highway, Mundijong, died 10/7/2001, (DEC33358000DP4)
- Walker, Tasman Frederick, Late of 7 Fairset Street, Thornlie, died 20/6/2001, (DEC33352900DG2)
- Washer, Dorothy Fanny, Late of 5 Yanrey Street, Golden Bay, died 18/6/2001, (DEC33348400DL2)
- Witheridge, Mavis Jean, Late of Gracehaven Baptist Hostel, 2 Westralia Gardens, Rockingham, died 14/6/2001, (DEC33339900DG4)

ANTONINA ROSE MCLAREN, Public Trustee
Public Trust Officer, 565 Hay Street,
Perth WA 6000.

Telephone: 9222 6777

ZZ201**TRUSTEES ACT 1962**

NOTICE TO CREDITORS AND CLAIMANTS

Peter Charles Bloxham late of 87 Second Avenue, Bassendean in the State of Western Australia, Hairdresser, deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of the deceased who died on 12 January 2001 are required by the Executor Paul Douglas Gorton Bloxham care of his solicitors Brian Smith & Stewart of 26 Helena Street, Midland in the said State to send particulars of their claims to them by no later than 28 August 2001 after which date the Executor may convey or distribute the assets having regard only to the claims of which he then has 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 estates of the undermentioned deceased persons, are required to send particulars of their claim to Trustees of Western Australia Limited of Level 22, 108 St George's Terrace Perth on or before the expiration of one month from the date of publication of this notice after which date the Company may convey or distribute the assets, having regard only to the claims of which it then has notice.

Aust, Ralph Matthew late of Belmont Nursing Home 5 Kemp Street Rivervale, Retired Water Authority Worker died on 7th June 2001

Neilson, Margaret Carmel late of 19 Gwentyfred Road South Perth, Widow died on 10th July 2001

Reudavey, Alan Charles late of 6 Ozone Parade Cottesloe formerly of 80 Pascoe Street Karrinyup died on 15th May 2001

Ripper, William Leslie late of 4B Gray Court Mahogany Creek formerly of 1225 Lion Street Mount Helena, Retired Farmer died on 10th July 2001

Tate, Winifred Emmeline late of Unit 19 Peppermint Grove Village 206 Durlacher Street Geraldton, Widow died on 23rd June 2001

Tilli, Giuseppe Tilli late of 188 Amelia Street Balcatta, Retired Truck Driver died on 9th June 2001

Dated this 27th day of July 2001.

A. J. H. (HOWDEN) MCDONALD, Wills Officer.

ZZ401**CHARITABLE TRUSTS ACT 1962**

TO ALL PERSONS interested in the piece of land being portion of Swan Location V and being Lot 281 on Plan 7935 and being the whole of the land comprised in Certificate of Title Volume 1274 Folio 697 which is situated at and known as 46 Golding Street, Dianella in the State of Western Australia.

TAKE NOTICE that an application has been made to the Supreme Court of Western Australia by the Roman Catholic Archbishop of Perth by Originating Summons CIV 1695 of 2001 for an order that the Court do settle and approve a scheme under Part III of the Charitable Trusts Act (1962) to authorise the trustee's sale of the property. The net proceeds of the sale will be held by the Roman Catholic Archbishop of Perth for the purpose of accommodation facilities at St Charles Seminary, Meadow Street, Guildford.

The application will be heard before a Judge at the Supreme Court, Perth at not before 11.30 o'clock in the forenoon on Wednesday the 5th day of September 2001. Any person desiring to oppose this application should attend in person or by his or her solicitor at the time and place mentioned and directions will thereupon be given for the further hearing of the application. If no person opposes the application the Judge may proceed to deal with it forthwith.

Copies of the Originating Summons and of the affidavit in support may be inspected at the offices of the solicitors for the Plaintiff during usual business hours. Any persons desiring to oppose the application must give notice in writing of his or her objection to the Solicitors for the Plaintiff, the Attorney General care of the Crown Solicitor's Office, Westralia Square, 141 St Georges Terrace, Perth and the Principal Registrar of the Supreme Court, Stirling Gardens, Barrack Street, Perth at least 7 days before the hearing on the 5th day of September 2001.

KOTT GUNNING, Solicitors for the Plaintiff
15 William Street, Perth WA 6000
Phone: 9321 3755
Fax: 9321 3465.

CLAIMS FOR MISSING ISSUES

(SUBSCRIPTION ITEMS)

For a claim to be recognised as valid, written notification must be lodged at State Law Publisher, 10 William Street, Perth 6000 within 28 days of publication of the missing item.

Claims lodged after this date will attract payment in full.

STATE LAW PUBLISHER	
SUBSCRIPTION CHARGES 2002	
<p>All subscriptions are for the period from 1 January to 31 December 2002. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include postage by surface mail unless stated otherwise.</p>	
<p style="text-align: center;">GOVERNMENT GAZETTE</p> <p>General <i>Government Gazettes</i> are published on Tuesday and Friday of each week, unless disrupted by public holidays or unforeseen circumstances.</p> <p>Special <i>Government Gazettes</i> are published periodically.</p> <p>All Gazettes \$</p> <p>Within WA 750.20</p> <p>Interstate 777.70</p> <p>Overseas (airmail) 1,168.20</p> <p>Bound Volumes of full year 1,013.10</p> <p>Electronic Gazette Online (includes all Gazettes from Jan 1998)</p> <p>Existing hard copy subscriber 173.80</p> <p>Electronic Subscription only 578.60</p> <p><i>Gazettes on CD ROM from 1998</i> (per year)..... 694.10</p> <hr/> <p style="text-align: center;">INDUSTRIAL GAZETTE</p> <p>Industrial Gazette is published monthly.</p> <p style="text-align: center;">\$</p> <p>Within WA 301.40</p> <p>Interstate 359.70</p> <p>Overseas (airmail) 502.70</p> <p><i>Gazettes on CD ROM from 1998</i> (per year)..... 300.30</p> <hr/> <p style="text-align: center;">HANSARD</p> <p>Hansard is printed and distributed weekly during parliamentary sessions.</p> <p style="text-align: center;">\$</p> <p>Within WA 480.70</p> <p>Interstate 594.00</p> <p>Overseas (airmail) 643.50</p> <p>Bound Volumes of Hansard</p> <p>Within WA 580.80</p> <p>Interstate 618.20</p> <p><i>Hansards on CD ROM from 1999</i> (per year) 578.60</p>	<p style="text-align: center;">STATUTES</p> <p>Bound Statutes</p> <p>Bound volumes are posted during March of the following year.</p> <p style="text-align: center;">\$</p> <p>Within WA..... 258.50</p> <p>Interstate 286.00</p> <p>Overseas 291.50</p> <p>Half Calf Bound Statutes 710.60</p> <p><i>Bound Volumes on CD ROM from 1998</i> (per year) 257.40</p> <p>Loose Statutes</p> <p>Statutes are posted weekly as they become available.</p> <p style="text-align: center;">\$</p> <p>Within WA..... 276.10</p> <p>Interstate 286.00</p> <p>Overseas (airmail) 409.20</p> <p>Sessional Bills</p> <p>Bills are posted weekly as they become available.</p> <p style="text-align: center;">\$</p> <p>Within WA 380.60</p> <p>Interstate 398.20</p> <p>Overseas (airmail) 595.10</p> <p>Electronic Statutes Online</p> <p>Includes all Acts, Regulations, Bills, Acts by year, Index to Statutes, Hansard, etc</p> <p style="text-align: center;">\$</p> <p>1st user 679.80</p> <p>2nd and each additional user (each) 339.90</p> <p>More than 10 users (each)..... 170.50</p> <hr/> <p>Data on CD's is fully indexed and is searchable. Other CD ROM products with legislation or other statutory information can be packaged to individual requirements. Prices are available on request.</p>

