

WESTERN AUSTRALIAN GOVERNMENT Gazette

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CONTENTS

PART 1

	Page
Corporations (Ancillary Provisions) Act 2001—	
Corporations (Ancillary Provisions) Amendment Regulations 2001	5352
Corporations (Consequential Amendments) Regulations 2001	5353-8
Dog Act 1976—City of Subiaco—Local Law Relating to Dogs	5363-7
Local Government Act 1995—City of Perth Parking Local Law 1999 Amendment	5358-63
Proclamations—	
Corporations (Consequential Amendments) Act 2001	5352
Main Roads Act 1930—Control of Access (MRWA 85-469).....	5351

PART 2

Agriculture	5368
Censorship.....	5368-70
Education	5371
Fisheries.....	5371
Health.....	5372
Justice.....	5372-3
Land Administration	5373-4
Local Government.....	5374-81
Minerals and Petroleum	5381-4
Planning and Infrastructure	5384-5432
Public Notices—Deceased Estates	5433-4
Water and Rivers	5432

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PUBLISHING ALTERATIONS

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- 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.

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JOHN A. STRIJK, Government Printer.

— PART 1 —

PROCLAMATIONS

AA101*

MAIN ROADS ACT 1930, AS AMENDED

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.
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MRWA 85-469

WHEREAS by Section 28A of the *Main Roads Act 1930* as amended, it is provided that the Governor may on the recommendation of the Commissioner, by proclamation declare that any section or part of a road is subject to Control of Access, and the places only at which it may be entered or departed from; and whereas the Commissioner has recommended that the road sections delineated on the drawing specified in Schedule 1 hereto shall be subject to Control of Access. Therefore, I the Governor, acting with the advice and consent of the Executive Council, in exercise of the powers contained in Section 28A of the *Main Roads Act 1930*, as amended, and pursuant to the recommendations do hereby declare the road sections delineated on the plans and as generally described in Schedule 1 shall be subject to Control of Access, and the places only at which it may be entered or departed from shall be as shown on those plans.

Given under my hand and the Public Seal of the said State at Perth on 18 September 2001.

By His Excellency's Command,

ALANNAH MacTIERNAN, Minister for Planning
and Infrastructure.

GOD SAVE THE QUEEN !

Schedule

CONTROL OF ACCESS

(MRWA 85-469)

Road Name	Road Number	Local Authority	As Delineated on Plan No.
Albany Highway	H1	City of Gosnells	0160-023
Great Northern Highway	H6	Town of Port Hedland	9960-128
Great Eastern Highway	H5	Shire of Tammin	9960-082
Leach Highway	H12	City of Belmont City of Canning	9960-152

AA201*

**CORPORATIONS (CONSEQUENTIAL AMENDMENTS)
ACT 2001**

10 of 2001

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.
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I, the Governor, acting under section 2 of the *Corporations (Consequential Amendments) Act 2001*, and with the advice and consent of the Executive Council, fix the day on which this proclamation is published in the *Gazette* as the day on which Part 9 of that Act comes into operation.

Given under my hand and the Public Seal of the State on 18 September 2001.

By Command of the Governor,

JIM MCGINTY, Attorney General.

GOD SAVE THE QUEEN !

JUSTICE

JU301*

Corporations (Ancillary Provisions) Act 2001

Corporations (Ancillary Provisions) Amendment Regulations 2001

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Corporations (Ancillary Provisions) Amendment Regulations 2001*.

2. Commencement

These regulations come into operation on the later of—

- (a) the start of the day on which they are published in the *Gazette*; or
- (b) immediately after Part 9 of the *Corporations (Consequential Amendments) Act 2001* comes into operation.

3. The regulations amended

- (1) The amendments in these regulations are to the *Corporations (Ancillary Provisions) Regulations 2001**.

[* Published in *Gazette* 29 June 2001, p. 3258-60.]

- (2) Regulation 4(1)(a) is deleted.
- (3) Regulation 4(1a)(b) and (d) are deleted.

By Command of the Governor,

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

JU302*

Corporations (Ancillary Provisions) Act 2001

**Corporations (Consequential Amendments)
Regulations 2001**

Made by the Governor in Executive Council, under the *Corporations (Ancillary Provisions) Act 2001* and on the recommendation of the Attorney General.

Part 1 — Preliminary**1. Citation**

These regulations may be cited as the *Corporations (Consequential Amendments) Regulations 2001*.

2. Commencement

These regulations are deemed to have come into operation at the time at which the *Corporations Act 2001* of the Commonwealth came into operation.

Part 2 — Associations Incorporation Regulations 1988**3. The regulations amended**

The amendments in this Part are to the *Associations Incorporation Regulations 1988**.

[* Reprinted as at 28 November 1997.]

4. Regulation 3 replaced

Regulation 3 is repealed and the following regulation is inserted instead —

“

3. Interpretation

In these regulations, unless the contrary intention appears —

“**Corporations Act**” means the *Corporations Act 2001* of the Commonwealth.

”.

5. Regulation 8 replaced

Regulation 8 is repealed and the following regulation is inserted instead —

“

8. Applied provisions — winding up by Court

For the purposes of section 32 of the Act, a reference in the text of Part 5.7 of the Corporations Act to a company carrying on its business or having a place of business is to be read as a reference to an incorporated association pursuing its objects or purposes.

”.

Part 3 — Builders' Registration Regulations

6. The Builders' Registration Regulations amended

Form No. 2B of the First Appendix to the *Builders' Registration Regulations** is amended in subitem 2.5(a) by deleting “Companies (Western Australia) Code” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

[* Reprinted as at 22 September 2000.

For amendments to 27 August 2001 see Gazette 31 July 2001.]

Part 4 — Commercial Tenancy (Retail Shops) Agreements Regulations 1985

7. Commercial Tenancy (Retail Shops) Agreements Regulations 1985 amended

The *Commercial Tenancy (Retail Shops) Agreements Regulations 1985** are amended in the Schedule Form 4 by deleting paragraph (b) of the definition of “retail shop lease” and inserting instead —

“

- (b) the lease is held by a corporation (within the meaning of the *Corporations Act 2001* of the Commonwealth) that would not be eligible to be incorporated as a proprietary company, or that is held by a subsidiary of such a corporation;

”.

[* Reprinted as at 24 November 2000.]

**Part 5 — Corporations (Ancillary Provisions)
Regulations 2001**

8. The Corporations (Ancillary Provisions) Regulations 2001 amended

- (1) The amendments in this Part are to the *Corporations (Ancillary Provisions) Regulations 2001**.

[* *Published in Gazette on 29 June 2001, p. 3258-60.*]

- (2) After regulation 4(1) the following subregulation is inserted —

“

- (1a) Section 11(1) of the Act does not apply to any regulations, rules or by-laws, other than the following —

- (a) regulation 6 of the *Associations Incorporation Regulations 1988*;
- (b) the *Builders' Registration Regulations*;
- (c) the *Business Names Regulations 1962*;
- (d) the *Criminal Procedure Rules 2000*;
- (e) the *Evaporites (Lake Macleod) (Cape Cuvier Berth) By-laws 1991*;
- (f) the *Gas Pipelines Access (Western Australia) Regulations 2000*;
- (g) the *Legal Practice Board Rules 1949*;
- (h) the *Medical Rules 1987*;
- (i) the *Osteopaths Rules 1999*;
- (j) the *Perth Market By-Laws 1990*;
- (k) the *Rules of the Supreme Court 1971*;
- (l) the *Settlement Agents' Code of Conduct 1982*.

”.

- (3) After regulation 4(2) the following subregulation is inserted —

“

- (2a) Subregulation (3) does not apply to any regulations, rules or by-laws, other than those listed in subregulation (1a).

”.

Part 6 — *State Superannuation Regulations 2001*

9. The regulations amended

The amendments in this Part are to the *State Superannuation Regulations 2001**.

[* *Published in Gazette 16 February 2001, p. 921-1074.*
For amendments to 27 August 2001 see *Gazette*
29 June 2001.]

10. Schedule 2 amended

- (1) The heading to Schedule 2 Part 4 is amended by deleting “ASC” and inserting instead —

“ **ASIC** ”.

- (2) Schedule 2 Part 4 clause 13 is amended as follows:

- (a) by deleting the definitions of “ASC” and “ASC worker” and inserting the following definitions instead —

“

“**ASIC**” means —

- (a) the Australian Securities Commission established by the *Australian Securities and Investments Commission Act 1989* of the Commonwealth;
- (b) the Australian Securities and Investments Commission as the Australian Securities Commission became known under that Act; and
- (c) the Australian Securities and Investments Commission as continued in existence by section 261 of the *Australian Securities and Investments Commission Act 2001* of the Commonwealth;

“**ASIC worker**” means a person who is a member of the staff of ASIC;

”;

- (b) in the definition of “relevant regulations” by deleting “ASC” and inserting instead —

“ **ASIC** ”.

- (3) Schedule 2 Part 4 clause 14 is amended as follows:

- (a) by deleting “an ASC” in each place that it occurs and inserting instead —

“ an **ASIC** ”;

- (b) by deleting “the ASC” in each place that it occurs and inserting instead —

“ **ASIC** ”.

Part 7 — *Workers' Compensation and Rehabilitation Regulations 1982*

11. *Workers' Compensation and Rehabilitation Regulations 1982* amended

After regulation 2A of the *Workers' Compensation and Rehabilitation Regulations 1982** the following regulation is inserted —

“

3. Limiting the definition of company

(1) For the purposes of the definition of “company” in section 5(1) of the Act, the following registered bodies are specified —

- (a) a registered Australian body that was formed or incorporated in the State;
- (b) a registered Australian body that was not formed or incorporated in the State and that does not have its head office or principal place of business in the State.

(2) In this regulation —

“registered Australian body” has the meaning given by the *Corporations Act 2001* of the Commonwealth.

”.

[* Reprinted as at 25 February 2000.
For amendments to 27 August 2001 see Gazette
17 November 2000.]

Part 8 — Minor amendments to other regulations

12. Changing “Corporations Law” to “*Corporations Act 2001* of the Commonwealth” in various regulations

Each provision listed in the Table to this regulation is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

Table

<i>Electricity Distribution Regulations 1997</i>	r. 3 (definition of “related body corporate”)
<i>Electricity Transmission Regulations 1996</i>	r. 3 (definition of “related body corporate”)

<i>Grain Pool of W.A. (Elections) Regulations 1976</i>	r. 13(c)(iii) Sch. Form 3
<i>Industrial Relations (Pre-strike Ballot Expenses) Regulations 1997</i>	r. 4(1)(a)
<i>Liquor Licensing Regulations 1989</i>	Sch. 2 item 1(p) and (q)
<i>Local Government (Audit) Regulations 1996</i>	r. 6(1)(b)
<i>Mines Safety and Inspection Regulations 1995</i>	r. 2.41(2)(b)
<i>Mining Regulations 1981</i>	r. 85(1) (definition of "related corporation")
<i>Road Traffic (Licensing) Regulations 1975</i>	r. 21G(1)(a)(ii)
<i>Water Services Coordination (Plumbers Licensing) Regulations 2000</i>	Sch. 2 cl. 3(1)(c)
<i>Western Australian Treasury Corporation (Debt Paper) Regulations 1986</i>	r. 3(2) (both places)

Recommended by the Attorney General,

JIM MCGINTY.

By Command of the Governor,

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

LOCAL GOVERNMENT

LG301*

LOCAL GOVERNMENT ACT 1995

CITY OF PERTH PARKING LOCAL LAW 1999 AMENDMENT

Pursuant to its powers under the Local Government Act 1995 the City of Perth resolved on 28 August 2001 to make the following amendments to the City of Perth Parking Local Law 1999.

1. the Schedule 3 be amended by—
 - 1.1 in Item Penalty Number 3, delete the figures and period "2.15";
 - 1.2 in Item Penalty Number 4, delete the figures, brackets and periods "2.3(1)(a)" and "2.8(1)(a)";
 - 1.3 in Item Penalty Number 2, insert the figures, brackets and periods, "2.15", "2.3(1)(a)" and "2.8(1)(a)";
 - 1.4 in Item, Penalty Number 4, insert the figures, brackets and period "6.6(1)";

2. clause 2.3 be amended by—
 - 2.1 deleting the number “6”, in sub clause (6), and replacing it with the number “7”;
 - 2.2 deleting the number “5”, in sub clause (5) and replacing it with the number “6”;
 - 2.3 deleting the number “4” in sub clause (4), and replacing it with the number “5”;
 - 2.4 deleting the number “3”, in sub clause (3) and replacing it with the number “4”;
 - 2.5 deleting all words and numbers in the presently existing clause 2.3(3) and replacing them with the words, numbers, periods and brackets—

“2.3(4) A person must not stop or park a vehicle on or in an area of a carriageway signed or marked as a keep clear area”;
 - 2.6 creating a new clause 2.3(3) with the words, numbers, periods and brackets—

“A person must not stop a vehicle at the side of a carriageway marked with a continuous yellow edged line.”;
3. clause 3.4(3)(d) be amended by—
 - 3.1 deleting all words and numbers contained in that sub clause and replacing them with the following—

“(d) (i) A person shall not stop a vehicle on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals, unless the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this Local Law.

(ii) A person shall not stop a vehicle on a carriageway so that any portion of the vehicle is within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped, unless the person stops—

 - (a) at a place on a carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop at that place under this Local Law; or
 - (b) if the intersection is a T-intersection along the continuous side of the continuing road at the intersection.”;
4. clause 3.8 be amended by—
 - 4.1 in sub clause (1) deleting the number “9” and replacing it with the number “10” and deleting the number “18” and replacing it with the number “20”;
 - 4.2 deleting the number “2” in sub clause (2) and replacing it with the number “3”;
 - 4.2.1 immediately after the number “1”, inserting the word and number “and 2”;
 - 4.3 creating a new sub clause (2) with the words, numbers, brackets and periods—

“(2) Subject to sub clause (3), a person must not stop a vehicle so that any portion of the vehicle is within 3 metres of the departure side, or within 10 metres of the approach side of—

 - (a) a marked foot crossing, that is not at an intersection;
 - (b) a bicycle crossing equipped with bicycle crossing lights, that is not at an intersection”;
5. immediately after clause 3.14(8)(c)(ii) create a new clause with the words, numbers, brackets and periods—

“3.15 A person must not stop or park a vehicle in a shared zone unless the vehicle—

 - (a) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop at that place under this Local Law;
 - (b) stops in a parking bay and the vehicle is permitted to stop in the parking bay under this Local Law;
 - (c) the vehicle is dropping off, or picking up, passengers or goods; or
 - (d) the vehicle is engaged in the door-to-door delivery or collection of goods, or in the collection of waste or garbage”.
6. clause 2.3(1)(d) be amended by—
 - 6.1 immediately after the letter and brackets “(d)” and before the word “unless”, insert the number and brackets “(i)”;

- 6.2 after the word and semicolon “sign;” insert the words, numbers, brackets and periods, following—
- “or (ii) (a) if the vehicle displays an ACROD sticker.
 - (b) The vehicle may park continuously on a length of carriageway, to which a “permissive parking” sign applies (except in a parking area for people with disabilities) or twice the period indicated on the sign”.
7. clause 2.3(1)(e) be amended by—
- 7.1 immediately after the letter and brackets “(e)” and before the word “other”, include the number and bracket “(i)”;
 - 7.2 after the word “or” include the words, numbers, brackets and periods following—
 - “(ii) if a vehicle is too wide or long to fit completely within a single parking bay, the person stopping the vehicle shall park the vehicle within the minimum number of parking bays needed to park that vehicle; or”;
8. clause 3.4 be amended by—
- 8.1 in sub clause (3)(d) deleting all words and numbers contained in that sub clause and replacing them with—
 - “(3) (d) (i) on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals, unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop or park at that place under this Local Law.
 - (ii) on a carriageway so that any portion of the vehicle is within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped, or parked unless the vehicle stops or parks—
 - (a) at a place on a carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop or park at that place under this Local Law; or
 - (b) if the intersection is a T-intersection—along the continuous side of the continuing road at the intersection”.
9. clause 2.3 be amended by—
- 9.1 inserting after sub clause (2)(d), the following—
 - “(e) a bus lane;
 - (f) a transit lane;
 - (g) a truck lane; or
 - (h) a bicycle lane;unless the person is driving a public bus or taxi and is immediately dropping off, or picking up, passengers”;
10. part 3, stopping and parking on roads and other areas to be amended by—
- 10.1 immediately following clause 3.15 in its entirety insert the following—
 - “Stopping on a carriageway—heavy and long vehicles”
 - “3.16(1) A person shall not park a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is more than 7.5 metres in length or exceeds a GVM of 4.5 t—
 - (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or
 - (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.
 - (2) Nothing in this sub clause mitigates the limitations or conditions imposed by any other regulation or traffic sign relating to the parking or stopping of vehicles”.
11. clause 1.4 be amended by—
- 11.1 after all words associated with the definition “footpath” and before any words associated with the definition “kerb”, insert the following—
 - “Keep Clear Area—means a portion of a carriageway that lies—
 - (a) between 2 consecutive signs inscribed with the words “KEEP CLEAR” and each with an arrow pointing generally towards the other; or

- (b) between a sign inscribed with the words “KEEP CLEAR” and whichever of the following that lies in the general direction indicated by an arrow inscribed on the sign—
- (i) the end of the carriageway; or
 - (ii) an area in which stopping is prohibited; or
 - (iii) the furthest point of “KEEP CLEAR” markings.
- “keep clear marking” means the words ‘keep clear’ marked across all or part of a carriageway, with or without continuous lines marked across all or part of the carriageway;”;
- 11.2 after all words associated with the definition “eating area” and before any words associated with the definition “emergency vehicle”, insert the following—
- “ ‘edge line’, for a carriageway, means a line marked along the carriageway at or near the far left or far right side of the carriageway; ”;
- 11.3 after all words associated with the definition “loading zone” and before any words associated with the definition “median strip” insert the following—
- “ “marked foot crossing” means a portion of a carriageway—
- (a) at a place with pedestrian lights facing pedestrians crossing the carriageway, and traffic-control signals facing drivers driving on the carriageway; and
 - (b) indicated by a different road surface, or between 2 continuous or broken lines, or rows of studs or markers, or the road surface substantially from one side of the carriageway to the other; ”;
- 11.4 after all words associated with the definition “bicycle” and before any words associated with the definition “bus”, insert the following—
- “ “bicycle crossing lights” means a device designed to show, at different times, a green, yellow or red bicycle crossing light: ”;
- 11.5 after all words associated with the definition “service zone” and before any words associated with the definition “sign” insert the following—
- “ “shared zone” means the network of roads in an area with—
- (a) “shared zone” sign on each road into the area, indicating the same number; and
 - (b) an “end shared zone” sign on each road out of the area; ”;
- 11.6 in relation to the definition “road verge”, immediately after the word “line” and immediately before the word “but”, insert the following—
- “and also includes the term “nature strip”.
- 11.7 in relation to the definition “sign”, immediately after the word “sign” where second occurring, and immediately before the word “inscription”, insert the following—
- “permissive parking sign,” and immediately after the word “vehicles” insert the following—
- “and any sign bearing a reasonable likeness of any representation of a traffic sign or permissive parking sign contained within the Road Traffic Code”.
- 11.8 in relation to the definition “parking facility” immediately after the words “ticket machine zone” and immediately before the words “parking bay”, insert the following—
- “truck zone, work zone, taxi zone, bus zone, charter bus zone, public bus zone, bicycle zone,”.
- and immediately after the words “or a specified class of persons” and immediately before the word “for”, insert the following—
- “or a specified class of vehicle.”;
- 11.9 in relation to the definition “special purpose vehicle”, delete all words after the word “vehicle”, where first occurring and insert the following—
- “has the meaning given to it in the Road Traffic Code and also includes a postal vehicle and commercial vehicles owned by the City.”;
- 11.10 in relation to the definition “Road Traffic Code”, immediately after the word “code” where second occurring, delete the numbers “1975” and insert the numbers “2000”;
- 11.11 in relation to the definition “loading zone”, immediately after the word “vehicles” where second occurring, and immediately before the semicolon, add the following, “or an authorised vehicle.”;
- 11.12 in relation to the definition “No Parking area”;
- 11.12.1 in sub-clause (a) delete the word “words”, and insert “symbol denoting”;

- 11.12.2 in sub-clause (b) delete the word “words”, and insert “symbol denoting”;
- 11.13 in relation to the definition “No Stopping area”;
- 11.13.1 in sub-clause (a) delete the word “words”, and insert “symbol denoting”;
- 11.13.2 in sub-clause (b) delete the word “words”, and insert “symbol denoting”;
- 11.13.3 in sub-clause (b)(ii) after the word and semicolon “prohibited,” insert the word “or”;
- 11.13.4 after sub-clause (b)(ii) in its entirety insert the following new sub-clause;
“(c) adjacent to a continuous yellow edge line.”;
- 11.14 in relation to the definition “Parking area”;
- 11.14.1 delete all words, letters, numbers and brackets after the word “area”, and insert “has the meaning given to it in the Road Traffic Code.”.
12. the third schedule be amended by—
- 12.1 in Item Penalty Number 2, insert the figures, brackets and periods “2.3(4), 2.3(3), 2.3(8), 3.4(3)(d)(i), 3.4(3)(d)(ii), 3.8(2)(a), 3.8(2)(b), 3.15(1)(a), 3.15(1)(b)”;
- 12.2 in that same item number deleting the figures, brackets and period “3.4(3)(d)”;
- 12.3 in Item Penalty Number 4 delete the numbers, brackets and period “2.3(3)” and in that same item number insert the figures, brackets and period “2.3(5)”;
13. clause 2.23 be amended by—
- 13.1 after the number “3” and before the word “The” insert the brackets and number “(1)”;
- 13.2 after the word and period “Act.” Insert the new following sub-clauses;
- “2.23(2) any offence against any provision of this local law is prescribed to be a contravention that can lead to impounding for the purposes of section 3.37. of the Act.
- 2.23(3)(a) an employee authorised specifically for the purposes of section 3.39. of the Act and this clause may remove and impound any vehicle that is involved in a contravention that can lead to impounding; and
- (b) a person so authorised may use reasonable force to exercise the power given by sub-clause (a);
- 2.23(4) the form of the notice referred to in section 3.42. of the Act is set out in Schedule 4.”;
- 2.23(5) a person is not entitled to make any claim, by way of damages or otherwise, against the authorised person or the City in respect of a vehicle removed and impounded under the provisions of these local laws, or against any person who purchases a vehicle disposed of by the City under the provisions of the Act.”;
- 13.3 after all the contents contained within Schedule 3, insert a new schedule, being “Schedule 4”.
14. clause 2.8 be amended by—
- 14.1 in sub-clause (1)(a) immediately after the word “vehicle” where second occurring and immediately before the semicolon inserting the following—
“or a vehicle authorised by permit that is current and prominently displayed”;
- 14.2 in sub-clause (2) after the word “vehicle” where second occurring inserting the following—
“or an authorised vehicle”.
15. clause 2.14 be amended by—
- 15.1 deleting the word, “station”, where-ever occurring and inserting the word, “facility”.

SCHEDULE 4

NOTIFICATION OF IMPOUNDMENT OF VEHICLE

Date...../...../.....

To: ⁽¹⁾of: ⁽²⁾

Department of Transport records indicate that you are the registered owner of the vehicle detailed below and notice is hereby given that the vehicle has been impounded in accordance with the provisions of the Local Government Act 1995.

Vehicle Registration No: ⁽³⁾
 Impounded from: ⁽⁴⁾
 Side of Street: ⁽⁵⁾
 Between: ⁽⁶⁾ and ⁽⁷⁾
 Date: ⁽⁸⁾ Time ⁽⁹⁾
 The vehicle has been taken to a secure facility at the following address:
⁽¹⁰⁾

.....
 and is available for release, after payment has been processed (see below), between the following hours—

Monday to Friday—

⁽¹¹⁾

Prior to the release of the vehicle all necessary payments must be paid, in full, at the Customer Service Centre, Ground Floor, Council House, 27 St George's Terrace, PERTH, which is open from 8.30am until 5.00pm Monday—Friday (excluding Public Holidays). Payments can be made by either cash or cheque and EFTPOS facilities are also available.

The following documentation is required before payment can be accepted and release of the vehicle is permitted—

Current Vehicle Registration Document.

Drivers licence or other legal form of identification.

Payment receipt (required for vehicle release at secure facility).

IT IS A REQUIREMENT THAT ALL PAYMENTS ARE RECEIVED PRIOR TO THE RELEASE OF THE VEHICLE.

If you have an inquiry in regards to this notice (or monies owing to date), please call Compliance Parking Services between 9:00am and 4:30pm Monday to Friday (excluding Public Holidays).

Costs: Vehicle impound fee: ⁽¹²⁾

Additional days storage fee or part thereof ⁽¹³⁾

Take note: Unless all fees are paid for and the vehicle collected within two months from the date of impounding, the City of Perth may sell the subject vehicle.

- (1) Name of owner.
- (2) Address of owner.
- (3) Vehicle registration number.
- (4) Street name (location where vehicle impounded from).
- (5) Side of Street (location where vehicle impounded from).
- (6) First point position in location where vehicle impounded from.
- (7) Second point position in location where vehicle impounded from.
- (8) Date vehicle impounded.
- (9) Time vehicle impounded.
- (10) Address of secure location vehicle impounded to.
- (11) Hours of business.
- (12) Cost of vehicle impound fee.
- (13) Cost of additional days storage fee.

LG302*

DOG ACT 1976

City of Subiaco

LOCAL LAW RELATING TO DOGS

Under the powers conferred by the Dog Act 1976 and by any other law, the Council of the City of Subiaco resolved on 24 October 2000 to make the following Local Law.

Repeal

1. The Municipality of the City of Subiaco By-law No. 18 relating to Dogs published in the *Government Gazette* of 13 January 1984 and amended from time to time is hereby repealed.

Citation

2. This Local Law may be cited as the *City of Subiaco Local Law Relating to Dogs*.

Application

3. This Local Law applies within the district of the City of Subiaco.

Interpretation

4. In this Local Law unless the context requires otherwise—

“Act” means the Dog Act 1976;

“Clause” means a clause of this Local Law;

“Council” means the Council of the local government of the City of Subiaco;

“Schedule” means a Schedule to this Local Law.

Pound

5. The Council may establish and maintain a pound for the impounding of dogs seized pursuant to the provisions of the Act.

6. The pound to be used by the City of Subiaco is established on part of Reserve A21385 within the district of the City of Nedlands.

Fees

7. The fees and charges in relation to the seizure and impounding of a dog and maintenance thereof in a pound payable under Section 29(4) of the Act are those specified in the First Schedule.

8. The fee payable by the owner of a dog which has been destroyed pursuant to the provisions of the Act is that specified in the First Schedule.

Restricted & Prohibited Places

9. If a dog is in a public building, shop, business premise, theatre, picture garden, house of worship, or a construction site without the owner's or occupier's express consent, or on or within twenty (20) metres of a children's playground, every person liable for the control of the dog commits an offence.

10. Clause 9 does not apply to a bona fide guide dog accompanied by a visually impaired person or a person engaged in the training of guide dogs.

Dog Exercise Areas

11. The public places described in the Fifth Schedule being places under the care, control and management of the Council, are hereby specified as dog exercise areas for the purposes of Sections 31 and 32 of the Act.

12. (1) Subject to sub-clause (2) of this clause, the public places described in the Sixth Schedule, being places under the care, control and management of the Council, are hereby specified as dog exercise areas for the purposes of Sections 31 and 32 of the Act.

(2) The specification of a public place described in Column 2 of the Sixth Schedule as a dog exercise area shall apply only during the times stated in Column 3 of the Sixth Schedule immediately opposite that public place.

Fouling of Public Places and Private Land

13. If a dog excretes on a street or public place or on any other land without the consent of the occupier of that land, every person liable for the control of the dog commits an offence unless the excreta is removed forthwith and disposed of either on private land with the consent of the occupier of that land or in such other manner as the Council may approve.

Fencing Requirements

14. (1) The owner or occupier of premises on which a dog is kept shall cause the portion of those premises on which the dog is kept to be fenced in a manner capable of confining the dog to that portion and in accordance with the provisions of this clause.

(2) The fence used to confine a dog shall be of a type, height and construction which, having regard to the species, age, size and physical condition of the dog prevents the dog from passing over, under or through the fence.

(3) If there is a gate in the fence, the gate shall be kept closed at all times except when the dog is not kept on the premises, but nothing in this sub-clause prevents a person from opening the gate, in order to enter or leave the premises.

(4) In this clause the term “fence” includes a wall.

Maximum Number of Dogs

15. The owner or occupier of premises shall not, unless the premises have been granted exemption pursuant to Section 26(3) of the Act or are licensed as an approved kennel establishment under Section 27 of the Act, keep or permit to be kept on those premises more than 2 dogs over the age of 3 months and the young of those dogs under that age.

Offences and Penalty

16. A person who contravenes or fails to comply with any provision of this Local Law commits an offence and is liable upon conviction to a penalty not exceeding \$2,000 and to a penalty of \$100 for each day on which any offence is continued after notice has been given to the offender of the commission of the offence or after a conviction for the offence by a Court, as the case may be.

Modified Penalties

17. (1) The offences described in Column 3 of the table set out in the Second Schedule are prescribed pursuant to Section 45A(2) of the Act as offences in relation to which a modified penalty applies and the amount appearing in Column 4 of that table directly opposite an offence is the prescribed modified penalty payable in respect of that offence if dealt with pursuant to this clause.
- (2) Where an authorised person has reason to believe that a person has committed an offence of the kind prescribed in the Second Schedule, the authorised person may serve a notice in the form prescribed in the Third Schedule (in this clause referred to as “an infringement notice”).
- (3) An infringement notice may be served on an alleged offender personally or by posting it to the alleged offender’s last known place of abode.
- (4) Where a person who receives an infringement notice fails to pay the prescribed penalty within the time specified in the notice, or within any further time as in any particular case is allowed by the Council, that person is deemed to have declined to have the allegation dealt with by way of a modified penalty.
- (5) An alleged offender on whom an infringement notice has been served may, within the time specified in the notice or any further time as in any particular case is allowed by the Council, send or deliver to the Council the amount of the prescribed penalty, with or without a reply as to the circumstances giving rise to the allegation, and the Council may thereupon—
- (a) appropriate that amount in satisfaction of the penalty and issue an acknowledgement; or
- (b) withdraw the infringement notice and refund the amount so paid.
- (6) An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn by the Council by sending a notice in the form prescribed in the Fourth Schedule to the alleged offender at the alleged offender’s last known place of abode and in that event any amount received by way of modified penalty shall be refunded and any acknowledgement of the receipt of that amount shall for the purposes of any proceedings in respect of the alleged offence be deemed not to have been issued.

First Schedule**FEEES**

For the seizure or impounding of a dog—Fifty Dollars (\$50.00).

For the sustenance and maintenance of a dog in a pound – Ten Dollars (\$10.00) per day or part of a day.

For the destruction of a dog—Twenty Dollars (\$20.00).

Second Schedule

Item	Clause	Offence	Modified Penalty
1.	9	Dog in a public building, shop, business premise, theatre, picture garden or a house of worship or on a construction site or on or within twenty (20) metres of a children’s playground.	\$100.00
2.	13	If a dog excretes on a street or public place or on any land without the consent of the occupier of that land.	\$100.00

Third Schedule

Western Australia

Dog Act 1976

INFRINGEMENT NOTICE

No:

Date:

CITY OF SUBIACO

TO (1)

It is alleged that at (2) on the
day of20..... you committed an offence
in that you (3).....

.....
(to be signed by an authorised person)

You may dispose of this matter—

- (a) by payment of a penalty of (4) \$..... within twenty-one days of the date of this Notice to the Council at Rokeby Road, Subiaco; or
- (b) by having it dealt with by a court.

If this modified penalty is not paid within the time specified, court proceedings may be taken against you.

- (1) Insert name and address of alleged offender.
- (2) Insert place of alleged offence.
- (3) Insert short particulars of the offence alleged.
- (4) Insert amount of modified penalty prescribed.

Fourth Schedule

Western Australia

Dog Act 1976

WITHDRAWAL OF INFRINGEMENT NOTICE

No:

Date:

CITY OF SUBIACO

TO (1)

Infringement Notice No. dated
for the alleged offence of (2)

..... penalty (3) is
hereby withdrawn.

No further action will be taken/it is proposed to institute court proceedings for the alleged offence (4).

.....
(to be signed by an authorised person)

- (1) Insert name and address of alleged offender.
- (2) Insert short particulars of the offence alleged.
- (3) Insert amount of modified penalty prescribed.
- (4) Delete whichever does not apply.

Fifth Schedule

Western Australia

Dog Act 1976

**DOG EXERCISE AREAS
UNRESTRICTED TIME LIMITS**

Item No.	Description of Public Place
1.	Mueller Park (Res A9337)
2.	Rankin Reserve (Res 16850)

Item No.	Description of Public Place
3.	Kitchener Park (Swan Location 12732 on land administration plan 19514 known as Kitchener Park)
4.	Cliff Sadlier Reserve (Res 25908)
5.	Troy Terrace/Richardson Avenue (Res 25906)
6.	The Palms Reserve (Res B6675)
7.	Railway Reserve (Hay Street to Nicholson Road/Nash Street as depicted on WAGR Plan No. 3426(ii) July 1988)

Sixth Schedule

Western Australia

Dog Act 1976

DOG EXERCISE AREAS

SPECIFIED TIMES ONLY

Item No.	Description of Public Place	Times During Which Place is a Dog Exercise Area
1.	Rosalie Park	5:00am—8:30am
2.	JH Abrahams Reserve	5:00am—8:30am

— PART 2 —

AGRICULTURE

AG401

WESTERN AUSTRALIAN MEAT INDUSTRY AUTHORITY ACT 1976

Western Australian Meat Industry Authority,
Midland.

I, Kim Chance, Minister for Agriculture; Forestry & Fisheries, hereby appoint the following persons as inspectors pursuant to Section 24G of the Western Australian Meat Industry Authority Act 1976.

James Anderson	Simon Jones
Eric Angel	Nicolaas Knapp
Sam Babich	Robin Knight
Allison Baker	James Kobes
Richard Bean	Hans Kruger
Greg Beattie	Graham Long
Hubrecht Beugelaar	William Maxwell
Trevor Brandy	Raymond McAtee
Adrian Bridge	Brian McAuliffe
Bernard Brown	Neil McSkimming
John Burnett	Lawrence Millan
Steve Bushell	James Muir
Patrick Cassidy	John Murray
George Chalklen	Paul Petkovich
Stuart Clark	Tony Petropoulos
Stanley Coward	Colin Pett
Peter Davies	Tracey Reed
Anand Deo	Norman Reid
Joe De Sales	Paul Rose
Adrian Dick	Abe Rosenstreich
Alan Dixon	Gary Russell
Grant Dixon (a)	Robert Saffin
Grant Dixon (b)	Barry Savage
Malcolm Donald	Jennifer Sharpe
John Eccles	Alan Sheridan
Brendon Entwistle	Carol Sheridan
Francis Figliomeni	Mike Shone
Robert Gilmour	Neville Simmonds
Tom Glasby	Jon Spencer
James Godwin	Raymond Sullivan
Jocelyn Godwin	Danny Templeman
Peter Gregory	Jamie Varga
John Hamersley	Helen Wilson
Victor Hatch	Swavek Wirski
Herbert Hepi	Ross Worthington
Anthony Hill	William Young
Eric Howard	

KIM CHANCE, Minister for Agriculture; Forestry and Fisheries.

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 19th day of September 2001.

JIM MCGINTY, Attorney General.

Schedule
18 September 2001
Refused Classification

Title or Description	Publisher
Nugget Aug 2001	Dugent Corp

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 19th day of September 2001.

JIM MCGINTY, Attorney General.

Schedule
18 September 2001
Restricted Classification

Title or Description	Publisher
40 Plus Vol 10 No 11	Fantasy Publications Ltd
40 Plus Guide To Wet & Wild, The Vol 3 No 3	Fantasy Publications Ltd
Adam Girls International (Teenz) Sep 2001 Vol 5 No 11	Knight Publishing Corp
Asian Babes Vol 9 No 12	Fantasy Publications Ltd
Best of Cheri, The (Special Edition #142) Vol 23 No 11	Cheri Magazine Inc
Best of Cheri, The (Special Edition #144) Vol 24 No 1	Cheri Magazine Inc
Best of Club International, The No 174	Paragon Publishing Inc
Best of Club, The No 173	Paragon Publishing Inc
Best of Real Wives, The Vol 2 Iss 9	Fantasy Publications Ltd
Big & Black Vol 4 No 5	Fantasy Publications Ltd
Big Ones (International) Vol 12 No 6	Fantasy Publications Ltd
Black Label Vol 2 Iss 7	Galaxy Publications Ltd
Chic Jul 2001 Vol 25 No 9	LFP Inc
Club (Muff Divas!) Aug 2001	Paragon Publishing Inc
Club Aug 2001 Vol 27 No 7	Paragon Publishing Inc
Club Sep 2001 Vol 27 No 8	Paragon Publishing Inc
Club International Vol 30 No 8	Paul Raymond Publications Ltd
Club International Jul 2001 Vol 25 Iss 7	Paragon Publishing Inc
Club International Aug 2001 Vol 25 Iss 8	Paragon Publishing Inc
D-Cup Aug 2001 No 47	D-Cup Publications Inc
Exotica Vol 1 No 1	Eurotrio Publications Ltd
Fiesta (Holiday Special) No 24	Galaxy Publications Ltd
Fiesta Vol 35 Iss 8	Galaxy Publications Ltd
Fiesta Digest Vol 2 Iss 7	Galaxy Publications Ltd
For Men Oct 2000	Fantasy Publications Ltd
For Men Aug 2001 Iss 36	Fantasy Publications Ltd
Galaxy Yearbook 2001	Galaxy Publications Ltd
Gallery Aug 2001 Vol 29 No 8	Montcalm Publishing Corporation
Girl Next Door, The Vol 2 No 1	XXX Publications
Girls of Penthouse, The Jul-Aug 2001	General Media Communications Inc
High Society (Teen Angels) No 11	The Crescent Publishing Group
High Society Oct 2001 Vol 26 No 10	The Crescent Publishing Group
Hustler (Gold Edition) Vol 6 No 11	JT Publishing Pty Ltd
Hustler's Busty Beauties Jul 2001 Vol 13 No 11	LFP Inc
Hustler's Hometown Girls Jul 2001 Vol 5 No 1	LFP Inc
Intimacy (Special Collector's Issue) No 13	Gourmet Editions
Juggs Jul 2001	MM Publications Ltd
Just Girls Vol 19 No 8	Paul Raymond Publications Ltd
Knave Vol 33 Iss 8	Galaxy Publications Ltd
Knave Penpower No 23	Galaxy Publications Ltd

Restricted Classification—*continued*

Title or Description	Publisher
Latin Babes Vol 1 Iss 3	Eurotrio Publications Ltd
Lollypops Jul 2001 Vol 2 No 3	Montcalm Publishing Corporation
Mayfair Vol 36 No 8	Paul Raymond Publications Ltd
Mothers In Law Vol 1 No 9	Fantasy Publications Ltd
Nude Readers' Wives No 172	Fantasy Publications Ltd
Only 18 Vol 4 No 5	Fantasy Publications Ltd
Peeping Tom (Special) No 49	World Media Group
Penthouse Sep 2001 Vol 33 No 1	General Media Communications Inc
Playboy's Book Of Lingerie Sep-Oct 2001 Vol 81	Playboy Press
Playboy's Voluptuous Vixens Sep 2001	Special Editions
Purely 18 Aug 2001 Vol 3 No 10	Canary Inc
Purely 18 Sep 2001 Vol 3 No 11	Canary Inc
Ravers Vol 7 Iss 7	Galaxy Publications Ltd
Razzle Vol 19 No 8	Paul Raymond Publications Ltd
Readers' Wives Vol 8 No 6	Fantasy Publications Ltd
Red Hot 18 Vol 1 No 2	XXX Publications
Red Hot Older Women Vol 1 No 6	XXX Publications
Red Hot Older Women Vol 1 No 7	XXX Publications
Secret Sex Stories No 2	Spank The Monkey Press
Smokin' Girls Presents Hot Latinas Aug 2001 Vol 2 No 4	Fresh Start Media Corp
Squeeze (Special Collector's Issue) No 13	Gourmet Editions
Swank Spice (Stacked) Aug 2001 No 34	Dogwood Publications Inc
Swank Super Special (Leg Love) May 2001 No 31	Dogwood Publications Inc
Teazer (Best of Just 18 Special) No 1	Galaxy Publications Ltd
Teazer (Just 18) Vol 3 Iss 7	Galaxy Publications Ltd
Two Blue Couples Vol 5 Iss 8	Galaxy Publications Ltd
Very Best of High Society, The #133 Vol 18 No 5	The Crescent Publishing Group
Very Best of Readers' Wives, The Vol 2 Iss 10	Fantasy Publications Ltd
Video World Vol 2 No 1	Fantasy Publications Ltd
Video World Vol 3 No 2	Fantasy Publications Ltd
Voluptuous Jul 2001 Vol 8 No 7	The Score Group
X-Treme Vol 2 No 1	Fantasy Publications Ltd
XXX Wives Vol 2 No 1	XXX Publications

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 19th day of September 2001.

JIM MCGINTY, Attorney General.

Schedule

18 September 2001

Unrestricted Classification

Title or Description	Publisher
Heavy Metal Nov 2001 Vol 25 No 5	Metal Mammoth Inc
Hustler (Australia) Vol 6 No 11	JT Publishing Pty Ltd
Perfect 10 Fall 2001 Vol 4 No 2	Perfect 10 Inc
Playboy Sep 2001 Vol 48 No 9	Playboy
Playboy Oct 2001 Vol 48 No 10	Playboy

EDUCATION

ED401

EDITH COWAN UNIVERSITY ACT 1984

Amending Statute No. 2 of 2001

It is hereby notified that the Governor in Executive Council, acting under the provisions of Section 27 of the Edith Cowan University Act 1984, has approved the attached Amending Statute No. 2 of 2001.

Hon. ALAN CARPENTER, MLA, Minister for Education.

Edith Cowan University

Edith Cowan University Act 1984

University Statute 27—Edith Cowan University Alumni Association

Amending Statute No. 2 of 2001.

The University Statutes are amended—

1. This Amending Statute comes into operation on the day it is published in the *Government Gazette*.
2. Statute No. 27—Edith Cowan University Alumni Association is hereby repealed.

The Common Seal of Edith Cowan University was hereto affixed by authority of a resolution of the Council of the University in the presence of—

Dated this 15th day of August 2001.

Professor M. E. POOLE, Vice-Chancellor.

DAVID EARL, Authorised Sealing Officer.

FISHERIES

FI401*

PEARLING ACT 1990

Section 23(8)

NOTICE OF GRANT OF A PEARL OYSTER FARM LEASE—FALSE CAPE BOSSUT

FD 09/01

I, Peter Rogers, the Executive Director of the Department of Fisheries, Western Australia, pursuant to section 23 of the *Pearling Act 1990* (“the *Pearling Act*”) have granted an application by Australian Sea Pearls Pty Ltd (ACN 008 672 160), for a pearl oyster farm lease variation for the remainder of the current lease term, in respect of an area of water of 2.84 sqnm located in the vicinity of False Cape Bossut.

Under section 33(1) of the *Pearling Act* a person aggrieved by my decision may, within 14 days after publication of this notice in the *Gazette* appeal against this decision by serving on the Minister for Agriculture, Forestry and Fisheries a statement in writing of the grounds of that appeal.

The statement of the grounds of appeal may be served on the Minister care of the following address:

The Executive Director, Department of Fisheries
Third Floor, SGIO Atrium
168 - 170 St Georges Terrace
PERTH WA 6000

Dated this 25th day of September 2001.

P. P. ROGERS, Executive Director,
Department of Fisheries.

HEALTH

HE401*

HEALTH SERVICES (QUALITY IMPROVEMENT) ACT 1994HEALTH SERVICES (QUALITY IMPROVEMENT)(APPROVED COMMITTEE) ORDER (NO.4)
2001

Made by the Minister for Health pursuant to section 7(1) of the Act.

Citation1. This order may be cited as the *Health Services (Quality Improvement)(Approved Committee) Order (No.4) 2001*.**Commencement**2. This order comes into operation on the day on which it is published in the *Government Gazette*.**Declaration of Quality Improvement Committees**

3. The quality improvement committees established by the Management Committee of the Western Australian Safety and Quality of Surgical Care Association Incorporated and referred to in the Schedule are approved quality improvement committees for the purposes of the Act.

Expiry of order

4. This order expires three years after its commencement.

Schedule

Western Australian Safety and Quality of Surgical Care Mortality Audit Sub-Committee

Western Australian Safety and Quality of Surgical Care Research Sub-Committee

Western Australian Safety and Quality of Surgical Care Morbidity Audit Sub-Committee

Dated this 18th day of September 2001.

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

JUSTICE

JU401*

PRISONS ACT 1981

GAZETTAL OF PERMIT DETAILS

Pursuant to the provisions of section 15P of the *Prisons Act 1981*, the Director General of the Department of Justice has issued the following persons with Permits to do High-Level Security Work:

SURNAME	OTHER NAMES	PERMIT No.	ISSUE DATE
GUSTAFSSON	JAN	AP 0162	17 September 2001
PYWELL	SETH	AP 0163	24 September 2001

This notice is published under section 15P of the *Prisons Act 1981*.

Wednesday, 26th September 2001.

ALEX TAYLOR, Director, Service Procurement.

JU402

CHILDREN'S COURT OF WESTERN AUSTRALIA ACT 1988

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

Mrs Janice Court of 15 Wedge Avenue, Lancelin.

GARY THOMPSON, Executive Director, Court Services.

JU403**DECLARATIONS AND ATTESTATIONS ACT 1913**

It is hereby notified for public information that the Attorney General has approved of the appointment of the following person as Commissioner for Declarations under the *Declarations and Attestations Act 1913*.

Mr Peter Chamberlain of 45 First Avenue, Rossmoyne.

Mrs Teoharakeke Nancy Nowell of 3/90 Wittenoom Street, Boulder.

GARY THOMPSON, Executive Director,
Court Services.

JU404**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 Paul Raymond Carrotts of 41 Crossman Road, Boddington

Mr James Andrew Connolly of 78 Mount Stuart Road, Mount Stuart

Mr John Trezise Eddy of 5 Rogers Avenue, Boyup Brook

Mr Stanley James Lauder of 18 Juniper Bank Way, Subiaco

Ms Marilyn Joy Piper of 3/40 York Street, North Perth

Ms Susan Ena Reid of 205 Bailey Road, Glen Forrest

Mrs Jacqueline Brenda Sice of 11 Miranda Drive, Leinster

Mr Arjen Volekmaer Valkenburg of 24 Zamia Street, Mount Claremont

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

GARY THOMPSON, Executive Director,
Court Services.

JU405**EX OFFICIO JUSTICE OF THE PEACE**

It is hereby notified for public information that Cr Duncan Meighan McLachlan Stewart has been appointed under Section 9 of the *Justices Act 1902* to be a Justice of the Peace for the Magisterial District of Stirling during his term of office as the President of the Shire of Lake Grace.

It is hereby notified for public information that Cr Brent Stephen Rudler has been appointed under Section 9 of the *Justices Act 1902* to be a Justice of the Peace for the Magisterial District of Port Hedland during his term of office as the Mayor of the Town of Port Hedland.

GARY THOMPSON, Executive Director, Court Services.

LAND ADMINISTRATION

LA401***LAND ADMINISTRATION ACT 1997**

Department of Land Administration.

DOLA File 01519-1996-01RO

I hereby appoint, pursuant to section 30(a) of the Land Administration Act 1997, Mr Paul Lee Beaver as an Authorised Land Officer

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

LA402***LICENSED SURVEYORS ACT 1909**

DOLA File 00974-1929-01RO

His Excellency the Governor in Executive Council has appointed Paul Lee Beaver under section 18 of the Licensed Surveyors Act 1909 to approve plans of authorised surveys lodged in the Department of Land Administration.

GRAHAME SEARLE, A/Chief Executive, Department of Land Administration.

LA403**LICENSED SURVEYORS ACT 1909****LAND SURVEYORS LICENSING BOARD**

It is hereby notified for general information that the undermentioned persons have all been registered as Licensed Surveyors under the provisions of the abovementioned Act, on the dates specified.

- No. 979 Handley, Henry Clive; 8/27 Strickland Drive, Karratha, Western Australia; 16 August 2001
- No. 980 Cardaci, Vincenzo Roberto; 9/44 Seventh Avenue, Mayalands, Western Australia; 20 September 2001
- No. 981 Hunt; Roger Lindsay, 52 Seaview Boulevard, Wandina, Western Australia; 20 September 2001
- No. 982 Incerti, Paul; 155 Wood Street, Inglewood, Western Australia; 20 September 2001
- No. 983 Knox, Brendan Wayne; 12 Peel Terrace, Busselton, Western Australia; 20 September 2001
- No. 984 Rob, Stuart Douglas; PO Box 2363, Bunbury, Western Australia; 20 September 2001
- No. 985 Spencer, Mark Cameron; PO Box 81 Northam, Western Australia; 20 September 2001

E. M. BROWNE, Chairman.

G. E. MARION, Secretary.

LOCAL GOVERNMENT

LG401***BUSH FIRES ACT 1954***City of Gosnells*

Authorised Officers

It is hereby notified for public information that the following persons have been authorised as Fire Control Officers for the City of Gosnells in accordance the Bushfires Act 1954 effective immediately.

Mark Bowen
Mark Audrain
Rodney Smith
Denise Parker
Chris Mason
Paul O'Keefe
Shane Mallon
Nick Simpecas

The registration of David Ross, Andrew McGarry, Shane Popperwell, Ian Lowe and John Iles as authorised officers under the Bushfires Act 1954 is hereby revoked.

STUART JARDINE, Chief Executive Officer.

LG402**BUSH FIRES ACT 1954***Shire of Katanning*

Notice of Appointment of Bush Fire Control Officer

The following Shire Officer has been appointed by the Shire of Katanning as a Bush Fire Control Officer for the purpose of issuing burning permits in the Katanning townsite only—

Mrs Valerie Lyndle Grace Jolly

The appointment of Miss Glenda Joanne Forbes is hereby revoked.

CLINTON STRUGNELL, Chief Executive Officer.

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

Hereunder are the Fire Control Officers appointed by the Shire of Gingin for the 2001/2002 Fire Season. Chief Bushfire Control Officer/Weather Officer Maxwell John Borwick, Deputy Chief Bushfire Control Officers—George Robert Grant, and Murray Charles Hyne, Inspection and Prosecution Officer—Shire Ranger—Michael Pimm.

Gingin Fire Area	H A Morris M C Hyne S C Jupp
Gingin West Fire Area	N E Dewar G R Grant M J Borwick
Beermullah Fire Area	B W Roe G F Drew M S Green E R Howard
Nilgen Fire Area	B Leeson D J Ottaway
Gingin Townsite	P Crowe
Guilderton Townsite	T Griffin
Seabird Townsite	S L Brown
Ledge Point Townsite	K Mol
Lancelin Townsite	K Scaddan
Ocean Farm	G Smith
Woodridge	S Morris

S. D. FRASER, Chief Executive Officer.

LG404***BUSH FIRES ACT 1954***Shire of Mt Magnet*

BUSH FIRE CONTROL OFFICERS 2001/2002

The following persons have been appointed to the following positions under the provisions of the Bush Fires Act 1954 within the Shire of Mt Magnet for 2001/2002.

Chief Fire Control Officer	Mr Peter Webster
Fire Control Officers	
Town Common/Parks and Reserves	Mr Gary Davis Mr Roger Mulligan Mr Peter Wilden
Mt Farmer Station	Mr Danny Seivwright
Boogardie Station	Mr Paul Jones
Murrum Station	Mr William Fitzgerald
Munbinia Station	Mr Peter Morrissey
Yowergabbie Station	Mr Laurie Jensen
Wogarno Station	Mr David Campbell

Nalbarra Station	Mr Peter Glass
Narndee Station	Mr Gary Scott
Boodanoo Station	Mr Will Scott
Meeline Station	Mr Adrian Morrissey
Windimurra Station	Mr Dale Zadow
Challa Station	Mr Ashley Dowden
Windsor Station	Mr Dave McCooke
Wondinong Station	Mr Greg Scott
Wynangoo Station	Mr Will Scott
Hy-Brazil Station	Mr Ron Moses
Kirkalocka Station	Mr Geoff Pilkington
Captain	Mr John Dowden
First Lieutenant	Mr E Scott (North)
Second Lieutenant	Mrs L Hopkinson (South)
Third Lieutenant	Mr W Fitzgerald (West)
Joint Fire Control Officers	
Bulga Downs—Shire of Menzies	Mr David McQuie
Chief Fire Control Officer—Menzies	Mr Greg Carter
Shire of Yalgoo	Mr Warren Olsen
Shire of Sandstone	Mr David McQuie
All previous appointments are cancelled	

P. R. WEBSTER, Chief Executive Officer,
Shire of Mt Magnet.

LG405

BUSH FIRES ACT 1954

Shire of Mukinbudin

BUSH FIRE CONTROL OFFICERS

It is hereby advised that the following have been appointed as Bush Fire Control Officers for the Shire of Mukinbudin.

Chief Bush Fire Control Officer—James Barber
Deputy Chief Bush Fire Control Officer—Ashley Walker

BUSHFIRE CONTROL OFFICERS—

Ken Brierly	Robey Jones	Bruce Shadbolt
Ian Shadbolt	Steve Palm	Don Bent
Phil Smith	Alan Carlton	

CANCELLATIONS—All other previous appointments.

By order of the Council.

A. J. BORRETT, Chief Executive Officer.

LG406

LOCAL GOVERNMENT ACT 1995

Shire of Donnybrook-Balingup

(Basis of Rates)

Department of Local Government
and Regional Development.
Perth, 28 September 2001.

LG: DB 5-4

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Minister for Local Government and Regional Development has determined that the method of valuing the land described in the schedule hereunder shall be gross rental value for the purposes of rating with effect from 7 September 2001.

ALLAN SKINNER, Acting Director General.

SCHEDULE

All that portion of land the subject of Office of Titles Diagram 22697.

LG407

LOCAL GOVERNMENT ACT 1995*Shire of Nannup*

(Basis of Rates)

Department of Local Government
and Regional Development.
Perth, 28 September 2001

LG: NP 5-4

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Minister for Local Government has determined that the method of valuing the land described in the schedule hereunder shall be gross rental value for the purposes of rating with effect from 1 July 2001.

ALLAN SKINNER, Acting Director General.

Schedule

Nelson Location 11864

Lots 1-10 (inclusive) on Strata Plan 23764

LG408

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960

MUNICIPAL BUILDING SURVEYORS' QUALIFICATIONS COMMITTEE

Department of Local Government
and Regional Development.
Perth, 25 September 2001.

DLGRG: 200/98

It is hereby notified for public information that the Governor has under the provisions of section 159 of the *Local Government (Miscellaneous Provisions) Act 1960* and Regulation 11 of the *Local Government (Qualification of Municipal Officers) Regulations 1984*—

1. terminated the appointment of Mr John Lynch as Chair;
2. terminated the appointment of Mr Fred Abbott as a member;
3. terminated the appointment of Ms Elizabeth Karol as a member;
4. appointed Mr Antony Mee as Chair;
5. appointed Mr Jim Pusey as a member;
6. appointed Mr Gavin Brackenreg as a deputy member;
7. appointed Mr John Greenwood as a member; and
8. appointed Ms Elizabeth Karol as a deputy member

of the Municipal Building Surveyors' Qualifications Committee.

ALLAN SKINNER, Acting Director General.

LG501*

BUSH FIRES ACT 1954

FIRE BREAKS NOTICE 2001

NOTICE TO ALL OWNERS AND/OR OCCUPIERS OF LAND IN THE CITY OF GOSNELLS

• It is a legal requirement according to Section 33 of the Bush Fires Act 1954, to maintain a firebreak. All owners and occupiers of land shall prior to the commencement of the fire break period, or within 14 days of becoming the owner or occupier should this occur within the fire break period, remove all flammable matter or clear fire breaks as detailed in the following notice and to maintain the land or the firebreaks clear of all flammable matter during the fire break period:

Land which is 2000 square metres or less in area, irrespective of zoning.

Clear all flammable matter from the whole of that land except for, living trees, shrubs and plants under cultivation and lawns, slash / mow to a height no greater than 100mm, to the satisfaction of Council or its Duly Authorised Officers.

Land which is greater than 2000 square metres in area, irrespective of zoning.

Clear all flammable matter from the whole of that land except for, living trees, shrubs and plants under cultivation and lawns, slash / mow to a height no greater than 100mm to the satisfaction of Council or its Duly Authorised Officers and / or install a firebreak no less than (3) three metres in width, clear of all flammable and combustible matter, as close as is practical inside all external boundaries of the property, to the satisfaction of Council or its Duly Authorised Officers.

Firebreaks

Where a fire break is so installed to comply with the requirements of this notice it is to be installed as close as is practical to the inside of all external boundaries of that property. All such firebreaks are to be maintained vertically to a height sufficient to allow unrestricted access for all emergency vehicles to the satisfaction of Council or its Duly Authorised Officers.

Rural /Special Rural Zoning

All properties are required to install firebreaks within twenty meters of outbuildings, haystacks and all stockpiles of flammable or combustible matter.

DON'T MISS THE DEADLINE

• Firebreaks must be completed on or before 30 November 2001 and maintained until the following 30 April 2002. Otherwise, Council may take action to have the required work carried out and recover the cost from you, or make it a charge against the property.

PENALTY FOR NON-COMPLIANCE

• Council retains the right to remove any fire hazard at the owners' and/or occupiers' expense following any failure to comply with the requisitions of the Notice, or of a special order in writing to clear a fire hazard or firebreak in accordance with Section 33 of the Bush Fires Act 1954.
• In addition you could be liable to a penalty of up to \$1,000 should action be taken under Section 33 of the Bushfires Act 1954.

PERMISSION NEEDED TO VARY REQUIREMENTS

• If it is considered impractical for any reason to clear firebreaks as required by this Notice, you may apply in writing to the Council, not later than November 2001, for permission to provide firebreaks in alternative positions on that land.
• If permission is not granted, compliance of this Notice is required.
• The penalty for failing to comply with this Notice is a Fine of up to \$1,000.
• A person in default may also receive an Infringement Notice of \$100 and be liable, whether prosecuted or not, to pay the cost of performing the work directed if it is not carried out by the date required.

BURNING OFF

• If firebreaks are cleared by burning, such burning must be in accordance with the relevant provisions of the Bush Fires Act 1954.
• Applications for Burning Permits may be obtained from the Council's Customer Service Centre between 9.00am and 4.30pm weekdays only. (N:B In the interest of air quality and community health and safety the practice of burning should only be considered where there is no other practical alternative available.)
• **BURNING RUBBISH, REFUSE OR OTHER MATERIAL.** (Health Local Laws 1999) A person shall not on any land less than 2000 square metres in area, set fire to or cause to be set fire, any rubbish, refuse or other material unless otherwise approved in writing by an authorised person.
• Fines of up to \$1,000 are applicable where burning is carried out without the required Burning Permit.

LG502***BUSH FIRES ACT 1954***City of Wanneroo***NOTICE TO ALL OWNERS AND/OR OCCUPIERS OF LAND IN THE CITY OF WANNEROO**

The City of Wanneroo hereby gives notice pursuant to Section 33 of the Bush Fires Act 1954 to all owners or occupiers of land in its district that they are required on or before 30 November, or within 14 days of becoming the owner or occupier of the land if that occurs after the 30 November, annually to plough, cultivate, scarify, burn or otherwise clear firebreaks as specified in this Notice and thereafter up to and including the 31 May annually to maintain the firebreaks clear of flammable matter.

1. Land having an area of 2000m² or more

A firebreak not less than 3 metres wide plus 3 metres high immediately inside and around all external boundaries of the land must be cleared.

2. Land having an area of less than 2000m²

A firebreak not less than 2 metres wide plus 2 metres high immediately inside and around all external boundaries of the land must be cleared.

3. Buildings

A firebreak not less than 3 metres wide plus 3 metres high immediately around all external walls of every building must be cleared.

Whenever a firebreak is cleared by burning the provisions of the Act and Regulations made thereunder must be observed.

If pursuant to Item (2) of this Notice, mowing or slashing is carried out the height of vegetation thereafter must not exceed, as far as is reasonably practicable, 20mm over the entire area of the firebreak. The use of chemicals is subject to all restrictions imposed by the Department of Agriculture.

Attention is drawn to the Flammable Liquids Regulations made under the Explosives and Dangerous Goods Act 1961, which requires a site on which flammable liquid is stored to be totally cleared of all flammable material for a minimum distance of 5 metres surrounding the site.

If it is considered to be impracticable for any reason to comply with the provisions of this Notice, application may be made not later than 15 November annually to the Council or its authorised officer for permission to provide alternative fire protection measures. If permission is not granted the requirements of this Notice must be complied with.

LG503*

BUSH FIRES ACT 1954

Shire of Gingin

FIREBREAK ORDER 2001/2002

Notice is hereby given to landowners/occupiers within the Shire of Gingin that firebreaks must be installed by 1 November 2001 and maintained clear of flammable material up to and including 31 May 2002.

RURAL (FARM) FIREBREAKS (Properties 20ha {50 acres} or larger)

Construct a ploughed firebreak, clear of flammable material, for a width of no less than three metres (3m), immediately inside the external boundary of the property.

Trees must be trimmed back to provide a vertical clearance of a minimum three and a half metres (3.5m) to allow fire appliances to drive along the firebreak.

Construct a three metre (3m) firebreak immediately surrounding all buildings and fuel storage areas. (For your own protection, landowners are encouraged to install additional firebreaks away from buildings where practical).

Areas cleared for burning require a twenty metre (20m) firebreak.

ALL OTHER NON URBAN LAND

(If you are unsure of the size of your property, please contact the Shire Office). 2023 m² (half an acre) to 8 ha (20 acres) This category relates to nearly all lots in Frogmore, Woodridge, Ocean Farm, Redfield Park, Sovereign Hill, Seaview Park and Moondah Ridge.

Construct a two and a half metre (2.5m) wide ploughed firebreak, clear of all flammable material, immediately inside the external boundary of the land.

Trees must be trimmed back to provide a vertical clearance of a minimum three and a half metres (3.5m) to allow fire appliances to drive along the firebreak.

On heavily grassed blocks slash all dry grass to a height of no more than 50mm.

8 ha (20 acres) to 20 ha (50 acres)

Construct a two and a half metre (2.5m) wide ploughed firebreak, clear of all flammable material, immediately inside the external boundary of the land.

Trees must be trimmed back to provide a vertical clearance of a minimum three and a half metres (3.5m) to allow fire appliances to drive along the firebreak.

On heavily vegetated or grassed blocks implement supplementary fuel reduction for a further five metres (5m) inside the firebreak by an approved method.

20 ha (50 acres) and over

Same as for Rural (Farm) Firebreaks as above.

URBAN LAND—ALL TOWNSITES

Land 2023m² (Half acre) or less

Clear lots of all debris, dry grass, dry bush etc. of an inflammable nature.

Land larger than 2023m² (Half acre)

Construct a two and a half metre (2.5m) ploughed firebreak, clear of all flammable material, immediately inside the external boundary of the land.

ALTERNATIVE ALIGNMENTS OR METHODS

If it is impractical to plough, or place a firebreak along your boundary, for environmental or other reason(s), you are required to notify the Shire of Gingin, in writing, before the 1 October 2001, to obtain permission for firebreaks to be installed in an alternative position, or by an alternative method.

PLANTATIONS

Tree Plantations of more than three hectares (3ha), but less than ten hectares (10ha)

Construct a ten metre (10m) wide firebreak, clear of all flammable material, immediately surrounding the plantation (Adjacent areas of the same property subject to provisions as for Rural Areas).

Plantations larger than ten hectares (10ha)

Comply with Bush Fire Service (1997-1998) Guidelines. A copy is available from the Shire Office upon request.

APPROVED METHODS OF SUPPLEMENTARY FUEL REDUCTION

SLASHING/MOWING

Cutting of grasses and other seasonal growth to a height of no more than 50mm.

CHEMICAL SPRAYING

The "pre-emergent" spraying of potentially flammable growth, intended for use in areas where ploughing is impractical.

BURNING

Control of fuel levels by burning, subject to the provisions of the Restricted and Prohibited Burning Periods.

BURNING PERIODS

RESTRICTED BURNING PERIOD

1 October to 21 November 2001

1 March to 31 May 2002

PROHIBITED BURNING PERIOD

22 November 2001 to 28 February 2002

NO BURNING WITHOUT EXCEPTION

HARVEST/MOVEMENT OF VEHICLES BANS

A ban on harvesting and the movement of vehicles in paddocks is likely to be imposed when the weather conditions, based on temperature, relative humidity and wind strengths are dangerous or extreme.

Phone the Gingin Fire Weather Hotline on 9575 1330 for details and updates, or contact your local Fire Control Officer.

ADDITIONAL RESPONSIBILITIES AND PENALTIES

Persons who fail to comply with the requirements of this Order may be fined up to \$1000.00.

In addition, Council will arrange for the required work to be carried out at the cost of the owner or occupier.

Gas or electric barbecues ONLY, are permitted during Prohibited Burning Times.

Prior to any burning, please notify your local Fire Control Officer and the Shire of Gingin. A Permit to Burn must be obtained during the Restricted Burning Period. Permits are generally subject to a number of conditions.

Besides being responsible for the safety of your own property, if a fire escapes from your property, you may be charged with an offence and you may be liable to pay compensation for any damage caused outside of your property.

S. D. FRASER, Chief Executive Officer.

21 September 2001

LG504*

BUSH FIRES ACT 1954

Shire of Mt Magnet

Firebreak Order 2001/2002

Notice to all Owners and/or occupiers of Land in the Shire of Mount Magnet.

Pursuant to the powers contained in Section 33 of the above Act, you are hereby required on or before 31st October, 2001 to clear firebreaks and remove flammable materials from the land owned or occupied by you as specified hereunder and to have specified land and firebreaks clear of all flammable materials from 31st October, 2001 up to and including 30th April, 2002.

1) Land Outside Town sites—

1.1 All buildings on land which is outside town sites shall be surrounded by two firebreaks not less than two metres wide cleared of all flammable material, the inner firebreak to be not more than 20 metres from the perimeter of the building or group of buildings and outer firebreak not less than 200 metres from the inner firebreak.

1.2 To remove flammable material from the whole of the land between the firebreaks required in paragraph 1.1 above.

2) Land in Town sites—

2.1 Where the area of land is 2,000 square metres or less, all flammable material shall be removed from the whole of the land.

- 2.2 Where the area of the land exceeds 2,000 square metres, firebreaks at least three metres in width shall be cleared of all flammable material immediately inside and along the boundaries of the land. Where there are buildings on the land additional firebreaks three metres in width shall be cleared immediately surrounding each building.

If it is considered for any reason to be impractical to clear firebreaks or remove flammable material as required by this notice, you may apply to the Council or its duly authorised officer not later than 25th October, 2001 for permission to provide firebreaks in alternative positions or take alternative action to remove or abate fire hazards. If permission is not granted by Council or its duly authorised officer, you shall comply with requirements of this notice.

“Flammable Material” does not include green growing trees or green growing plants in gardens.

The penalty for failing to comply with this notice is a fine of **\$1,000** and a person in default is also liable, whether prosecuted or not to pay the cost of performing the work directed in this notice if it is not carried out by the owner or occupier by the date required by this notice.

The prohibited burning period for this Shire area is 15th November 2001 to 31st March 2002.

By order of Council.

P. R. WEBSTER, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401

MINING ACT, 1978

Notice of Application for an Order for Forfeiture

Department of Minerals and Energy
Coolgardie WA 6430.

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

J. R. PACKINGTON, (SM), Warden.

To be heard in the Warden's Court, Coolgardie on the 19th November, 2001.

GOOLGARDIE MINERAL FIELD

Prospecting Licences

15/3873—Spinifex Gold Ltd
15/4270—Triton Corporation Ltd
15/4275—Triton Corporation Ltd
15/4276—Triton Corporation Ltd
15/4277—Triton Corporation Ltd
15/4278—Triton Corporation Ltd
15/4281—Triton Corporation Ltd
15/4282—Triton Corporation Ltd
15/4283—Triton Corporation Ltd
15/4287—Triton Corporation Ltd
15/4099—Boyes; Charles Joseph
15/4111—Green; Trevor James; Hogan; Brian Anthony
15/4289—Beccarelli; Michael

MP402

MINING ACT 1978

Notice of Application for an Order for Forfeiture

Department of Minerals & Energy
Mt Magnet.

18 September 2001.

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

S. WILSON, Warden.

To be heard in the Warden's Court, Mt Magnet on the 20th November 2001.

MURCHISON MINERAL FIELD

Mt Magnet District

P58/1000—Chadwick, David Albert

YALGOO MINERAL FIELD

P59/1486—Gibson, Olive Marie; Hodder, Arthur Edward; Hodder, Thomas Keith; Starr, Mavis.

MP403**MINING ACT 1978**Department of Mineral & Petroleum Resources
Perth WA 6000.

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

CLIVE BROWN, MLA, Minister for State Development.

Number	Holder	Exploration Licences	Mineral Field
15/581	Opaltrend Nominees Pty Ltd		Coolgardie
31/459	Quester Holdings Pty Ltd		North Coolgardie
70/2178	Regaldove Pty Ltd		South West
70/2197	Darcey, William Peter; Garreg, Pty Ltd		South West
70/2198	Darcey, William Peter; Garreg, Pty Ltd		South West

MP404**MINING ACT 1978**Department of Mineral & Petroleum Resources
Perth WA 6000.

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

CLIVE BROWN, MLA, Minister for State Development.

Number	Holder	Exploration Licences	Mineral Field
40/153	Quester Holdings Pty Ltd		North Coolgardie
63/683	Allen, Royce William		Dundas
70/1716	Mega-Min Resources NL		South West
		Mining Lease	
15/20	Rodey Pty Ltd		Coolgardie

MP405**MINING ACT 1978**Department of Mineral and Petroleum Resources
Perth WA 6000.I hereby declare in accordance with the provisions of Section 99(1)(a) of the *Mining Act 1978* that the undermentioned gold mining leases are forfeited for breach of covenant, viz; non compliance with expenditure conditions with prior right of application being granted to the plaintiff under Section 100(2).

CLIVE BROWN, MLA, Minister for State Development.

WEST PILBARA MINERAL FIELD

47/394—Vincent Thomas Roberts and Vince Roberts & Associates P/L
 47/395—Vincent Thomas Roberts and Vince Roberts & Associates P/L
 47/396—Vincent Thomas Roberts and Vince Roberts & Associates P/L
 47/397—Vincent Thomas Roberts and Vince Roberts & Associates P/L
 47/398—Vincent Thomas Roberts and Vince Roberts & Associates P/L
 47/399—Vincent Thomas Roberts and Vince Roberts & Associates P/L
 47/466—Vincent Thomas Roberts and Vince Roberts & Associates P/L

MP406

MINING ACT 1978

NOTICE OF INTENTION TO FORFEIT

Department of Mineral & Petroleum Resources
 Perth WA 6000.

In accordance with Regulation 50(b) of the Mining Act, 1978, notice is hereby given that unless the rent due on the undermentioned licences and leases is paid on or before 19 October 2001 it is the intention of the Minister for State Development under the provisions of Sections 96A(1) and 97(1) of the Mining Act, 1978 to forfeit such for breach covenant, viz, non-payment of rent.

JIM LIMERICK, Director General.

Number	Holder	Mineral Field
Exploration Licences		
09/1005	MG Fotios & Associates Pty Ltd	Gasgoyne
09/1006	MG Fotios & Associates Pty Ltd	Gasgoyne
28/889	Gutnick Resources NL	North East Coolgardie
28/891	Heron Resources Ltd	North East Coolgardie
37/597	Gutnick Resources NL	Mt Margaret
38/517	Creasy, Mark Gareth; Legendre, Bruce Robert; Johnson's Well Mining NL; Mega-Min Resources NL	Mt Margaret
38/1317	Johnson's Well Mining NL	Mt Margaret
39/383	Creasy, Mark Gareth; Mason, Harry	Mt Margaret
39/839	Goldfields Exploration Pty Ltd	Mt Margaret
40/55	Golden Dragon Mining Co NL; Kookynie Resources NL	North Coolgardie
40/157	Gutnick Resources NL	North Coolgardie
45/2142	Audax Resources Ltd; Franks, Arnold	Pilbara
45/2163	Magnetic Resources NL; Mirkovic, Milan	Pilbara
45/2179	De Beers Australia Exploration Ltd	Pilbara
51/872	Alira Pty Ltd	Murchison
53/885	Australian Gold Resources Ltd	East Murchison
59/884	Australian Gold Resources Ltd	Yalgoo
59/955	Australian Gold Resources Ltd	Yalgoo
59/968	Red Dog Prospecting Pty Ltd	Yalgoo
70/2056	Garreg Pty Ltd	South West
Mining Leases		
04/81	Sarubin, Markku	West Kimberley
20/147	Emerald Square Pty Ltd; Jewellery International BVBA; Nelson, Gary; Steinkalik, Sylvain	Murchison
25/189	Coumbe, Robert Colin	East Coolgardie
27/203	Gutnick Resources NL	North East Coolgardie
27/204	Gutnick Resources NL	North East Coolgardie

Mining Leases—*continued*

Number	Holder	Mineral Field
27/205	Gutnick Resources NL	North East Coolgardie
27/217	Gindalbie Gold NL	North East Coolgardie
27/262	Gutnick Resources NL	North East Coolgardie
27/263	Gutnick Resources NL	North East Coolgardie
27/264	Gutnick Resources NL	North East Coolgardie
27/265	Gutnick Resources NL	North East Coolgardie
30/128	Dolan, Kym Matthew	North Coolgardie
37/49	Capricorn Coatings Pty Ltd	Mt Margaret
38/283	Duketon Goldfields NL; Johnson's Well Mining NL	Mt Margaret
38/803	Cable, Robert Charles; McArthur, Theresa Grace	Mt Margaret
47/226	Rocca, Guiseppe; Rocca, Pamela Margaret; Rocca, Steven Joseph	West Pilbara
47/246	Dumpna Pty Ltd	West Pilbara
47/293	Rocca, Guiseppe; Rocca, Pamela; Rocca, Steven Joseph	West Pilbara
51/585	WMG Resources Ltd	Murchison
52/668	Ward, John Douglas	Peak Hill
59/291	Livingstone Group Ltd; UCABS Pty Ltd	Yalgoo
70/1062	Kingstream Steel Ltd	South West
70/1063	Kingstream Steel Ltd	South West
70/1064	Kingstream Steel Ltd	South West
80/106	Australian United Gold NL; Kimberley Gold Pty Ltd; Ynema, Marten Hendrick	Kimberley
80/108	Astro Bow River Mines Ltd	Kimberley
80/109	Astro Bow River Mines Ltd	Kimberley
80/110	Astro Bow River Mines Ltd	Kimberley
80/111	Astro Bow River Mines Ltd	Kimberley
80/112	Astro Bow River Mines Ltd	Kimberley
80/113	Astro Bow River Mines Ltd	Kimberley
80/252	Australian United Gold NL; Kimberley Gold Pty Ltd; Ynema, Marten Hendrick	Kimberley

General Purpose Leases

70/192	Kingstream Steel Ltd	South West
70/193	Kingstream Steel Ltd	South West

PLANNING AND INFRASTRUCTURE

PI401*

TOWN PLANNING AND DEVELOPMENT ACT, 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF ALBANY

TOWN PLANNING SCHEME No. 3—AMENDMENT No. 215

Ref: 853/5/4/5 Pt 215

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 City of Albany Town Planning Scheme Amendment on 19 September 2001 for the purpose of—

1. Inserting in the Scheme Text a new land use class, "20. Home Business", into the Use Class Table 1 between existing use classes "19. Holiday Accommodation" and "20.

Home Occupation” in the following manner and renumber the succeeding use classes accordingly—

TABLE 1
ZONES

Use Class	Places of Public Assembly	Private Clubs and Institutions	Residential	Residential Development	Motel	Tavern	Commercial	Local Shopping	Service Station	Light Industry	General Industry	Noxious Industry	Rural	Special Rural	Special Industry (Elizabeth St)	Special Industry (Down Road)	Special Residential	Conservation	Service Industry	Landscape Protection
20. Home Business	X	X	AA	AA	X	X	X	X	X	X	X	X	AA	See Schedule 1	X	X	See Schedule 4	Refer to Schedule 5	X	X

2. Inserting the following definition for “Home Business” after “Holiday Accommodation” in Clause 1.6 of the Scheme Text—

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;
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone; and
- (g) notwithstanding clauses (c) and (e) above, approval may be granted in the Rural zone for an area of up to 200m² and for up to 3 trucks with a tare weight in excess of 3.5 tonnes, providing it does not adversely affect the rural and landscape amenity of the surrounding area.

A. E. GOODE, Mayor.
A. C. HAMMOND, Chief Executive Officer.

PI402*

TOWN PLANNING AND DEVELOPMENT ACT, 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
CITY OF ALBANY

TOWN PLANNING SCHEME No. 1A—AMENDMENT No. 121

Ref: 853/5/2/15 Pt 121

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 City of Albany Town Planning Scheme Amendment on 19 September 2001 for the purpose of—

1. Inserting a new land use class, “Home Business”, into the Zoning Table between use classes “29A Holiday Accommodation” and “30. Home Occupation” in Appendix 1 of the Scheme Text in the following manner—

TABLE 1
ZONES

Use Class	Residential	Tourist Residential	Licensed Premises	Local Shopping	Central Area	Other Commercial	Service Station	Industry	Special Industry	Port Industry	Clubs & Institutions	Yakamia Creek	Rural	Future Urban
29B. Home Business	SA	X	X	X	SA	X	X	X	X	X	X	SA	SA	SA

2. Incorporating the following definition for “Home Business” after “Holiday Accommodation” in Appendix IX—Interpretations of the Scheme Text—

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.

A. E. GOODE, Mayor.
A. C. HAMMOND, Chief Executive Officer.

PI403*

TOWN PLANNING AND DEVELOPMENT ACT, 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF ROCKINGHAM

TOWN PLANNING SCHEME No. 1—AMENDMENT No. 343

Ref: 853/2/28/1 Pt 343

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 City of Rockingham Town Planning Scheme Amendment on 19 September 2001 for the purpose of—

1. Amending the Scheme Map by rezoning Lots 19, 20 and 21 Baldvis Road, Baldvis from ‘Rural’ to ‘Development Zone’.
2. Adding to Table XI the following—

Amt. No.	Location of Land	Environmental Conditions Associated with the Area Identified in “Location of Land”
343	Lots 19-21 Baldvis Road and Clyde Avenue, Baldvis	<p>Pipeline Protection Plan</p> <p>Prior to commencement of site works for subdivision or development on any land within or abutting the high pressure natural gas pipeline easement, the subdivider/developer shall prepare a Pipeline Protection Plan to the requirements of the local government with the concurrence of the Department of Minerals and Energy on advice from the Department of Environmental Protection and the high pressure natural gas pipeline operator.</p>

Amt. No.	Location of Land	Environmental Conditions Associated with the Area Identified in "Location of Land"
1-2		The plan referred to in condition 1-1 of this table shall detail measures to ensure public safety and protection of the high pressure natural gas pipeline in accordance with the Petroleum Pipelines Act 1969-70, the Australian Pipeline Code AS 2885-1997, SAA HB105 and the Environmental Protection Authority's guidance statement for achieving its risk criteria for development in proximity to existing and proposed high pressure gas transmission pipelines, or the most recent equivalents recognised by the Environmental Protection Authority.
2		High Pressure Natural Gas Pipeline
2-1		<p>The following activities, land uses and developments are prohibited within the high pressure natural gas pipeline easement—</p> <ol style="list-style-type: none"> 1. Ground-disturbing activities, other than for the purposes for which the easement was created, and for uses and developments that comply with condition 2-2 of this Table; 2. Temporary residence (including caravans, camping and similar); 3. Storage of materials and equipment; 4. Fires and barbeques; 5. Explosives, inflammables and corrosives (including storage of liquified petroleum gas and fuel oil); 6. Refuse disposal and landfill; 7. Service stations, fuel lines and storage of fuel oil; 8. Vegetation with an expected growth exceeding one metre in height and plantings within one metre of the centre of the pipeline (with the exception of lawn); and 9. Large obstructions to line of site along the easement.
2-2		<p>The following land uses and developments may be permitted within the high pressure natural gas pipeline easement, with the written approval of the local government on advice of the pipeline operator, subject to compliance with the Pipeline Protection Plan referred to in condition 1-1 of this Table—</p> <ol style="list-style-type: none"> 1. Cycleways and footpaths; 2. Road crossings and services (with minimum depth of cover over the pipeline of 1.2 metres); 3. Public open space; 4. Signage and other facilities that are necessary to comply with the Pipeline Protection Plan referred to in condition 1-1 of this Table; 5. Carparking during the time that the adjoining land is being developed (with minimum depth of cover over the pipeline of 1.2 metres).
2-3		<p>Minimum setbacks for land uses and developments from the centre of the high pressure natural gas pipeline shall be—</p> <ol style="list-style-type: none"> 1. 96 metres in the case of sensitive development as determined by the local government on advice of the Department of Environmental Protection and the pipeline operator,

Amt. No.	Location of Land	Environmental Conditions Associated with the Area Identified in "Location of Land"
		and including aged persons accommodation, child care centres, schools and hospitals;
		2. 32 metres to the boundary of each residential lot; in the case of residential development; and
		3. At the local government's discretion, following consultation with the Department of Environmental Protection and the pipeline operator, in the case of all other uses and developments which facilitate the gathering of people within 96 metres of the centre of the pipeline.

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

PI404***TOWN PLANNING AND DEVELOPMENT ACT, 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF MANDURAH

TOWN PLANNING SCHEME No. 3—AMENDMENT No. 10

Ref: 853/6/13/12 Pt 10

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 City of Mandurah Town Planning Scheme Amendment on 19 September 2001 for the purpose of—

1. Reclassifying Pt Loc 1130 and Lot 102 Queen Parade (south of Estuary Place), Wannanup, from "Local Recreation" reserve to "Canal" zone.
2. Rezoning Pt Loc 1130 Queen Parade (south of Estuary Place), Wannanup, from "Urban Development" to "Canal".
3. Amending the Scheme Maps accordingly.

K. HOLMES, Mayor.
W. PEPPINCK, Acting Chief Executive Officer.

PI405***TOWN PLANNING AND DEVELOPMENT ACT, 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF DUNDAS

TOWN PLANNING SCHEME No. 2—AMENDMENT No. 5

Ref: 853/11/5/3 Pt 5

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 Dundas Town Planning Scheme Amendment on 19 September 2001 for the purpose of lifting the Parks and Recreation Reservation over the land being a southern portion of Reserve 13004 adjacent to Lot 699, Coolgardie-Esperance Highway (Prinsep Street), Norseman, having dimensions of 80.0 / 40.0 x 56.0 / irr (area 3860m²) to have it zoned Special Purposes—Service Station/Roadhouse and amending Appendix 5 of the Scheme Text by including the following—

Locality	Street	Land Particulars	Permitted
Norseman	Prinsep Street	A southern portion of Reserve 13004 adjacent to Lot 699 having dimensions of 80.0 / 40.0 x 56.0 / irr, area 3860m ² .	Service Station/ Roadhouse

P. W. BROWN, President.
E. A. GILBERT, Chief Executive Officer.

PI406*

TOWN PLANNING AND DEVELOPMENT ACT, 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF GNOWANGERUP

TOWN PLANNING SCHEME No. 1—AMENDMENT No. 8

Ref: 853/5/9/7 Pt 8

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 Gnowangerup Town Planning Scheme Amendment on 19 September 2001 for the purpose of—

1. Amending R-Code for Lots 118, 374 and 369 (Reserve 32555) Denny Street and Lot 2 Cecil Street, Gnowangerup, from R15 to R30.
2. Amending the Scheme accordingly.

J. P. SAVAGE, President.
F. B. LUDOVICO, Chief Executive Officer.

PI407*

TOWN PLANNING AND DEVELOPMENT ACT, 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF HARVEY

TOWN PLANNING SCHEME No. 1—AMENDMENT No. 44

Ref: 853/6/12/18 Pt 44

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 Harvey Town Planning Scheme Amendment on 19 September 2001 for the purpose of—

1. Rezoning Wellington Location 5069, Waterloo Road, Roelands from 'Public Purpose (Public Utilities)' Reserve to 'Special Residential' as depicted on the amendment map adopted by the Council of the Shire of Harvey.
2. Including Wellington Location 5069, Waterloo Road, Roelands in Schedule 3 to the Scheme Text, 'Additional Requirements - Special Residential Zone', under Area 8, Waterloo Road, Roelands.
3. Modifying Schedule 3 of the Scheme Text by deleting existing Clause 3.9.1 and replacing it with the following new Clause 3.9.1—

'3.9.1 Subdivision shall generally be in accordance with the Subdivision Guide Plan dated May 2000 attached to the Scheme Amendment Report of Amendment No. 44; the Subdivision Guide Plan dated October 1998 attached to the Scheme Amendment Report of Amendment No. 14 to Town Planning Scheme No. 1 and the Subdivision Guide Plan dated July 1996 attached to the Scheme Amendment Report of Amendment 78 of the former Shire of Harvey Town Planning Scheme No. 10.'
4. Modifying Schedule 3 of the Scheme Text by adding the following clauses—

'3.9.9 Prior to lodging a subdivision application a geotechnical report demonstrating site suitability for the on-site disposal of wastewater is to be provided to the satisfaction of the Health Department of Western Australia.

3.9.10 At the time of subdivision, the subdivider is to prepare and implement a drainage management plan for the land covered by Amendment 44 to Town Planning Scheme No. 1 to the satisfaction of Waters and Rivers Commission, Leschenault Inlet Management Authority and Westrail.'

J. W. OFFER, President.
K. J. LEECE, Chief Executive Officer.

PI408*

TOWN PLANNING AND DEVELOPMENT ACT, 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
SHIRE OF KATANNING

TOWN PLANNING SCHEME No. 4—AMENDMENT No. 2

Ref: 853/5/10/4 Pt 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 Katanning Town Planning Scheme Amendment on 19 September 2001 for the purpose of reclassifying Reserve 37521 Location 1002, Clive Street, Beaufort Street and Arle Street, Katanning, from Local Reserve for Public Purposes to Commercial Zone, as depicted on the Scheme Amendment Map.

R. WHITE, President
C. STRUGNELL, Chief Executive Officer.

PI409*

TOWN PLANNING AND DEVELOPMENT ACT, 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
SHIRE OF MURRAY

TOWN PLANNING SCHEME No. 4—AMENDMENT No. 150

Ref: 853/6/16/7 Pt 150

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 Murray Town Planning Scheme Amendment on 19 September 2001 for the purpose of rezoning Lot 14 Peel Street, Pinjarra from 'Residential' to 'Commercial'.

N. H. NANCARROW, President
N. LEACH, Chief Executive Officer.

PI410*

TOWN PLANNING AND DEVELOPMENT ACT, 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
SHIRE OF TAMBELLUP

TOWN PLANNING SCHEME No. 2—AMENDMENT No. 1

Ref: 853/5/15/2 Pt 1

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 Tambellup Town Planning Scheme Amendment on 19 September 2001 for the purpose of deleting Clause 7.5 and inserting therein—

7.5 Land Liable to River Flooding

Despite anything appearing elsewhere in the Scheme the development of land in the Tambellup townsite and on the flood plain identified in the "Gordon River (Tambellup) Flood Study" (the "Flood Study") prepared by Sinclair Knight & Partners January 1983 is to be subject to this clause. Flood levels are shown in the Flood Study—

- (a) the Council's planning approval is required for development including a single house and such application is to be made in accordance with the provisions of the Scheme.
- (b) roads, bridges, buildings, structures, fences other than open post and rail or post and wire fencing, and the filling of land is not to be constructed or undertaken without the approval of the Council having regard for advice from the Water & Rivers Commission.
- (c) a plan of subdivision is not to be approved for land on the floodplain in the Residential zone unless that part of the land behind the minimum setbacks from street and rear boundaries is not less than 300mm above the 1982 flood level.
- (d) a plan of subdivision is not to be approved for land on the floodplain in the Special Rural zone unless part of the land on each lot has an area of not less than 2000 square metres at or above the 1982 flood level and is suitable for the erection of a dwelling in accordance with the provisions of the Scheme.

- (e) floor levels for habitable rooms in buildings on land on the floodplain are to be a minimum of 150mm above the estimated 1 in 100 year flood level for all existing subdivisions, and 500mm above the estimated 1 in 100 year flood level for new subdivisions.
- (f) dwellings within the flood plain for which a current building licence was issued before the gazettal date of this amendment may be extended subject to the floor level of any habitable room so created being above the flood level.

K. D. SPRIGG, President.
J. M. TREZONA, Chief Executive Officer.

PI411*

WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985

NOTICE OF DELEGATION

DEVELOPMENT CONTROL POWERS UNDER THE METROPOLITAN REGION SCHEME TO LOCAL GOVERNMENTS

File: 970-1-1-3

Notice is hereby given that the Western Australian Planning Commission ("the Commission") by resolution made on the 25 September 2001 and acting pursuant to the provisions of section 20 of the Western Australian Planning Commission Act 1985 ("the Act"), has—

- A. Cancelled its delegation of powers and functions to eligible bodies and persons as detailed in the notice published in the *Government Gazette* of 23 June 1995 (page 2507), relating to the determination of applications for approval to commence development by local governments;
- AND
- B. Delegated to local governments and to members or officers thereof, its powers and functions as responsible authority in respect of the determination of applications for approval to commence and carry out development in accordance with Part IV of the Metropolitan Region Scheme (*the MRS*), within their respective local government districts, as outlined hereunder and subject to the exceptions set out and to the conditions set out in Schedule 1 of this notice.

1. Development

- (a) on land zoned under Part III of the MRS—
 - (i) except where the land is subject to a resolution under Clause 32 of the MRS; or
 - (ii) except where the land is subject to the declaration of a planning control area under section 35C of the Metropolitan Region Town Planning Scheme Act 1959; or
 - (iii) except where that land is partly within the management area within the meaning of the Swan River Trust Act 1988 or is outside the management area but abuts waters within the management area; or
 - (iv) except where the local government is of the opinion that the application should be determined by the Commission on the grounds that the proposal is of State or regional importance or is in the public interest, or
 - (v) except in respect of public works undertaken by public authorities; or
 - (vi) except to the extent necessary to give effect to the provisions of clauses 3, 4, and 5 of this notice.
- (b) on land reserved or partly reserved under Part II of the MRS for the purposes of a highway or road to the extent necessary to give effect to the provisions of section 2 of this notice.

2. Development On or Abutting Regional Road Reservations

[This clause relates to all regional road reservations in the MRS as amended from time to time. Western Australian Planning Commission plans SP 693/1 and SP 694/1 (as revised from time to time) show the current regional roads under the responsibility of Main Roads WA (Plan SP 693/1) and the Commission (Plan SP 694/1). Plan SP 693/1 also shows additional roads under control of MRWA that are not currently reserved in the MRS. Plans SP 693/1 and SP 694/1 categorise the regional roads as—

Category 1— frontage access is not allowed (control of access).

Category 2— frontage access may be allowed subject to approval.

Category 3— road reservation not accurately defined or under review.

(See the section below headed "Interpretations" for further explanation of these categories).

The regional road network changes from time to time with amendments to the MRS and the Department for Planning and Infrastructure should be contacted with regard to new additions to the regional road network to ascertain the category and whether Main Roads WA or the Commission has responsibility. Similarly, the Department for Planning and Infrastructure should be contacted to ascertain the latest revision of plans SP 693/1 and SP 694/1.

The Department for Planning and Infrastructure will provide local governments with comments and recommendations on applications for development on or abutting regional road reservations for which the Commission is responsible. Main Roads WA will provide local governments with comments and

recommendations on applications for development on or abutting regional road reservations for which it is the responsible authority.

Copies of plans SP 693/1 and SP 694/1 are available from the office of the Commission, Albert Facey House, 469 Wellington Street, Perth.]

(a) Category 1 and 2 roads

The following applications for development on land on or abutting regional road reservations classified as Category 1 or 2 shall be referred to Main Roads WA or the Department for Planning and Infrastructure, as applicable, for comment and recommendation before being determined by the local government -

In respect of Category 1 roads—

- applications for development, including earthworks and drainage, which encroaches upon the road reservation;
- applications which involve direct access between the subject land and the road reservation;
- applications with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation.

In respect of Category 2 roads:

- applications for development, including earthworks and drainage, which encroaches upon the road reservation;
- applications which involve additional, relocated or new access between the subject land and the road reservation;
- applications with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation;
- applications which propose retention of an existing access between the subject land and the road reservation, where there is an alternative access to a local road;

Exceptions in respect of Category 1 and 2 roads—

Referral is not required where—

- (i) the local government first decides to refuse an application under the MRS; or
- (ii) the application is for a residential development of less than five dwellings without any development encroachment upon the road reservation and does not involve additional, relocated or new access between the subject land and the road reservation; or
- (iii) the application is for an ancillary and incidental addition or modification to an existing authorised development which does not encroach upon the road reservation.

(b) Category 3 roads

All applications for development on land on or abutting regional road reservations classified as Category 3 shall be referred to Main Roads WA or the Department for Planning and Infrastructure, as applicable, for comment and recommendation before being determined by the local government.

Exception—

Referral is not required where the local government first decides to refuse an application under the MRS.

The Department for Planning and Infrastructure or Main Roads WA, as applicable, shall provide comment and recommendations, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information. Where a recommendation provided by the Department for Planning and Infrastructure or Main Roads WA is not acceptable to the local government, the application shall be forwarded immediately to the Commission for its determination.

In determining applications under this delegation, local governments shall have regard for the Commission's Policy D.C 5.1 "Regional Roads (Vehicular Access)".

4. Development Abutting Swan River Trust Management Area

Any application for development on land that is outside the management area but abutting land that is in the management area, or in the opinion of the local government is likely to affect waters in the management area, shall be referred to the Swan River Trust for comment and recommendation.

The Swan River Trust shall provide its comment and recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information. Where a recommendation provided by the Swan River Trust is not acceptable to the local government, the application shall be forwarded immediately to the Commission for its determination.

5. Development Abutting Other Reservations

Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust management area and is covered by clause 4 of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation. In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the application shall be referred to the Department for Planning and Infrastructure.

The Department for Planning and Infrastructure or the public authority, as the case may be, shall provide comment and recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information. Where a recommendation provided by the relevant public authority is not acceptable to the local government, the application shall be forwarded immediately to the Commission for its determination.

Schedule 1

For the purpose of this notice, the powers delegated to a member or officer of a local government may only be exercised by a member or officer who has delegated power from Council to consider and determine applications for approval to commence and carry out development within the local government district under the local government town planning scheme.

Interpretations

For the purposes of this notice the following terms have the meanings assigned to them—

- “access”—means both entry and exit from either a road or abutting development by a vehicle.
- “development”—means a development as it is interpreted in the Town Planning and Development Act 1928.
- “local government”—means a local government within the area covered by Scheme.
- “local road”—means a road other than a private road or a road subject of reservation under Part II of the MRS.
- “regional road”—means any road designated under the Scheme as follows—
 - (a) land coloured red in the Scheme Map—Primary Regional Roads; and
 - (c) land coloured dark blue in the Scheme Map—Other Regional Roads.
- “reserved land”—means land reserved under Part II of the MRS.
- “road reservation”—means a reservation under Part II of the MRS, for the purposes of a highway or road.
- “category 1 road”—applies where regional roads—
 - (1) are constructed or planned to a fully controlled and grade separated freeway standard; or
 - (2) are constructed or planned to an access controlled arterial standard, (ie. a primary or district distributor road with widely - spaced signalised intersections or roundabouts, and few, if any, direct access points to individual sites or local streets).
- “category 2 road”—applies where regional roads—
 - (1) are constructed or planned to a partially access controlled arterial standard, (ie. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or
 - (2) have direct frontage access to abutting properties due to the historic development of the road and properties.

PETER MELBIN, Secretary, Western Australian Planning Commission.

PI412*

WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985 NOTICE OF DELEGATION TO COMMITTEES AND OFFICERS

File: 970-1-1-3

970-1-1-58

Notice is hereby given that the Western Australian Planning Commission (“*the Commission*”) by resolution made on 25 September 2001 and acting pursuant to the provisions of section 20 of the Western Australian Planning Commission Act 1985 (“*the Act*”) has—

- A. Cancelled its delegation of powers and functions to various eligible persons and bodies as detailed in a notice published in the *Government Gazette* of 5 January 2001 (pages 131-136);
- AND
- B. DELEGATED ITS POWERS AND FUNCTIONS as set out in—
 - (a) schedule 1, to those eligible persons and bodies set out in schedule 2;
 - (b) schedule 3, to those eligible bodies set out in schedule 4;
 - (c) schedule 5, to those eligible persons set out in schedule 6;
 - (d) schedule 7, to those eligible persons set out in schedule 8;
 - (e) schedule 9, to those eligible persons and bodies set out in Schedule 10;
 - (f) schedule 11, to the eligible body set out in schedule 12;
 - (g) schedule 13, to the eligible body set out in schedule 14; and
 - (h) schedule 15, to the eligible body set out in schedule 16.

SCHEDULE 1—POWERS DELEGATED

1. All powers and functions of *the Commission* as set out in—
 - (i) paragraphs (i), (ii), (iv) and (v) of subsection (1)(e) of section 18 of *the Act*;
 - (ii) the Metropolitan Region Town Planning Scheme Act 1959, and
 - (iii) the Metropolitan Region Scheme.
2. Power to determine applications for approval to commence and carry out development lodged with or referred to the Commission pursuant to the provisions of the Metropolitan Region Scheme.
3. Power to determine applications for approval to commence and carry out development lodged with or referred to the Commission pursuant to the provisions of the Metropolitan Region Scheme but only where those determinations will not be significantly at variance with the recommendations made by the relevant local government authority or where no response has been received from the local government within the period prescribed in clause 29(3) of the Scheme.
4. Power to issue Clause 42 Certificates pursuant to the provisions of the Metropolitan Region Scheme.

SCHEDULE 2—APPLICATION OF DELEGATION

The delegation of powers and functions set out in Schedule 1 apply as follows—

1. Paragraph 1 of Schedule 1 applies to the Statutory Planning Committee meeting as the Perth Region Planning Committee being a committee of that name established by the Commission under section 19 (1d) of *the Act*.
2. Paragraph 1 of Schedule 1 applies to the Central Perth Planning Committee being a committee of that name established by the Commission under section 19 (1) of *the Act* but only where the matters under consideration by the Committee are within the area of the City of Perth.
3. Paragraph 2 of Schedule 1 applies to the Statutory Planning Committee established under section 19 (1c) of *the Act* except where the matters under consideration are within the area of the City of Perth.
4. Paragraph 3 of Schedule 1 applies to the officers of the Department for Planning and Infrastructure for the time being exercising the duties of the offices designated below but subject to the conditions specified—
 - (i) Senior Manager, Policy and Legislation
 - (ii) Manager, Metro-North, and
 - (iii) Co-ordinator, Metro-North

but for (ii) and (iii) confined to those matters related to land within the Perth Metropolitan Region within the Cities, Towns or Shires of—

Bassendean, Bayswater, Belmont, Cambridge, Claremont, Cottesloe, Joondalup, Kalamunda, Mosman Park, Mundaring, Nedlands, Peppermint Grove, Perth, Stirling, Subiaco, Swan, Vincent and Wanneroo.
 - (iv) Manager, Metro-South, and
 - (v) Senior Project Planner—Co-ordinator, Metro-South

but for (iv) and (v) confined to those matters related to land within the Perth Metropolitan Region within the Cities, Towns and Shires of—

Armadale, Canning, Cockburn, East Fremantle, Fremantle, Gosnells, Kwinana, Melville, Rockingham, Serpentine-Jarrahdale, South Perth and Victoria Park.
5. Paragraph 4 of Schedule 1 applies to the officers of the Department for Planning and Infrastructure for the time being exercising the duties of the offices of Secretary, Western Australian Planning Commission and Manager, Geographic and Planning Information Branch.

SCHEDULE 3—POWERS DELEGATED

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

- (i) Section 7B, 19, 20, 20C, 21, 24 and 25 of the Town Planning and Development Act 1928.
- (ii) Town Planning Regulations 1967.
- (iii) Western Australian Planning Commission Regulations 1962.
- (iv) Strata Titles Act 1985.
- (v) Strata Titles General Regulations 1996.
- (vi) Section 295 (2a) and Section 297A (6) (a) of the Local Government (Miscellaneous Provisions) Act 1960.
- (vii) Section 18 (1) (a), (ba) and (c) of *the Act*.
- (viii) Power to advise the Minister for Planning and Infrastructure on any appeal or matter arising therefrom pursuant to Part V of the Town Planning and Development Act 1928 and to defend or otherwise deal with appeals lodged with the Town Planning Appeal Tribunal.
- (ix) Power to prepare and submit for approval Statements of Planning Policy pursuant to Section 5AA of the Town Planning and Development Act 1928 and to prepare and promulgate, subject to the prior approval of the Minister of Planning, other Policy Statements relating to planning matters and/or the functions of the Commission.

SCHEDULE 4—APPLICATION OF DELEGATION

1. The powers and functions set out in Schedule 3 apply to the Statutory Planning Committee established under section 19 of the Act, except for matters concerning land within that area of the State comprising the South West Region as defined in Schedule 1 of the Act or matters concerning land within the area of the City of Perth and subject to the exercise of the powers and functions under this clause having due regard in each case to published Commission policy.
2. The powers and functions set out in Schedule 3 apply to the South West Region Planning Committee being a Committee by that name established by the Commission under Section 19 of the Act, but only in respect of the matters within the South West Region of the State as defined in Schedule 1 to the Act and subject to the exercise of the powers and functions under this clause having due regard in each case to published Commission policy.
3. The powers and functions set out in Schedule 3 apply to the Central Perth Planning Committee being a Committee by that name established by the Commission under Section 19 of the Act, but only in respect of the matters within the area of the City of Perth and subject to the exercise of the powers and functions under this clause having due regard in each case to published Commission policy.

SCHEDULE 5—POWERS DELEGATED

1. Powers to recommend to the Minister for Planning and Infrastructure that approval be granted or withheld with respect to Interim Development Orders and extensions thereto made or extended pursuant to section 7B of the Town Planning and Development Act 1928.
2. Powers to determine all applications to the Commission under section 20 of the Town Planning and Development Act 1928 where such determination is in accordance with predetermined policies (if any) of the Commission.
3. Powers, with respect to applications to the Commission under section 20 of the Town Planning and Development Act 1928 determined by or on behalf of the Commission to accept revised plans of subdivision in substitution for those previously approved in circumstances where the acceptance of the revised plan does not materially affect the decision given by or on behalf of the Commission.
4. Power pursuant to subsection (6) of section 24 of the Town Planning and Development Act 1928 to determine the requests for reconsideration made pursuant to subsection (5) of that section.
5. Power to give or withhold consent, pursuant to section 295 (2) of the Local Government (Miscellaneous Provisions) Act 1960, to the setting out and construction within a subdivision approved in accordance with section 20 of the Town Planning and Development Act 1928 of street or streets the width or widths of which are less than 20 metres; such power having been delegated pursuant to section 295 (2a) of the first mentioned Act by instrument in writing dated 9 December 1986 by the Minister for Planning and Infrastructure and the power being limited by the provision of section 295 (2b) of that Act.
6. Power to determine requests for variations to plans of subdivision where Commission approval is required pursuant to the provisions of an approved town planning scheme.
7. Power to provide responses to the Minister for Planning and Infrastructure on appeals arising from decisions related to the subdivision of land pursuant to Part III of the Town Planning and Development Act 1928, to the development of land pursuant to the provisions of the Metropolitan Region Scheme and local government town planning schemes and to strata schemes pursuant to the provisions of the Strata Titles Act 1985 and power to defend or take any other relevant action in the Town Planning Appeal Tribunal in respect of any such appeals lodged with that body.
8. Power to determine applications and other matters lodged with the Commission for decision under the provisions of the Strata Titles Act 1985 where any such determination is in accordance with predetermined policies (if any) of the Commission.
9. Power to give consent to advertise amendments to local government Town Planning Schemes in cases where such determination rests with the Commission under the provisions of the Town Planning Regulations 1967, and to determine the periods for which those amendments are advertised where variations to the 42 day period prescribed by regulation 25(fa) are justified.
10. Power to recommend to the Minister for Planning and Infrastructure as to whether or not requests for extensions of time for the consideration of submissions be granted pursuant to regulations 17 (1) and 25 (fb) of the Town Planning Regulations 1967.
11. Power to recommend to the Minister for Planning and Infrastructure that amendments to local government Town Planning Schemes be given Final Approval where no submissions were made during the advertising period, or where that recommendation accords with the local government's determination of any submissions received, under the provisions of regulations 19 and 25 (g) of the Town Planning Regulations 1967.
12. Power to comment to members of the Town Planning Appeal Committee on submissions made pursuant to the provisions of section 33A of the Metropolitan Region Town Planning Scheme Act 1959.
13. Power to grant approval to plans known generally as outline development plans, structure plans and similar documents or amendments thereto requiring the approval of the Commission pursuant to the provisions of a town planning scheme.

SCHEDULE 6—APPLICATION OF DELEGATION

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

- (i) Manager, Metro-North, and

- (ii) Co-Ordinator, Metro-North
but for (i) and (ii) confined to those matters related to land within the Perth Metropolitan Region within the Cities, Towns and Shires of—
Bassendean, Bayswater, Belmont, Cambridge, Claremont, Cottesloe, Joondalup, Kalamunda, Mosman Park, Mundaring, Nedlands, Peppermint Grove, Perth, Stirling, Subiaco, Swan, Vincent and Wanneroo.
- (iii) Manager, Metro South, and
- (iv) Senior Project Planner—Co-ordinator, Metro-South
but for (iii) and (iv) confined to those matters related to land within the Perth Metropolitan Region within the Cities, Towns and Shires of—
Armadale, Canning, Cockburn, East Fremantle, Fremantle, Gosnells, Kwinana, Melville, Rockingham, Serpentine-Jarrahdale, South Perth and Victoria Park.
- (v) Manager, State-Other Regions
but confined to those matters related to land outside the Perth Metropolitan Region and the South West Region of the State as defined in Schedule 1 to the Act.
- (vi) Regional Manager, State-Other Regions
but confined to those matters related to land outside the Perth Metropolitan Region and including the Gascoyne, Goldfields-Esperance, Kimberley, Pilbara and Wheatbelt Regions, as defined in Schedule 1 to the Act, but excluding the Shires of West Arthur, Wagin, Dumbleyung, Lake Grace and Ravensthorpe.
- (vii) Region Manager, Great Southern
but confined to those matters related to land within the Great Southern Region of the State as defined in Schedule 1 of the Act and including the Shire of West Arthur, Wagin, Dumbleyung, Lake Grace and Ravensthorpe.
- (viii) Region Manager, South West,
- (ix) Coordinator, South West, and
- (x) Manager, Local Planning, South West
but for (viii), (ix) and (x) confined to those matters related to land within the South West Region of the State as defined in Schedule 1 to the Act.
- (xi) Region Manager, Mid West
but confined to those matters related to land within the Mid West Region of the State as defined in Schedule 1 to the Act.
- (xii) Region Manager, Peel
but confined to those matters related to land within the Peel Region of the State as defined in Schedule 1 to the Act.
- (xiii) Senior Manager, Policy and Legislation.

SCHEDULE 7—POWERS DELEGATED

1. Powers to endorse approvals granted pursuant to Part III of the Town Planning and Development Act 1928—
 - (i) diagrams and plans of survey involving the subdivision or amalgamation of land; and
 - (ii) any other documents relating to leases, licences, transfers, conveyances and mortgages, and other dealings in land,
 submitted for formal endorsement, subject to prior compliance with all conditions (if any) imposed with respect to any matter in respect of which this delegated power is exercised.
2. Powers pursuant to Regulation 22 of the Town Planning Regulations 1967 to endorse town planning scheme and town planning scheme amendment documents for submission to the Minister for Planning and Infrastructure.
3. Powers pursuant to sections 25, 25A and 25B of the Strata Titles Act 1985 to endorse strata/survey-strata plans submitted for formal endorsement, subject to prior compliance with all conditions (if any) imposed relating to any matter in respect of which this delegated power is exercised.
4. Powers pursuant to section 5C of the Strata Titles Act 1985 to certify a Management Statement.
5. Powers to endorse diagrams and plans of survey involving the acquisition and resumption of land created pursuant to Part V of the Metropolitan Region Town Planning Scheme Act 1959 and the Town Planning and Development Act 1928.

SCHEDULE 8—APPLICATION OF DELEGATION

The delegation of powers and functions set out in Schedule 7 apply to the officers of the Department for Planning and Infrastructure for the time being exercising the duties of the offices designated below but subject to the conditions specified—

- (i) Secretary, Western Australian Planning Commission
- (ii) Executive Director, Local and Regional Planning
- (iii) Senior Manager, Policy and Legislation
- (iv) Manager, Metro-North, and

- (v) Co-Ordinator, Metro-North
but for (iv) and (v) confined to those matters related to land within the Perth Metropolitan Region within the Cities, Towns and Shires of—
Bassendean, Bayswater, Belmont, Cambridge, Claremont, Cottesloe, Joondalup, Kalamunda, Mosman Park, Mundaring, Nedlands, Peppermint Grove, Perth, Stirling, Subiaco, Swan, Vincent and Wanneroo.
- (vi) Manager, Metro-South, and
- (vii) Senior Project Planner—Co-ordinator, Metro-South
but for (vi) and (vii) confined to those matters related to land within the Perth Metropolitan Region within the Cities, Towns and Shires of—
Armadale, Canning, Cockburn, East Fremantle, Fremantle, Gosnells, Kwinana, Melville, Rockingham, Serpentine-Jarrahdale, South Perth and Victoria Park.
- (viii) Manager, State-Other Regions
but confined to those matters related to land outside the Perth Metropolitan Region as defined in Schedule 1 to the Act.
- (ix) Region Manager, South West
- (x) Coordinator, South West, and
- (xi) Manager, Local Planning, South West
but for (ix), (x) and (xi) confined to those matters related to land within the South West Region of the State as defined in Schedule 1 to the Act.

SCHEDULE 9—POWERS DELEGATED

Powers to undertake administrative and financial obligations and functions of the Commission—

- (i) Arrangements for the leasing of Commission property including the determination of rents in accordance with established Commission practice, and the signature of appropriate documentation;
- (ii) Arrangements for the management, maintenance, repair, insurance, valuation and other related incidental functions with respect to Commission property subject to a \$50,000 maximum figure of expenditure per property in any one financial year;
- (iii) Appointing of Incurring Officers, Certifying Officers and Collectors of Public Moneys;
- (iv) Prescribing charges, and setting conditions, for the sale and release of maps and publications;
- (v) Write-off of bad debts, disposal of assets or goods which have individual values not exceeding \$5,000, subject to compliance in each case with State Supply Commission procedures, and making recommendations to the Commission for the write-off of bad debts and disposing of assets and goods with values in excess of that figure;
- (vi) Appointing consultants pursuant to section 41 of the Act for activities to which a budget has been approved and allocated by *the Commission* and subject to compliance in each case with State Supply Commission procedures;

SCHEDULE 10—APPLICATION OF DELEGATION

The powers and functions set out in Schedule 9 apply as follows—

1. (a) paragraphs (i), (ii), (iii), (iv), (v); and
(b) paragraph (vi), but subject to a limitation of \$50,000,
apply to the officer for the time being occupying the position of Director General in the Department for Planning and Infrastructure.
2. paragraphs (ii) and (iv) apply to the officer of the Department for Planning and Infrastructure occupying the position of Executive Director, Corporate Management.
3. paragraph (iv) applies to the officers of the Department for Planning and Infrastructure occupying the positions of Executive Director—Strategic Planning and Executive Director—Local and Regional Planning.
4. The powers and functions in paragraph (vi) of Schedule 9 but subject to a limitation of \$50,000 in any one contract, apply to—
 - (a) the Transport Committee, being a committee established under section 19(1a) and (1e) of the Act, for transportation studies and initiatives; and
 - (b) the Infrastructure Co-ordinating Committee, being a committee established under section 19(1a) and (1g) of the Act, for infrastructure studies and initiatives.

SCHEDULE 11—POWERS DELEGATED

Such powers and functions under the Act and the Metropolitan Region Town Planning Scheme Act 1958 as are necessary to—

- (i) determine alignments, reservations and plans for the protection of transportation reserves which may require amendments to the Metropolitan Region Scheme;
- (ii) determine transportation requirements of amendments to the Metropolitan Region Scheme; and
- (iii) prepare transportation strategies and policies both within and outside the Perth Metropolitan Region.

SCHEDULE 12—APPLICATION OF DELEGATION

The powers and functions set out in schedule 11 apply to the Transport Committee being a committee established under section 19(1a) and (1e) of the Act.

SCHEDULE 13—POWERS DELEGATED

Such powers and functions under the Act and the Metropolitan Region Town Planning Scheme Act 1958 as are necessary to—

- (i) co-ordinate the preparation of the Metropolitan Development Program; and
- (ii) plan for the co-ordinated provision of infrastructure for land development.

SCHEDULE 14—APPLICATION OF DELEGATION

The powers and functions set out in Schedule 13 apply to the Infrastructure Co-ordinating Committee being a committee established under section 19(1a) and (1g) of the Act.

SCHEDULE 15—POWERS DELEGATED

All powers and functions of the Commission that may lawfully be delegated under the Act, the Metropolitan Region Town Planning Scheme Act 1958, the Town Planning and Development Act 1928, and any other written law.

SCHEDULE 16—APPLICATION OF DELEGATION

The powers and functions set out in Schedule 15 apply to the Executive, Finance & Property Committee being a committee established under section 19(1a) and (1b) of the Act, subject to the application of this delegation being at the discretion of the Chairperson of the Commission.

PETER MELBIN, Secretary,
Western Australian Planning Commission.

PI413*

WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985**NOTICE OF DELEGATION
SECTION 36 COMPENSATION**

File: 817-2-1-6; 970-1-1-3

Notice is hereby given that the Western Australian Planning Commission (*the Commission*) by resolution made on 25 September 2001 and acting pursuant to section 20 of the Western Australian Planning Commission Act (*the Act*), has—

- A. Cancelled its delegation of powers and functions to eligible bodies and persons as detailed in a notice published in the *Government Gazette* of 26 September 1997 (pages 5402 - 5403);
- AND
- B. delegated the powers and functions contained in Schedule 1 hereunder to the eligible person referred to in Schedule 2 hereunder.

SCHEDULE 1

The powers and functions of *the Commission* provided in section 18 (1)(e)(v) of *the Act* as are necessary to undertake the administrative and financial obligations and functions of *the Commission* under—

- section 36(9) of the Metropolitan Region Town Planning Scheme (MRTPS) Act 1959 to approve the quantum of the refund of compensation payable to *the Commission* determined in accordance with sections 36(10) to 36(22) of the MRTPS Act; and
- to consent on behalf of *the Commission* to the withdrawal of registered caveats from the land when a refund of compensation is paid.

SCHEDULE 2

The powers and functions outlined in Schedule 1 apply to the person holding or acting in the office of Director General of the Department for Planning and Infrastructure being the agency assisting the Minister in the administration of *the Act*.

PETER MELBIN, Secretary,
Western Australian Planning Commission.

PI414*

WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985
NOTICE OF DELEGATION
WHITEMAN PARK

Files 805-2-22-5 P 3; 970-1-1-10

Notice is hereby given that the Western Australian Planning Commission ("the Commission") by resolution made on the 25 September 2001 and acting pursuant to the provisions of section 20 of the Western Australian Planning Commission Act 1985 ("the Act"), has—

- A. Cancelled its delegation of powers and functions to eligible bodies and persons as detailed in a notice published in the *Government Gazette* of 27 November 1998 (pages 6364 - 6365);
- AND
- B. Delegated the powers and functions contained in Schedule 1 hereunder to the eligible bodies and person referred to in Schedule 2 hereunder.

SCHEDULE 1

The powers and functions of the Commission set out in—

- (a) section 18 (1)(e)(iv) of the Act; and
- (b) section 41 of the Act;

as are necessary to undertake the administrative and financial obligations and functions of the Commission that are—

- (i) within the *Whiteman Park Budget* approved and allocated by the Commission on an annual basis;
- (ii) in accordance with the *Objective, Terms of Reference and Priority Management Responsibilities* for the Whiteman Park Board of Management as approved from time to time by the Commission;
- (iii) in accordance with the requirements of the Financial Administration and Audit Act 1985, the State Supply Commission Policies and other statutory requirements applicable to the operations of the Commission itself.

SCHEDULE 2

The powers and functions in Schedule 1 apply to the—

- (a) **WHITEMAN PARK BOARD OF MANAGEMENT**
being a committee by that name created by the Commission under the provisions of section 19 of the Act, which operations are limited to the land defined as *Whiteman Park* and depicted on Commission plan number 0.0421;
- (b) **EXECUTIVE COMMITTEE OF THE WHITEMAN PARK BOARD OF MANAGEMENT**
being a committee by that name created by the Commission under the provisions of section 19 of the Act,
but limited in any one action to expenditure relating to *Whiteman Park* to the value of \$50 000;
- (c) The office of **MANAGER, WHITEMAN PARK**
being the officer from time to time occupying that position within the Department for Planning and Infrastructure,
but limited in any one action to expenditure relating to *Whiteman Park* to the value of \$10 000;

PETER MELBIN, Secretary, Western Australian Planning Commission.

PI415*

WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985
NOTICE OF DELEGATION
FIELD MANAGEMENT OFFICERS - RESERVED LANDS PERMITS

Files 806-2-1-167; 970-1-1-3

Notice is hereby given that the Western Australian Planning Commission ("the Commission") by resolution made on 25 September 2001 and acting pursuant to the provisions of section 20 of the Western Australian Planning Commission Act 1985 ("the Act"), has—

- A. Cancelled its delegation of powers and functions to eligible bodies and persons as detailed in a notice published in the *Government Gazette* of 20 August 1993 (page 4530);
- AND
- B. delegated the powers and functions contained in Schedule 1 hereunder to the eligible person referred to in Schedule 2 hereunder.

SCHEDULE 1

The powers and functions of the Commission set out in the Metropolitan Region Planning Authority (Reserved Lands) Regulations to determine the acceptability of and where appropriate to issue permits to persons or bodies for the conduct of activities on land owned by the Commission where the permitted activity is not inconsistent with the purpose for which the land is reserved under the Metropolitan Region Scheme and management practice for that land.

SCHEDULE 2

The powers and functions in Schedule 1 apply to those officers from time to time occupying the positions of Field Management Officers in the Properties and Parks Branch of the Department for Planning and Infrastructure.

PETER MELBIN, Secretary, Western Australian Planning Commission.

PI416*

TOWN PLANNING AND DEVELOPMENT ACT, 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
CITY OF ALBANY
TOWN PLANNING SCHEME No. 3—AMENDMENT No. 219

Ref: 853/5/4/5 Pt 219

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 City of Albany Town Planning Scheme Amendment on 19 September 2001 for the purpose of rezoning Part Lot 1000 Portion of Plantagenet Location 384, Richard Street, Milpara from Residential to Light Industry, as depicted on the Scheme Amendment Map.

A. E. GOODE, Mayor.
A. C. HAMMOND, Chief Executive Officer.

PI417*

TOWN PLANNING AND DEVELOPMENT ACT, 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
CITY OF COCKBURN
DISTRICT ZONING SCHEME No. 2—AMENDMENT No. 194

Ref: 853/2/23/19 Pt 194

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 City of Cockburn Town Planning Scheme Amendment on 22 September 2001 for the purpose of—

1. Rezoning the following land holdings—
 - (i) zoning of Reserve 24309 Cockburn Road, Henderson from Unclassified Land to General Industry (Restricted Use: Ship Building and the manufacture, fabrication and assembly of components for use by the offshore petroleum industry);
 - (ii) reclassifying portion of Cockburn Road from Local Reserve—Local Road to General Industry (Restricted Use: Ship Building and the manufacture, fabrication and assembly of components for use by the offshore petroleum industry);
 - (iii) rezoning portion of Lot 2 Cockburn Road, Henderson from General Industry (Restricted Use: Marine Related Industry) to General Industry (Restricted Use: Ship Building and the manufacture, fabrication and assembly of components for use by the offshore petroleum industry);
 - (iv) rezoning portion of Stuart Drive, Henderson from General Industry (Restricted Use: Marine Related Industry) to General Industry (Restricted Use: Ship Building and the manufacture, fabrication and assembly of components for use by the offshore petroleum industry); and
 - (v) rezoning portions of Lots 101 and 102 Alacrity Place from General Industry (Restricted Use: Marine Related Industry) to General Industry (Restricted Use: Ship Building and the manufacture, fabrication and assembly of components for use by the offshore petroleum industry);

in accordance with the Scheme Amendment Map.

2. Amending the Scheme Text Third Schedule—Restricted Use by—

- (i) Adding under 1 Cockburn Road; Reserve 24309 Cockburn Road, Henderson; portion of Cockburn Road; portion of Lot 2 Cockburn Road, Henderson and portion of Stuart Drive and portions of Lots 101 and 102 Alacrity Place, Henderson as follows—

No.	STREET	PARTICULARS OF LAND	RESTRICTED USE
1	Cockburn Road	Lots 17, 5, 6, Pt. 16, 19, 18 of Cockburn Sound Location 704 and Clarence Lot 103, on Plan 1294 Lots 30, 31 and 32 of Cockburn Sound Location 2608 and 2638. Pt. Cockburn Sound Locations 2608 and 2638. Cockburn Sound Location 2637. Cockburn Sound Location 2953. Reserve 24309 Cockburn Road, Henderson, portion of Cockburn Road; portion of Lot 2 Cockburn Road, Henderson and Portion of Stuart Drive and portion of Lots 101 and 102 Alacrity Place, Henderson	Shipbuilding and the manufacture, fabrication and assembly of components for use by the offshore petroleum industry.

3. Amending the Scheme Maps.

S. LEE, Mayor.
D. M. GREEN, for Chief Executive Officer.

PI418*

TOWN PLANNING AND DEVELOPMENT ACT, 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF JERRAMUNGUP

TOWN PLANNING SCHEME No. 1—AMENDMENT No. 13

Ref: 853/5/19/1 Pt 13

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 Jerramungup Town Planning Scheme Amendment on 22 September 2001 for the purpose of—

- Rezoning Lot 50 of Kent Location 32, Roderick Street, Bremer Bay, from the Residential zone to the Special Use zone.
- Rezoning Lot 51 of Kent Location 32, Bennett Street, Bremer Bay, from the Residential zone to the Special Use zone.
- Incorporating Lot 50 Roderick Street and Lot 51 Bennett Street within Schedule II—Schedule of Uses in the Special Use Zone with relevant Lot Descriptions, Permitted Uses and Scheme Map Designations as follows—

SCHEDULE II—SCHEDULE OF USES IN SPECIAL USE ZONE

Lot Description	Permitted Special Use	Scheme Map Designation
Lot 50 Kent Loc 32 Roderick Street, Bremer Bay	Residential & Holiday Accommodation to the R30 Code of the Residential Planning Codes of WA with the exception of clause 3.5.1—Storage Areas. Strata subdivision to be supported only following or concurrent with amalgamation with Lot 51 Bennett Street.	R/HA
Lot 51 Kent Loc 32 Bennett Street, Bremer Bay	Residential & Holiday Accommodation to the R30 Code of the Residential Planning Codes of WA with the exception of clause 3.5.1—Storage Areas. Strata subdivision to be supported only following or concurrent with amalgamation with Lot 50 Roderick Street.	R/HA

- Incorporating within Schedule I—Definitions, a definition for Holiday Accommodation as follows—

Holiday Accommodation; means two or more dwelling units (houses, cabins, apartments, chalets, cottages or the like) on one lot or in the instance of strata subdivision, two or more dwelling units within the same strata scheme under common management, which by way of trade or business or for the purpose of any trade or business is held out as

being available or are made available for occupation by persons other than the proprietor for holiday purposes.

5. Amending the Scheme Maps accordingly.

G. F. McGRATH, President
D. LONG, Chief Executive Officer.

PI419*

TOWN PLANNING AND DEVELOPMENT ACT, 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF KALGOORLIE-BOULDER

TOWN PLANNING SCHEME No. 1—AMENDMENT No. 42

Ref: 853/11/3/6 Pt 42

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 City of Kalgoorlie-Boulder Town Planning Scheme Amendment on 19 September 2001 for the purpose of inserting the following into Schedule 10 of the Scheme Text—

No.	Land Particulars	Base Zone	Additional Use	Development Standards/Conditions
3	Lot 2/248 Celebration Road, Kalgoorlie	General Industry	Restaurant in association with service station.	Carparking—one bay for every 10m ² of NLA or one bay for every four seats provided whichever is the greater. All of development standards as per the requirements for Service Station as outlined in Table 2.

P. ROBSON, Mayor.

I. FLETCHER, Chief Executive Officer.

PI420*

TOWN PLANNING AND DEVELOPMENT ACT, 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF MANDURAH

TOWN PLANNING SCHEME No. 3—AMENDMENT No. 7

Ref: 853/6/13/12 Pt 7

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 City of Mandurah Town Planning Scheme Amendment on 19 September 2001 for the purpose of—

1. rezoning Lot 306 Halls Head Parade, Halls Head from 'Residential R12.5/40' to 'Special Use' with the following additional text being added to Appendix 3—

NO.	LAND	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
5.	Lot 306 Halls Head Parade, Halls Head	As per the Tourist Zone, although the following uses are specifically prohibited: Caravan Park; Hotel; Private Hotel; Marine Filling Station; Nightclub/ Cabaret; Public Amusement and Tavern.	1. Council shall consider all land-use and development proposals on Lot 306 Halls Head Parade in accordance with an overall Development Guide Plan approved by Council (after a public advertising process as per Clause 7.3 of the Scheme) prior to the issue of a development approval addressing the following matters— <ul style="list-style-type: none"> • overall site layout; • description of proposed land uses; • residential densities; • maximum building height; • solar design principles;

NO.	LAND	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
			<ul style="list-style-type: none"> • vehicle ingress and egress to the site; • on-site and street car parking arrangements; • landscaping and aesthetics; • traffic management; • relationship of the proposed land uses to the Tourist zone; • integration of the development with the adjoining residential land; • servicing requirements including water, sewerage, power, gas, etc; • pedestrian access and walkways; • land tenure and any management agreements; • built form interface with existing residential land uses; • any other relevant matter, which Council considers to be warranted to ensure proper and orderly planning for the area.
			2. All development shall be in accordance with the approved Development Guide Plan.
			3. All residential development shall reflect a density coding of R12.5/R40.
			4. Council will require the preparation of development design guidelines to the satisfaction of the City of Mandurah prior to any development occurring on the sites.
			5. Council will not grant planning approval to any development of the subject site unless it is satisfied that— <ul style="list-style-type: none"> • the design and siting of any new buildings and the materials used will not create an adverse impact on the visual amenity of the area; • colours, materials, height, bulk and character of the development is in keeping with the amenity of the area, particularly with regard to the development interface with adjoining and adjacent residential buildings in the area.

2. Amending the Scheme Maps accordingly.

K. HOLMES, Mayor.
W. PEPPINCK, Chief Executive Officer.

PI421*

TOWN PLANNING AND DEVELOPMENT ACT, 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
CITY OF MANDURAH
TOWN PLANNING SCHEME No. 3—AMENDMENT No. 21

Ref: 853/6/13/12 Pt 21

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 City of Mandurah Town Planning Scheme Amendment on 19 September 2001 for the purpose of—

1. Rezoning portion of Lot 9 Old Coast Road, Wannanup, from “Special Use” to “Urban Development”.
2. Amending the Scheme Maps accordingly.

3. Deleting Special Use No. 3 from Appendix 3 of the Scheme Text and substituting it with the following—

NO.	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
3.	Lots 3-6 (inclusive), Lots 104 and 105 and Lots 8, 10, 11 and 12 Old Coast Road, Wannanup.	As per Rural Zone	Subdivision may be permitted to allow a minimum lot area in accordance with R0.5 provisions, however where reticulated water is provided, subdivision may be permitted to a density of R1.

K. HOLMES, Mayor.

W. PEPPINCK, Acting Chief Executive Officer.

PI422*

TOWN PLANNING AND DEVELOPMENT ACT, 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF SERPENTINE-JARRAHDAL

TOWN PLANNING SCHEME No. 2—AMENDMENT No. 112

Ref: 853/2/29/3 Pt 112

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 Serpentine-Jarrahdale Town Planning Scheme Amendment on 22 September 2001 for the purpose of—

1. Rezoning Lot 668 Gull Road from “Rural” to “Farmlet” as depicted on the Scheme Amendment Map; and
2. Amending Appendix 4C of the Scheme to include special provisions relating to the Farmlet zone described hereunder—

(a) SPECIFIED AREA OF LOCALITY

Lot 668 Gull Road, Serpentine

(b) Special Provisions to Refer to (a)

- 1 Within the Farmlet zone the following land uses are permitted, or are permitted at the discretion of the Council.

Use classes permitted (P)

Single House

Public Recreation

Public Utility

Discretionary Uses (AA)

Ancillary Accommodation

Home Occupation

Rural Use/Intensive Agriculture

Stables

All other uses are prohibited.

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

- 2 No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Health Department of WA with an adequate phosphorus retention capacity, as determined by the Dept of Environmental Protection, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.
- 3 No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways, to accommodate a “Rural Use”.

- 4 The subdivider shall, in accordance with the Subdivision Guide Plan and the Schedule of Landscaping for this estate plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.
- 5 The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.
- 6 The subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the local authority and the Bush Fires Board of WA.
- 7 Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide drainage sumps in accordance with the Subdivision Guide Plan for the estate. Those easements and reserves required by Council shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of drains and sumps.
- 8 At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.
- 9 The land is situated within the catchment of the Peel-Harvey system where nutrient control through fertiliser application is to be promoted. Consultation with the Department of Environmental Protection and Agriculture Western Australia shall therefore be undertaken in regard to the application, type and distribution of fertiliser on the land.
- 10 The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted, shall be subject to the prior, written approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture WA for the applicable pasture types. Vegetation planted by the developer, and remnant vegetation must be fenced from grazing livestock in order to protect vegetation.
- 11 Notwithstanding the controls specified by Provision 1, development and use of the land is subject to the provisions of the Water Authority of Western Australia By-Laws applying to underground water supply and pollution control.
- 12 Bridle paths to be constructed by the subdivider in accordance with the endorsed Subdivision Guide Plan.

J. C. STAR, President.

D. E. PRICE, Chief Executive Officer.

PI423*

TOWN PLANNING AND DEVELOPMENT ACT, 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
CITY OF BAYSWATER
TOWN PLANNING SCHEME No. 21—AMENDMENT No. 85

Ref: 853/2/14/25 Pt 85

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 City of Bayswater Town Planning Scheme Amendment on 18 September 2001 for the purpose of—

1. Rezoning Lot 242 Shaftesbury Street and Portion Lot 199 The Strand, Bayswater from the "Drainage Reserve" to the "Medium Density Residential R25" Zone.
2. Amending the Scheme Map accordingly.

L. MAGRO, Mayor.

M. J. CARSELLA, Chief Executive Officer

PI701*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME

Shire of Wiluna

TOWN PLANNING SCHEME No. 1

Ref: 853/9/7/1

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 that the Hon. Minister for Planning and Infrastructure approved the Shire of Wiluna Town Planning Scheme No. 1 on 19 September 2001, the Scheme Text of which is published as a Schedule annexed hereto.

K. JOHNSTON, President.
R. LAMBLY, Chief Executive Officer.

SCHEDULE

CONTENTS

PART 1—PRELIMINARY

- 1.1 Citation
- 1.2 Responsible Authority
- 1.3 Scheme Area
- 1.4 Contents of Scheme
- 1.5 Arrangement of Scheme Text
- 1.6 Purposes of Scheme
- 1.7 Definitions
- 1.8 Relationship with Local Laws

PART 2—RESERVES

- 2.1 Reserves
- 2.2 Use and Development of Local Reserves

PART 3—ZONES AND THE USE OF LAND

- 3.1 Zones
- 3.2 Objectives of the Zones
- 3.3 Zoning Table
- 3.4 Additional Uses
- 3.5 Special Use Zones

PART 4—GENERAL DEVELOPMENT REQUIREMENTS

- 4.1 Compliance with Development Standards and Requirements
- 4.2 Residential Planning Codes
- 4.3 Site and Development Requirements
- 4.4 Parking Requirements
- 4.5 Variations to Site and Development Standards and Requirements
- 4.6 Environmental Conditions
- 4.7 Home Business
- 4.8 Use of Setback Areas
- 4.9 Pastoral & Mining Zone

PART 5—SPECIAL CONTROL AREAS

- 5.1 Operation of Special Control Areas
- 5.2 Mineral Prospectivity Area

PART 6—HERITAGE PROTECTION

- 6.1 Heritage List
- 6.2 Designation of a Heritage Area
- 6.3 Heritage Agreements
- 6.4 Heritage Assessment
- 6.5 Variations to Scheme Provisions for a Heritage Place or Heritage Area

PART 7—DEVELOPMENT OF LAND

- 7.1 Requirement for Approval to Commence Development
- 7.2 Permitted Development
- 7.3 Amending or Revoking a Planning Approval
- 7.4 Form of Application
- 7.5 Accompanying Material
- 7.6 Advertising of Applications
- 7.7 Consultation with Other Authorities

- 7.8 Matters to be Considered by Local Government
- 7.9 Determination of Applications
- 7.10 Form and Date of Determination
- 7.11 Term of Planning Approval
- 7.12 Scope of Planning Approval
- 7.13 Deemed Refusal
- 7.14 Approval Subject to Later Approval of Details
- 7.15 Unauthorized Existing Developments

PART 8—NON-CONFORMING USES

- 8.1 Non-conforming Uses
- 8.2 Extension and Changes to a Non-conforming Use
- 8.3 Discontinuance of Non-conforming Use
- 8.4 Termination of a Non-conforming Use
- 8.5 Destruction of Non-conforming Use Buildings

PART 9—ENFORCEMENT AND ADMINISTRATION

- 9.1 Powers of the Local Government
- 9.2 Removal and Repair of Existing Advertisements
- 9.3 Person must Comply with Provisions of Scheme
- 9.4 Compensation
- 9.5 Purchase or Taking of Land
- 9.6 Appeals
- 9.7 Local Planning Policies
- 9.8 Delegation of Functions
- 9.9 Notice for Removal of Certain Buildings

SCHEDULES

- 1 Definitions
- 2 Additional Uses
- 3 Special Use Zones
- 4 Exempted Advertisements
- 5 Application for Planning Approval
- 6 Additional Information for Advertisements
- 7 Notice of Public Advertisement of Planning Proposal
- 8 Notice of Determination on Application for Planning Approval
- 9 Environmental Conditions

PART 1—PRELIMINARY

1.1 Citation

The Shire of Wiluna Town Planning Scheme No. 1 hereinafter called “the Scheme” comes into operation on its Gazettal date.

1.2 Responsible Authority

The Shire of Wiluna hereinafter called “the local government” is the responsible authority for implementing the Scheme.

1.3 Scheme Area

The Scheme applies to the Municipal District of the Shire of Wiluna hereinafter called “the Scheme area” as shown on the Scheme Map.

1.4 Contents of Scheme

The Scheme comprises—

- (a) this Scheme Text
- (b) the Scheme Map (Sheets 1 and 2)

1.5 Arrangement of Scheme Text

The Scheme Text is divided into the following parts—

- Part 1—Preliminary
- Part 2—Reserves
- Part 3—Zones
- Part 4—General Development Requirements
- Part 5—Special Control Areas
- Part 6—Heritage—Precincts And Places Of Cultural Significance
- Part 7—Use and Development of Land
- Part 8—Non-conforming Uses
- Part 9—Administration

1.6 Purposes of Scheme

The purposes of the Scheme are to—

- (a) set out the local government's planning purposes 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.

1.7 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 any local law, the provisions of the Scheme are to prevail.

PART 2—RESERVES

2.1 Reserves

The land shown as Local Reserves on the Scheme Map, hereinafter called "Local Reserves", are lands reserved under the Scheme for the purposes shown on the Scheme Map.

2.2 Use and Development of Local Reserves

2.2.1 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 7 of the Scheme.

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

- (a) the matters set out in clause 7.8; and
- (b) the ultimate purpose intended for the Reserve.

2.2.3 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 3—ZONES AND THE USE OF LAND

3.1 Zones

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

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

3.2 Objectives of the Zones

The objectives of the zones are—

- **Residential**

The objective is to provide for residential development with a range of densities and a variety of housing types to meet the needs of residents, including provision of aged persons dwellings and grouped dwellings.

- **Commercial**

The objective is to provide for shopping, office, administrative, social, recreation, entertainment, and community facilities commensurate with the role of Wiluna in the region.

- **Industrial**

The objective is to provide for industrial uses to service the pastoral and mining uses established in the district, and to achieve separation of industries from residential uses.

- **Light Industrial**

The objective is to provide for light industrial uses compatible with residential uses in the vicinity, and which will contribute to the economic well being of the community.

- **Pastoral and Mining**

The objectives are to promote sustainable development, to provide for settlements for Aboriginal communities, to promote development in the town of Wiluna by generally containing commercial enterprises within the town where appropriate, and to encourage development of facilities for visitors to the district and for travellers through the district.

3.3 Zoning Table

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

3.3.2 The symbols used in the cross reference in the Zoning Table have the following meaning—

“P” means that the use is permitted by the Scheme providing the use complies with the relevant development standards and 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 notice in accordance with clause 7.6.

“X” means a use that is not permitted by the Scheme.

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

- the local government has exercised its discretion by granting planning approval;
- then change is to a use that 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;
- 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;
- the change is to an incidental use that does not change the predominant use of the land.

Note:

- 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.
- 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.
- In considering an “D” or “A” use, the local government will have regard to the matters set out in clause 7.8.
- 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.

3.3.4 Interpretation of the Zoning Table—

- 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.
- 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—
 - determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or
 - determine that the proposed use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 7.6 in considering an application for planning approval; or
 - determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

3.4 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.

There are no Additional Uses that apply to the Scheme.

3.5 Special Use Zones

3.5.1 Special use zones are set out in Schedule 3 and are in addition to the zones in the Zoning Table.

3.5.2 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 3 and subject to compliance with any conditions set out in Schedule 3 with respect to that land.

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

ZONING TABLE

USES	R E S I D E N T I A L	C O M M E R C I A L	I N D U S T R I A L	L I G H T I N D U S T R I A L	P A S T O R A L & M I N I N G	S P E C I A L U S E
1 abattoir	X	X	X	X	S E E C L A U S E 4.9	S E E S C H E D U L E 3
2 aged or dependent persons' dwelling	D	X	X	X		
3 agriculture- intensive	X	X	X	X		
4 caretaker's dwelling	X	D	D	D		
5 civic use	D	D	X	X		
6 educational establishment	D	D	X	X		
7 fuel depot	X	X	D	A		
8 grouped dwelling	D	X	X	X		
9 holiday accommodation	A	D	X	X		
10 home business	D	X	X	D		
11 hotel	X	A	X	X		
12 industry—extractive	X	X	D	X		
13 industry—general	X	X	P	X		
14 industry—light	X	D	P	P		
15 industry—mining	X	X	X	X		
16 industry—rural	X	X	P	D		
17 motor vehicle repair	X	X	P	D		
18 place of worship	D	D	X	X		
19 plant nursery	X	X	X	D		
20 residential building	D	P	X	X		
21 restaurant	X	P	X	X		
22 roadhouse	X	D	D	D		
23 rural pursuit	X	X	X	X		
24 shop	X	P	X	X		
25 single house	P	X	X	X		
26 tavern	X	A	X	X		
27 transport depot	X	X	P	D		
28 veterinary centre	X	A	A	D		

PART 4—GENERAL DEVELOPMENT REQUIREMENTS

4.1 Compliance With Development Standards and Requirements

Any development of land is to comply with the provisions of the Scheme.

4.2 Residential Planning Codes

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

4.2.2 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.

4.2.3 The Residential Planning Code density applicable to land within the Scheme Area is to be determined by reference to the Residential Planning Code 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 an Residential Planning Code density, as being contained within the area defined by the centre-line of those borders.

4.3 Site and Development Requirements

The site and development requirements for land in various zones are to be as set out in Table 2.

TABLE 2
MINIMUM SETBACKS FROM BOUNDARIES

ZONE	STREET	REAR	SIDE
Residential	As per the Residential Planning Codes		
Commercial	0	At the local government's discretion	
Industrial	7.5m	0	5m on one side
Light Industrial	7.5m	0	5m on one side
Pastoral and Mining	20.0m	20.0m	20.0m
Special Use	As Specified in Schedule 3		

4.3.1 In the Industrial, Light Industrial, and Pastoral and Mining Zones, where a lot has frontage to two streets the local government may reduce the minimum setback from one only of those streets to not less than 50% of the distance specified in the Development Table for that zone.

4.3.2 In the Industrial zone the first 5m of the front setback on any lot is to be landscaped to the satisfaction of the local government. Where a lot has frontage to two streets the local government may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced is to be landscaped to the satisfaction of the local government.

4.4 Parking Requirements

4.4.1 A person is not to develop or use any land or erect use or adapt any building unless parking spaces specified by the local government are provided and such spaces are constructed and maintained in accordance with the requirements of the local government.

4.4.2 The parking spaces are to measure not less than 2.5m x 5.5m except that the local government may exercise absolute discretion to vary the number or dimension of spaces where to do so would allow for the retention of existing vegetation worthy of such retention.

4.4.3 Parking spaces are to be serviced with all necessary accessways, and the parking area shall be surfaced to the satisfaction of the local government.

4.4.4 When considering an application for planning approval the local government is to have regard to and may impose conditions on the provision of parking spaces and the details of locating and designing the required spaces, landscaping, and pedestrian spaces on the lot. In particular, the local government is to take into account and may impose conditions concerning—

- (a) the means of access to each car space and the adequacy of any vehicle manoeuvring area;
- (b) the location of the car spaces on the lot and their effect on the amenity of adjoining development;
- (c) the extent to which car spaces are located within required building setback areas;
- (d) the location of proposed public footpaths, vehicular crossing, or private footpaths within the lot, and the effect on both pedestrian and vehicular traffic movement and safety; and
- (e) the suitability and adequacy of proposed screening or landscaping.

4.5 Variations to Site and Development Standards and Requirements

4.5.1 Except for development in respect of which the Residential Planning Codes apply under the Scheme, if a development is the subject of an application for planning approval and does not comply with a standard 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.

4.5.2 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 7.6; and
- (b) have regard to any expressed views prior to making its determination to grant the variation.

4.5.3 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 7.8; 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.

4.6 Environmental Conditions

4.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 9 of the Scheme.

4.6.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.

4.6.3 The local government is to—

- (a) maintain a register of all relevant statements published under sections 48F and 48G of the Environmental Protection Act; and
- (b) make the statements available for public inspection at the offices of the local government.

Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the *Environmental Protection Act 1986*.

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

4.7 Home Business

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

4.7.2 If, in the opinion of the local government, a home business is causing a nuisance or annoyance to owners or occupiers of land in the locality the local government may—

- (a) revoke the approval; or
- (b) require the occupier of the land in respect of which the home business approval is issued to implement those measures specified by the local government and which in the opinion of the local government will remove the nuisance or annoyance.

4.8 Use of Setback Areas

4.8.1 A person is not to use any land between a street alignment and the distance that buildings are required to be set back from such street alignment for any purpose other than one or more of the following—

- (a) a means of access;
- (b) the daily parking of vehicles;
- (c) the loading and unloading of vehicles; or
- (d) landscaping which only in the Commercial Zone and then only with the specific approval of the local government may include an awning, pergola, or similar structure and when in front of a take-away food outlet or restaurant may provide for alfresco dining.

4.8.2 The setback area is not to be used for the parking of vehicles which are being wrecked or repaired, nor for the stacking or storage of fuel, raw materials, products or by-products, or waste of manufacture.

4.9 Pastoral and Mining Zone

4.9.1 Despite anything elsewhere contained in the Scheme application for planning approval is not required for the following development of land in the Pastoral and Mining Zone—

- (a) pastoral uses;
- (b) holiday accommodation whether or not ancillary to pastoral use;
- (c) mining including uses ancillary thereto.

4.9.2 Application for planning approval is to be made under the Scheme for all other uses not mentioned in clause 4.9.1. In determining such applications the local government is to have regard to the State Planning Strategy, the provisions of the Scheme, and the objectives for the Pastoral and Mining Zone as set out in clause 3.2.

PART 5—SPECIAL CONTROL AREAS

5.1 Operation of Special Control Areas

5.1.1 The following Special Control Areas are shown on the Scheme Map.

- Mineral Prospectivity Area shown on the Scheme Map as “MP”.

5.1.2 In respect of a Special Control Area shown on the Scheme Map, the provisions applying to the Special Control Area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

5.2 Mineral Prospectivity Area

5.2.1 Purpose of Special Control Area

To protect the area from development of uses which may conflict with future mining activity.

5.2.2 Application and referral requirements

- (a) planning approval is required for the use or development of any land within the Mineral Prospectivity Area including a single house.
- (b) the local government is to refer any application for development to the Department of Minerals and Energy and may refuse or approve with or without conditions such application having regard for the recommendations of that agency.

PART 6—HERITAGE PROTECTION**6.1 Heritage List**

6.1.1 The local government is to establish and maintain a Heritage List to identify those places within the Scheme Area that 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.

6.1.2 In the preparation of the Heritage List the local government is to—

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

6.1.3 In considering a proposal to include a place on the Heritage List, the local government is to—

- (a) 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 6.1.1 and the reasons for the proposed entry;
- (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
- (c) 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.

6.1.4 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.

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

6.1.6 The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 6.1.3.

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.

6.2 Designation of a Heritage Area

6.2.1 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, declare that area to be a Heritage Area.

6.2.2 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.

6.2.3 If a local government proposes to designate 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 within the Scheme Area;
 - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area affected by the designation; and
 - (iii) such other methods as the local government considers necessary to ensure widespread notice of the proposal;and
- (c) carry out such other consultations as the local government considers appropriate.

6.2.4 Notice of a proposal under clause 6.2.3(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 during what period (being not less than 21 days from the date the notice is published or the sign is erected, as the case requires) submissions may be made.

6.2.5 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 modifications, or not to proceed with the designation.

6.2.6 If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the notice of its determination to the Heritage Council of WA, the Commission, and each owner of land affected by the designation.

6.2.7 The local government may modify or revoke a designation of a Heritage Area.

6.2.8 Clauses 6.2.3 to 6.2.6 apply, with any necessary changes, to the amendment of a designation of a Heritage Area.

6.3 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 in so far 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*.

6.4 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.

6.5 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 6.1.1; or
- (b) enhance or preserve heritage values in a Heritage Area declared under clause 6.2.1,

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 4.5.2.

PART 7—DEVELOPMENT OF LAND

7.1 Requirement for Approval to Commence Development

Subject to clause 7.2, 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 the Scheme.

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 3).

2. Development includes the erection, placement and display of any advertisements.

7.2 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 the local government—

- (a) the use of land in a reserve, where such land is held by the local government or a public authority;
 - (i) for the purpose for which the land is reserved in the Scheme; or
 - (ii) for any purpose for which such land may be lawfully used by that authority;
- (b) the use of land which is a permitted (“P”) use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works;
- (c) the carrying out of building or other works which affect only the interior of the building or which do not materially affect the external appearance of the building unless the building is:
 - (i) located in a place that has been registered 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 6.1 of the Scheme.
- (d) the erection on a lot of a single house, including ancillary outbuildings and swimming pools, in a zone where the proposed use is designated with symbol “P” in the cross-reference to that zone in the zoning table except where the proposal:
 - (i) necessitates the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Planning Codes; or
 - (ii) is located in a heritage area.
- (e) the erection, construction, maintenance, improvement, or alteration of a boundary fence or wall, or other means of boundary enclosure;
- (f) the demolition of any building or structure except any object or place which 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 in the Heritage List under clause 6.1 of the Scheme;
- (iv) located within a heritage area as designated under the Scheme.
- (g) an existing advertisement that was lawfully erected, placed or displayed prior to the approval of the Scheme or may be erected, placed, or displayed pursuant to a licence or other approval granted by the local government prior to the approval of the Scheme;
- (h) any of the exempted classes of advertisements listed in Schedule 4 except in respect of a place included in the Heritage List or in a Heritage Area;
- (i) any building or other works undertaken by the local government or a public authority in connection with the maintenance or improvement of a public street or for any public utility; or
- (j) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees.

7.3 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.

7.4 Form of Application

7.4.1 An application for approval for one or more of the following—

- (a) a use or commencement of development on a Local Reserve under clause 2.2;
- (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 3.3.2;
- (c) commencement of an “D” use or an “A” use as referred to in clause 3.3.2;
- (d) commencement of a use not listed in the Zoning Table under clause 3.3.4(b)(ii);
- (e) alteration or extension of a non-conforming use under clause 8.2;
- (f) a change of a non-conforming use under clause 8.2;
- (g) continuation of a non-conforming use under clause 8.5;
- (h) variation of a site or development requirements under clause 4.5;
- (i) commencement of development under clause 7.1;
- (j) continuation of development already commenced or carried out under clause 7.15;
- (k) a subsequent planning approval pursuant to an approval under clause 7.14; and
- (l) the erection, placement or display of an advertisement,

is, subject to clause 7.4.2, to be made in the form prescribed in Schedule 5 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

7.4.2 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 6.

7.5 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.

7.6 Advertising of Applications

7.6.1 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 3.3.2; 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 7.6.3.

7.6.2 Despite clause 7.6.1, 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 7.6.3.

7.6.3 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.

7.6.4 The notice referred to in clause 7.6.3(a) and (b) is to be in the form prescribed in Schedule 7 with such modifications as are considered appropriate by the local government.

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

7.6.6 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.

7.7 Consultation with Other Authorities

7.7.1 In determining any application for planning approval the local government may consult with any other statutory, public or planning authority and with any other party it considers appropriate.

7.7.2 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.

7.8 Matters to be Considered by Local Government

7.8.1 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 purposes 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, or region scheme or amendment, which has been granted consent for public submission 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 9.7, any heritage policy statement for a designated heritage area adopted under clause 6.2.2, 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 6.1, 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 submission received from any authority consulted under clause 7.7;
- (za) any other planning consideration the local government considers relevant.
- (zb) potential impacts of noise, dust, light, risk and other pollutants on surrounding land uses.

7.9 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.

7.10 Form and Date of Determination

7.10.1 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 8 and the date of determination is to be the date given in the notice of the local government's determination.

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

7.11 Term of Planning Approval

7.11.1 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.

7.11.2 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 7.11.1.

7.12 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 special part or aspect of that use or development;
- (c) for a specified part or aspect of that use or development.

7.13 Deemed Refusal

7.13.1 Subject to clause 7.13.2, an application for planning approval is deemed to have been refused where a determination in respect of that application is not conveyed to the applicant by the local government within 60 days of the receipt of it by the local government, or within such further time as agreed in writing between the applicant and the local government.

7.13.2 An application for planning approval which is the subject of a notice under clause 7.6.3 is deemed 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 it by the local government, or within such further time as agreed in writing between the applicant and the local government.

7.13.3 Despite an application for planning approval may be deemed to have been refused under clauses 7.13.1 or 7.13.2 the local government may issue a determination in respect of the application at any time after the expiry of the 60 day or 90 day period specified in those clauses, and that determination is to be regarded as being valid.

7.14 Approval Subject to Later Approval of Details

7.14.1 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.

7.14.2 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.

7.14.3 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 it specified in the approval.

7.15 Unauthorized Existing Developments

7.15.1 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.

7.15.2 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 6.

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 8—NON-CONFORMING USES

8.1 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 9.2.1, 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.

8.2 Extensions and Changes to a Non-conforming Use

8.2.1 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-confirming use to another non-conforming use,

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

8.2.2 An application for planning approval under this clause is to be advertised in accordance with clause 7.6.

8.2.3 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.

8.3 Discontinuance of Non-conforming Use

Where a non-conforming use of any land or building has been discontinued for a period of 6 months or more such land or building is not thereafter to be used otherwise than in conformity with the provisions of the Scheme.

8.4 Termination of a Non-conforming Use

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

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.

8.5 Destruction of Non-conforming Use Buildings

If a building used for 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 9—ENFORCEMENT AND ADMINISTRATION

9.1 Powers of the Local Government

9.1.1. The local government in implementing the Scheme has the powers 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.

9.1.2 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.

9.2 Removal and Repair of Existing Advertisements

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

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

9.2.3 For the purpose of clauses 9.2.1 and 9.2.2 any notice is to be served upon 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;
- (c) the period, not being less than 60 days, within which the action specified is to be completed by the advertiser.

9.2.4 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.

9.3 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.

9.4 Compensation

9.4.1 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.

9.4.2 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 9.4.1.

Note: 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*.

9.5 Purchase or Taking of Land

9.5.1 Where compensation for injurious affection is claimed under clause 9.4.1, the local government may, at its option elect to acquire the land so affected instead of paying compensation.

9.5.2 Where the local government elects to acquire the land in respect of which the claim for compensation for injurious affection is made, the local government is to give notice of that election to the claimant by notice in writing within 3 months of the claim for compensation being made.

9.5.3 Where the local government elects to acquire land as provided in clause 9.5.1, if the local government and the owner of the land are unable to agree as to the price to be paid for the land by the local government, the price at which the land may be acquired by the local government is to be the value of the land determined in accordance with clause 9.5.4.

9.5.4 The value of the land referred to in clause 9.5.3 is to be the value thereof on the date that the local government elects to acquire the land and that value is to be determined—

(a) by arbitration in accordance with the *Commercial Arbitration Act 1985*; or

(b) by some other method agreed upon by the local government and the owner of the land,

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

9.5.5 The local government may deal with or dispose of land acquired for a Local Reserve or under clause 9.5.4 upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.

9.6 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 in accordance with Part V of the Town Planning Act.

9.7 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.

9.7.1 Relationship of Local Planning Policies to Scheme—

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

(b) 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 determinations 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 7.8.

9.7.2 Procedure for Making or Amending a Local Planning Policy—

(a) If a local government resolves to prepare a Local Planning Policy, the local government—

(i) 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 where the draft Policy may be inspected; the subject and nature of the draft Policy; and in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;

(ii) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.

(b) After the expiry of the period within which submissions may be made, the local government is to—

(i) review the proposed Policy in the light of any submissions made; and

(ii) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

(c) If the local government resolves to adopt the Policy, the local government is to—

(i) publish notice of the Policy once in a newspaper circulating in the Scheme area; and

(ii) 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.

(d) A Policy has effect on publication of a notice under clause 9.7.2(c)(i).

(e) 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.

- (f) Clauses 9.7.2(a) to (e), with any necessary changes, apply to the amendment of a Local Planning Policy.

9.7.3 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 9.7.2 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.

9.8 Delegation of Functions

9.8.1 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.

9.8.2 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 9.8.1.

9.8.3 The exercise of the power of delegation under clause 9.8.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.

9.8.4 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.

9.9 Notice for Removal of Certain Buildings

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

9.9.2 The local government may recover expenses under Section 10(2) of the Town Planning Act in a Court of competent jurisdiction.

Schedule 1

DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

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 Wiluna;

- “**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 —
- all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
 - lobbies between lifts facing other lifts serving the same floor;
 - areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
 - areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;
- “**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 —
- is entitled to the land for an estate in fee simple in possession;
 - is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;
 - is a lessor or licensee from the Crown; or
 - 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;
- “**region scheme**” means a regional planning scheme made under the *Western Australian Planning Commission Act 1985*, as amended from time to time;
- “**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 —

- “**abattoir**” means premises used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.
- “**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 —
- the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
 - the establishment and operation of fruit nurseries;
 - the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
 - 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;
- “ancillary tourist use”** means premises used for recreation, entertainment, consumption of food and / or beverages, the sale of produce, arts and crafts, and / or for conducting excursions for tourists, such use is to be incidental to the predominant agricultural use of the land;
- “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;
- “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;
- “car park”** 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 —
- 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;
 - operated during hours which include, but may extend beyond, normal trading hours;
 - which provide associated parking; and
 - 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;
- “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;
- “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;
- “holiday accommodation”** means premises used for accommodation and recreation for holiday purposes but does not include a hotel or motel;
- “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 —
- does not employ more than 2 people not members of the occupier’s household;
 - will not cause injury to or adversely affect the amenity of the neighbourhood;
 - does not occupy an area greater than 50 square metres, except that for land in the Pastoral and Mining zone under the Scheme the local government may permit an area up to 200 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, except that for land in the Pastoral and Mining zone under the Scheme the local government may permit the presence and use of up to 3 vehicles of 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—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;
- “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);
- “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 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;
- “plant nursery”** means premises used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden décor.
- “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;
- “roadhouse”** means premises used for the predominant purpose of a service station but incidentally including a café, restaurant and/or shop.
- “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 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;

“**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;

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

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

Schedule 2

ADDITIONAL USES

No.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
1			

Schedule 3

SPECIAL USE ZONES

No.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
1	Land bounded by the Goldfields Highway realignment, Woodley Street extension to the highway realignment, the southern side of the Jones Street road reserve, and the western boundary of Lots 920—925 (inclusive) Wotton Street, Wiluna.	Roadhouse	As determined by the local government.
2	Crown Reserves 30982 and 23013 Wotton and Lennon Streets, Wiluna	Caravan Park	As determined by the local government.
3	Land bounded by Castle Street, the Goldfields Highway realignment, Scotia Street, and an unnamed road, Wiluna	Holiday Accommodation.	As determined by the local government.
4	Land bounded by Wall, Bernales, Thompson, and Trenton Streets, Wiluna	Aged persons dwellings including an aged persons hostel.	As determined by the local government having regard for advice from the Health Department of WA.

Schedule 4
EXEMPTED ADVERTISEMENTS

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA
Dwellings	One professional nameplate as appropriate.	0.2m ²
Home Business or Home Occupation	One advertisement describing the nature of the home business or home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-In Theatres	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 Local Laws.	Not Applicable
Industrial and Warehouse Premises	<p>A maximum of four 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 and excluding signs which are connected to a pole, wall, or other building.</p> <p>A maximum of two freestanding advertisement signs not exceeding 5 metres in height above ground level.</p>	<p>Total area of such advertisements are not to exceed 15m²</p> <p>Maximum permissible total area is not to exceed 10m² and individual advertisement signs are not to exceed 6m².</p>
Showroom, racecourses, 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.	Not Applicable
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	Not Applicable
	(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 local government, and	Not Applicable

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA
	(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.	Not Applicable
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon railway station.	No sign is to 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.	Not Applicable
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA
Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows— (a) Dwellings (b) Multiple dwellings, shops, commercial and industrial properties (c) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding three (3) storeys in height	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work. One sign as for (a) above. One sign as for (a) above One additional sign showing the name of the project builder.	2m ² 5m ² 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

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA
Property transactions Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows— (a) Dwellings (b) Multiple dwellings, shops, commercial and industrial properties (c) Large properties comprised of shopping centres, buildings in excess of four (4) storeys and rural properties in excess of five (5) hectares.	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. One sign as for (a) above. One sign as for (a) above	Each sign is not to exceed an area of 2m ² Each sign is not to exceed an area of 5m ² Each sign is not to exceed an area of 10m ²
Display Homes Advertisement signs displayed for the period over which homes are on display for public inspection	(a) One sign for each dwelling on display. (b) In addition to (a) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m ² 5m ²

Schedule 5

**FORM OF APPLICATION FOR PLANNING APPROVAL
APPLICATION FOR PLANNING APPROVAL**

OWNER DETAILS:

Name.....
 Address..... Post Code.....
 Phone (work).....(home)..... Fax..... E-Mail.....
 Contact Person.....
 Signature.....
 Date.....
 Signature.....
 Date.....

The signature of the landowner(s) is required on all applications. This application will not proceed without that signature.

APPLICANT DETAILS:

Name.....
 Address..... Post Code.....
 Phone (work).....(home)..... Fax..... E-Mail.....
 Contact Person for correspondence.....
 Signature..... Date.....

PROPERTY DETAILS:

Lot NoHouse/Street No.Location No.
 Diagram or Plan No.Certificate of Title No.Folio
 Diagram or Plan No.Certificate of Title No.Folio
 Title Encumbrances (e.g., easements, restrictive covenants).....
 Street NameSuburb.....
 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 6

**ADDITIONAL INFORMATION FOR ADVERTISEMENTS
ADDITIONAL INFORMATION FOR ADVERTISEMENTS**

(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. Details of Proposed Sign—
- (a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other)—

 - (b) HeightWidth:.....Depth:
 - (c) Colours to be used:
 - (d) Height above ground level—
 (to top of advertisement):
 (to the underside):
 - (e) Materials to be used.....

Illuminated: Yes / No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:

3. Period of time for which advertisement is required:

4. Details of signs (if any) to be removed if this application is approved—

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.

Signature of Advertiser(s):
 (If different from landowners)

Date:

Schedule 7

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOAL

Town Planning Act

SHIRE OF WILUNA

TOWN PLANNING SCHEME NO. 1

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOAL

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

LAND DESCRIPTION

LOT NO..... STREET

PROPOSAL

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

CHIEF EXECUTIVE OFFICER

DATE

Schedule 8

NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

Town Planning Act

SHIRE OF WILUNA

TOWN PLANNING SCHEME NO. 1

NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

LOCATION:

LOT: PLAN/DIAGRAM:.....

VOL: NO: FOLIO NO:

Application Date:..... Received on:

Description of proposed development:.....

The application for planning approval is—

- input type="checkbox"/> granted subject to the following conditions—
input type="checkbox"/> refused for the following reason(s)—

CONDITIONS / REASONS FOR REFUSAL—

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

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant is aggrieved by this determination there is a right of appeal pursuant to the provisions of Part V of the Town Planning Act. An appeal must be lodged within 60 days of the local government's determination.

CHIEF EXECUTIVE OFFICER

DATE

Schedule 9

ENVIRONMENTAL CONDITIONS

Table with 3 columns: SCHEME OR AMENDMENT NO., GAZETTAL DATE, ENVIRONMENTAL CONDITIONS

ADOPTION

Adopted by Resolution of the local government of the Shire of Wiluna at the meeting of the local government held on the 28th day of February 2001.

RICHARD WHITTINGTON, President.
RAY LAMBLY, Chief Executive Officer.

FINAL APPROVAL

Adopted by Resolution of the local government of the Shire of Wiluna at the meeting of the local government held on the 24 day of July 2001 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of—

K. JOHNSTON, President.
RAY LAMBLY, Chief Executive Officer.

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

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

EUGENE FERRARO, for Chairperson of the Western
Australian Planning Commission.

Dated 5 September 2001.

FINAL APPROVAL GRANTED

ALLANAH MacTIERNAN, Minister for Planning and Infrastructure.

Dated 19 September 2001.

WATER AND RIVERS

WR401*

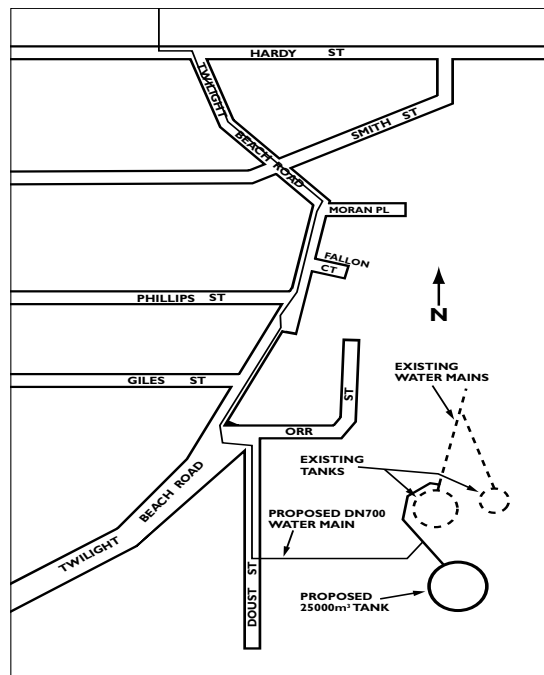
WATER AGENCIES (POWERS) ACT 1984

Water Supply Improvements, Shire of Esperance

Notice of Authorisation to Construct a 25,000m³ Ground Level Tank and a
DN700mm Diameter Supply Main.

In accordance with the provisions of the Water Agencies (Powers) Act 1984, the Minister for the Environment and Heritage has authorised the Water Corporation to construct the following works: a ground level storage tank of either steel or concrete construction of approximately 25,000 cubic metre capacity, 60 metre diameter and 9 metre wall height, with a metal sheeted roof of colorbond finish; associated pipework, valves, meters and concrete valve pits; site security fencing; and a 700mm nominal diameter below ground pipeline approximately 1,000 metres long.

The location of the proposed works is at Dempster Head in Esperance.



PUBLIC NOTICES

ZZ201**TRUSTEES ACT 1962**

Notice to Creditors and Claimants

In the matter of the Estate of Cyril Baumgarten, late of 2 Erica Street, Rangeway in the State of Western Australia, Pensioner, deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the estate of the deceased, who died on the 6th day of June 2001, are required by the Executor, Robert Vojakovic, to send the particulars of their claim to Messrs Taylor Smart of Level 28, 44 St George's Terrace, Perth in the State of Western Australia, by the 29th day of October 2001, after which date the said Executor may convey or distribute the assets, having regard only to the claims of which he than has had notice.

Dated the 21st day of September 2001.

GARRY E. SAME, Taylor Smart.

ZZ202**TRUSTEES ACT 1962**

Notice to Creditors and Claimants

In the matter of the Estate of Paul Albert Gibaud, late of 129 Riverview Avenue, South Guildford in the State of Western Australia, Farmer, deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the estate of the deceased, who died on the 19th day of May 2001, are required by the Executors, Pierre Louis Gibaud and Georges Albert Gibaud, to send the particulars of their claim to Messrs Taylor Smart of Level 28, 44 St George's Terrace, Perth in the State of Western Australia, by the 29th day of October 2001, after which date the said Executor may convey or distribute the assets, having regard only to the claims of which he than has had notice.

Dated the 21st day of September 2001.

GARRY E. SAME, Taylor Smart.

ZZ203**TRUSTEES ACT 1962**

NOTICE TO CREDITORS AND CLAIMANTS

Lawrie Kym Mitchell, late of 53 Warrington Road, Byford, WA truck driver.

Creditors and other persons having claims (to which section 63 of the Trustee's Act 1962 relates) for the estate of the deceased who died on 15 April 2001 are required by me the trustee Pauline Erino Mitchell, Post Office Box 590, Loxton, South Australia, 5333 to send particulars of your claims to me by 31 October 2001, after that date I will convey or distribute the assets having regard only to the claims of which I have notice.

ZZ204**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 28th October 2001 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Beaman, Albert Edward, late of Carinya Village Nursing Home, 20 Plantation Street, Mount Lawley, died 9/4/01, (DEC 333145 DG4)

Bradley, Thomas, late of Archbishop Goody Hostel, 29 Goderich Street, East Perth, died 31/8/01, (DEC 334631 DL4)

- Brand, Ethel May, late of 38 Laurie Street, Mount Magnet, died 16/7/01. (DEC 334670 DS3)
- Cheney, Victoria May, late of Brightwater Oxford Gardens, 30 Regent Park Road, Joondalup, formerly of Brightwater, 36 Brookland Crescent, Marangaroo, died 26/8/01, (DEC 334662 DP4)
- Chromow, Waltraut Ursula Margot (Also know as Waldtraut Ursula Margot MacAlister), late of Concorde Nursing Home, 25 Anstey Street, South Perth, formerly of 1/21 Pearl Parade, Scarborough, died 22/4/1999, (DEC 318784 DS3)
- Fitzpatrick, Joseph William Henry, late of 1 Davidson Road, Attadale, died 21/7/01, (DEC 334495 DG2)
- Flint, Dorothy Emma, late of 3/22 Ainsworth Loop, Booragoon, died 27/8/01, (DEC 334604 DS2)
- Gorridge, Rodney, late of 12/303 Guildford Road, Maylands, died 20/9/01 (DEC 334774 DL3)
- Hall, Ivy Violet, late of Sarah Hardy Nursing Home, 50 Monmouth Street, Mount Lawley, died 29/8/01, (DEC 334441 DL4)
- Hill, Ivy Beatrice, late of Howard Solomon Hostel, 91 Hybanthus Road, Ferndale, died 28/8/01, (DEC 334661 DL4)
- Holder, Alwyn Duncan, late of 68 Bateman Road, Mount Pleasant, died 8/9/01, (DEC 334726 DS2)
- Kelson, Rodney Thomas, late of 19 Anzac Street, Bayswater, died 3/9/01, (DEC 334471 DL2)
- Kiernan, Katie, late of Hawthorn Hospital, Flinders Street, Mount Hawthorn, died 21/8/01, (DEC 334496 DA3)
- Leventhal, Suzanne Jenni, late of 28 Cimbor Way, Parmelia, died 10/6/01, (DEC 333949 DP3)
- Pennington, Marjory McDonald, late of Unit 344, "Elloura" Hollywood Village, 31 Williams Road, Nedlands, died 31/8/01, (DEC 334672 DS4)
- Pugh, Leslie Mortimer, late of 115 Princess Road, Doubleview, died 31/7/01, (DEC 334643 DC4)
- Pusey, Mary Dympna, late of 199 Gregory Street, Wembley, died 22/8/01, (DEC 334689 DP2)
- Searle, William Albert, late of 18 Evershed Street, Myaree, died 28/8/01, (DEC 334558 DP3)
- Tindale, William, late of Lathlain Nursing Home, 63 Archer Street, Carlisle, formerly of 11 Plummer Street, East Victoria Park, died 29/7/01, (DEC 333931 DC4)
- Varvell, Arthur William, late of 221 Wharf Street, Queens Park, died 10/9/01, (DEC 334704 DC2)
- Zeugheer-Herrmann, Gwentyfred, late of 48 Lucich Street, Kelmscott, died 15/9/01, (DEC 334693 DA2)

ANTONINA ROSE McLAREN, Public Trustee,
Public Trust Office, 565 Hay Street, Perth WA 6000.
Telephone 9222 6777.

ZZ205**TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the estate of the undermentioned deceased person, 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—

Whitehouse, Graham Victor, late of Unit 2/34 Dahlberg Street, Augusta, Retired Wildflower Farmer, died on 17 August 2001.

Dated this 28th day of September 2001.

Mr A. J. H. (Howden) McDONALD, Wills Officer.

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