

WESTERN AUSTRALIAN GOVERNMENT Gazette

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EFFECTIVE FROM 1 JULY 2003 (Prices include GST).

Deceased Estate notices, (per estate)—\$21.80

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Other articles in Public Notices Section—\$50.85 (except items of an exceptionally large nature. In these instances arrangements will be made for pricing the notice at time of lodging).

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PUBLISHING ALTERATIONS

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

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

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

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

JOHN A. STRIJK, Government Printer.

— PART 1 —

PROCLAMATIONS

AA101*

SENTENCE ADMINISTRATION ACT 2003

49 of 2003

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 *Sentence Administration Act 2003*, and with the advice and consent of the Executive Council, fix 31 August 2003 as the day on which that Act comes into operation.

Given under my hand and the Public Seal of the State on 19 August 2003.

By Command of the Governor,

MICHELLE ROBERTS, Minister for Justice.

GOD SAVE THE QUEEN!

AA102*

SENTENCING LEGISLATION AMENDMENT AND REPEAL ACT 2003

50 of 2003

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 *Sentencing Legislation Amendment and Repeal Act 2003*, and with the advice and consent of the Executive Council, fix 31 August 2003 as the day on which Part 2, other than Divisions 1 and 3, Part 4, other than section 32, and Schedules 1 and 2 of that Act come into operation.

Given under my hand and the Public Seal of the State on 19 August 2003.

By Command of the Governor,

MICHELLE ROBERTS, Minister for Justice.

GOD SAVE THE QUEEN!

AA103*

SENTENCING LEGISLATION AMENDMENT AND REPEAL ACT 2003

50 of 2003

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 *Sentencing Legislation Amendment and Repeal Act 2003*, and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which Divisions 1 and 3 of Part 2, Part 3, section 32 and Part 6 of that Act, come into operation.

Given under my hand and the Public Seal of the State on 19 August 2003.

By Command of the Governor,

MICHELLE ROBERTS, Minister for Justice.

GOD SAVE THE QUEEN!

ARMADALE REDEVELOPMENT AUTHORITY

AB301*

Armadale Redevelopment Act 2001

Armadale Redevelopment Regulations 2003

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Armadale Redevelopment Regulations 2003*.

2. Exclusions from definition of “development”

- (1) The following works, acts and activities are declared not to constitute development for the purposes of the definition of “development” in section 3 of the Act —
 - (a) the erection of a sign, including a traffic control sign or device, by a public authority or the City of Armadale;
 - (b) the erection of a sign within a building;
 - (c) the carrying out of routine work by a public authority or the City of Armadale including routine work on —
 - (i) electrical power lines or cables or any building used or associated with the supply, conversion, transformation or control of electricity;
 - (ii) a drain or pipe that is part of a drainage scheme under the control of the public authority or the City of Armadale;
 - (iii) a road, bridge or railway; or
 - (iv) land (including building and building improvements) set aside for public use;
 - (d) the carrying out of work inside a building that is not related to a change of use of any part of the building and does not alter its external appearance;
 - (e) the carrying out of work for the maintenance of any building or structure if that work does not materially affect the external appearance of the building or structure; or
 - (f) the carrying out of work to which subregulation (2) applies.

- (2) This subregulation applies to work that, in the opinion of the Minister, is necessary or desirable for compliance by the Authority with any conditions —
- (a) that are attached to approval of a subdivision of land given by the Minister under section 17(8) of the Act; and
 - (b) that relate to —
 - (i) causing to be constructed to the satisfaction, and in accordance with the specifications, of the City of Armadale a road or roads providing access to, or within, that land;
 - (ii) making arrangements with the Water Corporation for the provision of water services to the satisfaction of the Water Corporation within that land; or
 - (iii) causing to be filled or drained or filled and drained to the satisfaction, and in accordance with the specifications, of the City of Armadale the whole or any part of that land.
- (3) In this regulation —
- “routine work”** means work for the purpose of repair, maintenance or upkeep but does not include any new construction or any alteration;
- “Water Corporation”** means the body established by section 4 of the *Water Corporation Act 1995*;
- “water service”** has the meaning given in section 3 of the *Water Corporation Act 1995*.

3. Form of application

Form 1 in Schedule 1 is prescribed for the purposes of section 46(1) of the Act.

4. Fee for application

The fees specified in Schedule 2 are prescribed for the purposes of section 46(1) of the Act in relation to land to which a redevelopment scheme applies.

5. Plans

- (1) All plans accompanying an application for approval referred to in section 46(1) of the Act, other than a plan to which subregulation (4)(b) refers —
- (a) are to be drawn on a white background;
 - (b) are to be drawn to a scale generally not smaller than 1:500; and
 - (c) are clearly to illustrate the proposed development in respect of which the application is made.

- (2) All measurements used on a plan are to be in the metric system.
- (3) A plan, other than a plan to which subregulation (4)(b) refers, is to include —
 - (a) the location and proposed use of any existing buildings and out buildings to be retained and the location and use of buildings proposed to be erected or demolished on the land;
 - (b) the existing and proposed means of access for pedestrians and vehicles to and from the land;
 - (c) the location, number, dimension and layout of all car parking spaces intended to be provided;
 - (d) 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 land and the means of access to and from those areas;
 - (e) the location, dimensions, design and particulars of the manner in which it is proposed to develop any landscaped area, including the retention of existing trees, vegetation, fences and walls;
 - (f) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain, including details of materials of construction, finishes and external colour;
 - (g) a statement of, or plans indicating, any impact of the proposed development on —
 - (i) the appearance of streets and of vegetation and buildings in streets; and
 - (ii) views, privacy and overshadowing;
 - (h) a statement giving details of the proposed use and operation of the proposed development; and
 - (i) a statement giving details of any signs or advertising structures that are proposed to be included in the proposed development.
- (4) An application for approval referred to in section 46(1) of the Act is to be accompanied by 4 copies of —
 - (a) any plan to which subregulation (1) applies; and
 - (b) a plan, drawn to a scale not smaller than 1:2000, that identifies the land on which the proposed development that is the subject of the application is to be undertaken.

6. Fee for revised plan

- (1) A person —
 - (a) who has made an application; and
 - (b) who wishes to revise a plan that accompanied the application,

must pay to the Authority, at the time the revised plan is provided to the Authority, a fee of \$50 or 10% of the fee paid by the person under section 46(1) of the Act in respect of the application, whichever is the greater amount.

- (2) The Authority may waive, in whole or in part, the payment of a fee under subregulation (1).

7. Offences

- (1) A person must not, in connection with an application for approval referred to in section 46(1) of the Act, make a statement or give any information that the person knows to be false in a material particular.

Penalty: \$1 000.

- (2) A person must not, in connection with an application for approval referred to in section 46(1) of the Act, omit to supply to the Authority any information or particulars that the person knows to be relevant to the application.

Penalty: \$1 000.

Schedule 1 — Form of application

[r. 3]

Office Use Only

Application No. _____

Form 1

Armadale Redevelopment Act 2001

(Section 46(1))

Application for approval to undertake development

To: Armadale Redevelopment Authority

1. Name(s) of Owner(s) in full

Surname (or Company name) Other names

Surname (or Company name) Other names

Surname (or Company name) Other names

2. Address in full

.

3. Applicant’s name in full (if owner put self)

4. Address for correspondence

Telephone No.

5. Locality of development (street number, street, suburb)

.

- 6. Titles Office Description of land:** Lot No(s). Location No.
 Plan/Diagram No. Certificate of Title Vol. Folio
 Plan/Diagram No. Certificate of Title Vol. Folio
- 7. Name of nearest road junction/intersection**
- 8. Description of proposed development**

- 9. Purpose for which land is currently being used**
- 10. State nature of existing buildings on the land**
 Are existing buildings to be demolished in whole or in part?
 (a) YES/NO (b) WHOLE/PART
- 11. Materials and colour to be used on external surfaces (including the roof) and any paved areas of the building**

- 12. Estimated cost of development \$**
- 13. Estimated date of completion**
- | | |
|------------------------------------|----------------------------|
| Signature of owner(s) of the land. | Signature of Applicant(s). |
| Date | Date |
| Date | Date |
| Date | Date |

If signing on behalf of a body corporate state the nature of the authority by which signing.

Note 1: This application is to be accompanied by 4 copies of the plan(s) and specifications for the development and the prescribed fee.

Note 2: It is an offence under regulation 7 of the *Armadale Redevelopment Regulations 2003* for a person —

- (a) to make a statement or give any information that person knows to be false in a material particular in connection with an application for approval of a development; or
- (b) to omit to supply to the Authority any information or particulars that person knows to be relevant to the application.

The offence is punishable by a fine of up to \$1 000.

Schedule 2 — Fee for application

[r. 4]

Estimated value of proposed development	Fee
Up to \$10 000	\$50
\$10 001 to \$50 000	\$100

Estimated value of proposed development	Fee
\$50 001 to \$100 000	\$250
\$100 001 to \$1 000 000	\$350
\$1 000 001 to \$10 000 000	\$0.75 for each \$4 000 plus \$250
Greater than \$10 000 000	\$0.75 for each \$4 000 plus \$1 000 (to a maximum of \$12 500)

By Command of the Governor,

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

HEALTH

HE301*

Nurses Act 1992

Nurses Amendment Rules 2003

Made by the Nurses Board of Western Australia with the approval of the Governor in Executive Council.

1. Citation

These rules may be cited as the *Nurses Amendment Rules 2003*.

2. The rules amended

The amendments in these rules are to the *Nurses Rules 1993**.

[* Reprinted as at 22 June 2001.

For amendments to 4 August 2003 see 2002 Index to Legislation of Western Australia, Table 4, p. 257-8.]

3. Rule 3 amended

Rule 3(1) is amended by inserting after “nurse” —

“

or an application under section 22A(1) of the Act for registration as a nurse practitioner,

”.

4. Rule 4 amended

After rule 4(1) the following subrule is inserted —

“

- (1a) An application under section 22A(1) of the Act is to be accompanied by —
- (a) the evidence required under subsection (1), unless the applicant is already registered as a nurse in division 1 of the register under section 22 of the Act; and
 - (b) evidence of the person’s approved educational qualification as defined in section 23 of the Act.

”.

5. Rule 10 amended

Rule 10 is amended as follows:

- (a) by inserting after paragraph (a) the following paragraph —

“

- (aa) under section 22A of the Act in division 1 of the register;

”;

- (b) by inserting after “Form 2,” —
“ 2A, ”.

6. Rule 11 amended

Rule 11 is amended by inserting after “22” —

“ , 22A ”.

7. Rule 12 amended

Rule 12 is amended by inserting after “22” —

“ , 22A ”.

8. Rule 14 amended

- (1) Rule 14 is amended by inserting before “For” the subrule designation “(1)”.

- (2) At the end of Rule 14 the following subrule is inserted —

“

- (2) The fee set out in Schedule 2 item 3 for renewal of registration under section 22A of the Act for a particular period is to be reduced by any amount paid for renewal of registration under section 22(1) or (3) of the Act for the same period.

”.

9. Schedule 1 amended

After Schedule 1 Form 2 the following form is inserted —

“

FORM 2A

[Rule 10(aa)]

**NURSES BOARD OF WESTERN AUSTRALIA
CERTIFICATE OF REGISTRATION**

This certificate of registration covers practice until the expiry date shown.

It must be retained following the expiry date as evidence that you have been registered in Western Australia.

Issue date:

Expiry date:

This is to certify that has been registered in —

DIVISION 1	by virtue of	No.

in accordance with section 22A of the *Nurses Act 1992*.

..... Signature of nurse Presiding member of the Board Registrar
--------------------------------	---	--------------------

”.

10. Schedule 2 amended

Schedule 2 is amended as follows:

(a) in item 1 by inserting after the line beginning “section 22(1) or (3)” —

“

section 22A 140.00

”.

(b) in item 2 by inserting after the line beginning “section 22(1) or (3)” —

“

section 22A 140.00

”.

(c) in item 3 by inserting after the line beginning “for 3 years —

“

section 22A —
for one year 63.00
for 3 years 170.00

”.

Made by the Nurses Board of Western Australia,

Date: 6/8/2003.

WILLIAM BOOKER, Deputy Presiding Member.
L.S.

CLAIRE THOMPSON, Member.

Approved by the Governor,

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

JUSTICE

JU302*

Sentence Administration Act 2003

Sentence Administration Regulations 2003

Made by the Governor in Executive Council.

Part 1 — Preliminary**1. Citation**

These regulations may be cited as the *Sentence Administration Regulations 2003*.

2. Commencement

These regulations come into operation on the day on which the *Sentence Administration Act 2003* comes into operation.

3. Interpretation

- (1) In these regulations, unless the contrary intention appears —
“**centre**” means a community corrections centre;
“**community service**” means —
 - (a) community work as defined in section 4 of the *Sentencing Act 1995*; or
 - (b) community corrections activities;“**supervisor**” means a supervisor of a centre under section 87 of the Act.
- (2) The abbreviations used in these regulations are the same as those used in the Act.

Part 2 — Parole**4. Board to be notified about prisoner on parole term**

- (1) If a prisoner is sentenced to a parole term, the CEO must, within 28 days after the date when the sentence was imposed, notify the secretary of the Board in writing —
 - (a) of the details of the prisoner and the sentence; and
 - (b) of the date on which it is expected that the prisoner will be eligible to be released on parole under the *Sentencing Act 1995*.

- (2) If, after notification has been given under subregulation (1), the date referred to in subregulation (1)(b) changes, the CEO must notify the secretary of the Board accordingly as soon as practicable in writing.
- (3) If practicable, notice under subregulation (2) must be given at least 6 weeks before the expected release date.

5. Prescribed hours of community corrections activities (s. 30)

- (1) For the purposes of section 30(h) of the Act the prescribed number of hours of community corrections activities is —
 - (a) in the case of an offender engaged full-time in gainful employment, vocational training or gratuitous work — 6 hours; and
 - (b) in the case of an offender not so engaged — 12 hours.
- (2) The CEO may determine any question in relation to the extent to which an offender is engaged full-time or otherwise.
- (3) A determination by the CEO under subregulation (2) is final.

Part 3 — Re-entry release orders

6. Prescribed hours of community corrections activities (s. 55)

- (1) For the purposes of section 55(b) of the Act the prescribed number of hours of community corrections activities is —
 - (a) in the case of an offender engaged full-time in gainful employment, vocational training or gratuitous work — 6 hours; and
 - (b) in the case of an offender not so engaged —
 - (i) for each of the first 2 periods of 7 days when the offender is subject to the order — 6 hours; and
 - (ii) for each subsequent period of 7 days when the offender is subject to the order — the number of hours, being at least 12 and not more than 18, determined by the CEO having regard to the extent to which the offender is engaged in part-time gainful employment, vocational training or gratuitous work.
- (2) The CEO may determine any question in relation to the extent to which an offender is engaged full-time or otherwise.
- (3) A determination by the CEO under subregulation (2) is final.

Part 4 — Provisions applicable to offenders on community corrections orders

7. Prescribed obligations of offenders (s. 76)

- (1) For the purpose of section 76(4)(f) of the Act, the prescribed obligations are those in this regulation.

- (2) An offender doing community service or performing any requirement of a programme requirement under a community order —
- (a) must conform to reasonable standards of dress (including footwear), cleanliness, and conduct, as required by a CCO;
 - (b) must wear safety clothing or equipment issued;
 - (c) must maintain in good order and condition clothing, tools, and equipment issued to the offender and must return such articles when required to do so by a CCO;
 - (d) must not wilfully damage —
 - (i) any article issued for the purposes of doing the community service or performing the requirement;
 - (ii) any property on, or in relation to which, the offender is required to perform community service unless it is necessary for the community service;
 - (e) must not make or receive a telephone call except with the permission of a CCO;
 - (f) must not receive a visitor except with the permission of a CCO;
 - (g) must not take an unauthorised break;
 - (h) must not leave the place where the offender is required to be before completing the duties that have been assigned to the offender at that place except with the permission of a CCO;
 - (i) must use any transport to or from a place where the offender is directed to be for the purposes of performing community service that is provided by the department;
 - (j) if unable to attend —
 - (i) must immediately notify a CCO supervising the community service or the performance of the requirement; and
 - (ii) if the inability to attend is due to sickness, within 72 hours after the time when the offender was required to attend or as otherwise directed by a CCO — must supply a CCO with a certificate signed by a medical practitioner (as defined in the *Medical Act 1894*) certifying the inability to attend.

8. Authorised absences from community service etc.

If a CCO supervising an offender doing community service or performing any requirement of a programme requirement under a community order is satisfied that —

- (a) the offender has been injured or has become sick while doing community service or performing the requirement; or

(b) there is good reason for doing so,

the CCO may authorise the offender to be absent from doing the community service or performing the requirement on any day or part of any day.

9. Offender may be directed to cease doing community service etc.

- (1) If a CCO supervising an offender doing community service or performing any requirement of a programme requirement under a community order is satisfied that the offender has contravened section 76 of the Act, the CCO may direct the offender to immediately cease doing the community service or performing the requirement.
- (2) An offender given such a direction must not resume doing the community service or performing the requirement unless and until authorised to do so by a CCO.

10. Calculations of time

- (1) These periods count as periods of community service done by an offender —
 - (a) the period of any break authorised by a CCO;
 - (b) the period of any absence authorised under regulation 8(a);
 - (c) if the offender attends to do community service in accordance with directions to do so and a CCO, or a person designated by a CCO to supervise the offender, does not attend within one hour of the time when the offender was directed to attend and no alternative arrangements are made — the period of community service that the offender was to have done on that day;
 - (d) any period of over one hour a day reasonably spent by an offender in travelling to or from a place where the offender is required to attend to do community service.
- (2) Any period not worked because of sickness, other than any period authorised under regulation 8(a), does not count as a period of community service done by an offender.
- (3) The period of any absence directed under regulation 9 does not count as a period of community service done by an offender unless a supervisor, having considered the reason for the direction, orders otherwise.

11. Samples of breath etc. from offenders

- (1) For the purposes of section 76(4)(b) of the Act the supervisor of a centre may direct an offender —
 - (a) to give a sample of the offender's breath, blood, saliva, urine or sweat;

- (b) to attend at a specified place for the purpose of giving the sample; and
 - (c) to give the sample to a specified person.
- (2) A breath test must be conducted by means of an apparatus of a kind approved by the CEO.
- (3) The results of a breath test are admissible in any proceedings as prima facie evidence.
- (4) A sample of the sweat of an offender must be taken by a means approved by the CEO.
- (5) A sample of blood, saliva, urine or sweat must be labelled with —
 - (a) the name of the offender;
 - (b) the type of the sample;
 - (c) the name of the person who obtained the sample; and
 - (d) the date and time that the sample was obtained.
- (6) A sample of blood, saliva, urine or sweat must be analysed by a person specified by the supervisor, being a person who is approved by the CEO or who is an employee of a body approved by the CEO.
- (7) The person who analyses the sample must make a certificate of the results and forward it to the supervisor.
- (8) The certificate is admissible in any proceedings as prima facie evidence of the matters certified in it.

Part 5 — Community corrections centres

Division 1 — Searches and seizure

12. Application

This Division applies to searches and seizures under sections 90 and 91 of the Act.

13. Prescribed persons

For the purposes of sections 90 and 91 of the Act these persons are prescribed persons —

- (a) a supervisor;
- (b) a CCO;
- (c) a prison officer as defined in the *Prisons Act 1981*;
- (d) a person who is the holder of a security officer's licence under the *Security and Related Activities (Control) Act 1996*;
- (e) a contract worker as defined in the *Court Security and Custodial Services Act 1999*.

14. Obligations of a supervisor before a person is searched

- (1) Before ordering a person to be searched under section 90 of the Act, a supervisor must —
 - (a) inform the person of the provisions of section 90;
 - (b) ask the person whether there is anything in the person's possession or under the person's control that may jeopardise the security or good order of the centre or the safety of persons in it and to produce any such thing;
 - (c) give the person an opportunity to respond; and
 - (d) make a record of any response by the person.
- (2) The supervisor may arrange for a registered medical practitioner to be present during the search of a person.

15. Requirements for conduct of search of a person

- (1) Except as provided in regulation 19(1), a search of a person must be conducted by a searcher of the same sex as the person.
- (2) A searcher conducting a search of a person must inform the person of the person's right under regulation 16(1) and comply with the request made where that right is exercised.

16. Witnesses to a search

- (1) A person who is about to be searched may request that another person, other than a person who is known to have a criminal record, who is then at the centre be present during the search.
- (2) If the search of a person will involve the removal of the person's clothing, the searcher may arrange for another person of the same sex as the person to be searched to be present during the search.
- (3) Subregulation (2) does not apply to a search referred to in regulation 19.

17. Means of searching a person

- (1) A search of a person must be conducted by one or more of the following means —
 - (a) by using an electronic or other device that is designed to locate property that is a subject of the search;
 - (b) by visual inspection;
 - (c) by a quick search of the person by the rapid and methodical running of hands over the person's outer garments.
- (2) For the purpose of conducting a search under subregulation (1) the searcher may, if ordered to do so by the supervisor, require the person to remove —
 - (a) an outer garment, but only if other outer clothing is worn underneath; and

- (b) gloves, headwear or footwear,

but otherwise the searcher must not remove, or require the person to remove, any clothing.

18. Conduct of a search

- (1) A search must be conducted expeditiously.
- (2) A search of a person —
 - (a) must not be conducted in the presence or sight of a person other than a person referred to in regulations 14(2), 16 and 19; and
 - (b) must otherwise be conducted with regard to the person's decency and self-respect.
- (3) A search of anything in a person's possession or under a person's control must be conducted in the presence of the person.

19. Search of a child apparently under the age of 10 years

- (1) A search of a child apparently under the age of 10 years must be conducted by a female.
- (2) A child apparently under the age of 10 years must not be searched unless an adult accompanying the child is present during the search.
- (3) If a child apparently under the age of 10 years is not accompanied at a centre by an adult, or such an adult refuses to be present during a search, the supervisor may order the child and any adult accompanying the child to leave the centre immediately.

20. Procedure where a thing is seized

If anything is seized under section 91 of the Act the supervisor of the centre must examine it and notify the CEO who must direct as to how the thing is to be dealt with.

21. Exception to offences under the *Firearms Act 1973* and *Misuse of Drugs Act 1981*

- (1) If under section 91 of the Act a person seizes —
 - (a) a firearm, ammunition or a silencer or contrivance of a similar nature (within the meaning of the *Firearms Act 1973*); or
 - (b) a prohibited drug, prohibited plant or utensil (within the meaning of the *Misuse of Drugs Act 1981*),

the person must, as soon as practicable, deliver it into the custody of a member of the Police Force or an employee of the Police Service to be dealt with according to law.

- (2) A person who complies with subregulation (1) does not commit an offence under the *Firearms Act 1973* or the *Misuse of Drugs Act 1981*, as the case requires, in relation to the article seized.

Division 2 — Miscellaneous

22. Disposal of abandoned property

- (1) Property left at a centre and uncollected, abandoned, or unclaimed for 6 months may by order of the CEO be —
 - (a) sold at a public auction;
 - (b) given to an association incorporated under the *Associations Incorporation Act 1987*; or
 - (c) destroyed or otherwise disposed of.
- (2) The CEO must on at least one occasion before a public auction is conducted under subregulation (1) cause a notice to be published in the *Gazette* describing the property to be offered for sale and giving the time, date and place of the auction.
- (3) The net proceeds of an auction sale conducted under this regulation must be credited to the Consolidated Fund.

Part 6 — Staff

23. Officers etc. not to benefit from work

- (1) A person who is a member of the departmental staff must not, in performing a function under the Act, order, arrange or supervise the doing of anything by an offender which would benefit the person personally, other than generally as a member of the community or as a member of a group within the community.
- (2) A member of the departmental staff must declare to the supervisor of a centre any conflict of interest that may arise from the member supervising the doing of community service by an offender.
- (3) If a member of the departmental staff declares a conflict of interest to a supervisor, the supervisor may appoint another person to supervise the community service.

Part 7 — Miscellaneous

24. Form of warrant (s. 70 and 117)

For the purpose of sections 70(2) and 117(1) of the Act a warrant to have a prisoner arrested is to be in the form of Form 1 in Schedule 1.

25. Repeal

The *Sentence Administration Regulations 1996* are repealed.

Schedule 1 — Forms

[r. 24]

1. Warrant to have prisoner arrested

WESTERN AUSTRALIA <i>Sentence Administration Act 2003</i> , s. 70(2) and 117(1)		CWI Warrant No.
Arrest warrant		
Command	To: All police officers. This warrant authorises and commands you to arrest this prisoner and to take the prisoner to the nearest prison in Western Australia. And to all persons authorised to exercise a power set out in clause 2 of Schedule 2 to the <i>Court Security and Custodial Services Act 1999</i>. This warrant authorises and commands you to take the prisoner to the nearest prison in Western Australia.	
Prisoner's details	Name:	Date of birth:
	Address:	
Reason for issue of warrant	<input type="checkbox"/> Parole order suspended <input type="checkbox"/> Parole order cancelled <input type="checkbox"/> Re-entry release order suspended <input type="checkbox"/> Re-entry release order cancelled	
Details of early release order	Date of order:	Date of release:
Warrant issued by	Signature(s):	
	Name(s):	
	Official title(s):	
	Date:	
Execution details	Prisoner arrested on / / at hours at: by: of: Signature:	
	Regimental No:	
	police station/division	
	Date:	

By Command of the Governor,

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

JU301*

Sentencing Act 1995

Sentencing Amendment Regulations 2003

Made by the Governor in Executive Council.

1. Citation

 These regulations may be cited as the *Sentencing Amendment Regulations 2003*.

2. Commencement

These regulations come into operation on the day on which Part 2 Division 2 of the *Sentencing Legislation Amendment and Repeal Act 2003* comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Sentencing Regulations 1996**.

[* Reprinted as at 3 September 2002.]

4. Part 2A inserted

After regulation 4 the following Part is inserted —

“

Part 2A — Pre-sentence order**4A. Specialty court**

For the purposes of the definition of “specialty court” in section 4(1) of the Act —

- (a) the court of petty sessions is prescribed;
- (b) the central law courts at Perth is prescribed; and
- (c) the class of offenders who abuse prohibited drugs or prohibited plants as defined in section 3(1) of the *Misuse of Drugs Act 1981* is prescribed.

4B. Application to amend or cancel a PSO (s. 33M(2)(a) or (b))

- (1) An application under section 33M(2)(a) or (b) of the Act is to be made in an approved form.
- (2) An application may only be made by a CCO with the prior approval of the CEO.
- (3) On receiving an application a court officer is to issue a summons (in an approved form) to all parties concerned to a hearing on a date and at a place fixed by the officer.
- (4) The hearing date fixed by the court officer is to be at least 7 days after the date of the application.
- (5) The summons must be served —
 - (a) in the case of an application by the offender — by a court officer on the CEO, and the prosecutor; or
 - (b) in the case of an application by a CCO — by a CCO on the offender.
- (6) If satisfied that all parties concerned have been served with a summons issued under this regulation, the court may deal with the application under section 33N of the Act.

- (7) The court hearing the application need not be constituted by the same judicial officer that constituted the court that imposed the PSO.
- (8) In this regulation —
“**prosecutor**” means the DPP or a police prosecutor, as the case requires.

4C. Application to amend or cancel a PSO (s. 33M(2)(c))

- (1) This regulation applies to an application under section 33M(2)(c) of the Act.
- (2) An application must be made in accordance with rules of court to the court that imposed the sentence concerned.
- (3) If satisfied that all relevant rules of court have been complied with in relation to the application, the court may exercise the powers in section 33N of the Act.
- (4) The court hearing the application need not be constituted by the same judicial officer that constituted the court that imposed the PSO.

4D. CEO to be notified when court deals with offender on PSO

If under section 33N of the Act a court deals with an offender in relation to a PSO, a court officer is to notify the CEO of any orders made by the court.

4E. Lower court procedure on recalling an order imposing a sentence (s. 33O(5)(b))

- (1) When the Children’s Court or a court of petty sessions proposes to deal with an offender under section 33O(5)(b) of the Act, a court officer is to issue a summons (in an approved form) to all parties concerned to a hearing on a date and at a place fixed by the officer.
- (2) The summons must be served by the prosecutor on the offender.
- (3) The court may deal with the offender under section 33O(5)(b) if it is satisfied that all parties concerned have been served with a summons issued under this regulation.
- (4) The court dealing with the offender need not be constituted by the same judicial officer that constituted the court that imposed the PSO.

Warrant issued by	Signature:	
	Name:	
	Official title:	
	Date:	
Execution details	Offender arrested on / / at hours	
	at:	
	by:	Regimental No:
	of:	police station/division
	Signature:	Date:

By Command of the Governor,

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

MINERALS AND PETROLEUM

MP301*

Mining Act 1978

Mining (Warden's Court) Order 2003

Made by the Governor in Executive Council under section 127(1).

1. Citation

This order may be cited as the *Mining (Warden's Court) Order 2003*.

2. Commencement

This order comes into operation on 8 September 2003.

3. Warden's courts discontinued

The holding of a warden's court at Carnarvon, Broome and Kununurra is discontinued.

4. Assignment of Mineral Fields to Karratha

- (1) The assignment of the Ashburton Mineral Field to the warden's court at Carnarvon is cancelled and the Mineral Field is assigned to the warden's court at Karratha.
- (2) The assignment of the Gascoyne Mineral Field to the warden's court at Carnarvon is cancelled and the Mineral Field is assigned to the warden's court at Karratha.

- (3) The assignment of the Kimberley Mineral Field to the warden's court at Kununurra is cancelled and the Mineral Field is assigned to the warden's court at Karratha.
- (4) The assignment of the West Kimberley Mineral Field to the warden's court at Broome is cancelled and the Mineral Field is assigned to the warden's court at Karratha.

5. Transfer of proceedings and records

All proceedings pending, and all records of those proceedings, in the warden's courts at Carnarvon, Broome and Kununurra are to be transferred to and continued in the warden's court at Karratha.

By Command of the Governor,

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

— PART 2 —

ARMADALE REDEVELOPMENT AUTHORITY

AB401*

ARMADALE REDEVELOPMENT ACT 2002

ARMADALE REDEVELOPMENT SCHEME

In accordance with Section 34 of the *Armadale Redevelopment Act 2001*, it is hereby notified that the Hon. Minister for Planning and Infrastructure approved the Armadale Redevelopment Scheme on 8 August 2003.

Copies of the Scheme may be inspected or obtained at the office of the Armadale Redevelopment Authority, located at Shop 4-5 Armadale Shopping City, Jull Street, Armadale, between the hours of 8.30 AM and 4.30 PM, Monday to Friday.

A copy of the Scheme may also be inspected at each of the City of Armadale Administration Centre, Orchard Avenue, Armadale, and Armadale Public Library, Orchard Road, Armadale, between the same hours and on the same days as indicated above.

JOHN ELLIS, Executive Director,
Armadale Redevelopment Authority.

CEMETERIES

CC401*

CEMETERIES ACT 1986

Shire of Pingelly

FEES AND CHARGES

In pursuance of the powers conferred by Section 53 of the Cemeteries Act 1986, the Council of the Shire of Pingelly hereby records having resolved on 30 July 2003 to set the following fees and charges. All fees detailed hereunder are inclusive of the Goods & Services Tax where applicable.

Pingelly and Moorumbine Cemeteries	2003/2004
Grave digging to depth of 1.8m—	
Persons 10 years and over *	\$550.00
Child under 10 years *	\$275.00
Each additional depth of 0.3m	\$110.00
Re-opening of grave—	
Persons 10 years and over	\$550.00
Child under 10 years	\$275.00
* Additional for Moorumbine Cemetery	
	\$220.00
Land for Burial—	
2.4 x 1.2m	\$22.00
2.4 x 2.4m	\$44.00
2.4 x 3.5m	\$55.00
Niche Wall—	
Single compartment	\$82.50
Double compartment	\$110.00
Compartment plaque — standard single	\$181.00
— standard double	\$308.00
— second plate	\$143.00
Other charges—	
Additional for interment without notice	\$165.00
Additional for interment on weekend or public holiday	\$247.50
Interment of ashes in a grave	\$187.00

Permission to erect any monument	\$27.50
Erection of a grave number plate	\$27.50
Re-installation of monument, headstone, etc after re-opening	\$165.00
Reservation of land for burial or niche wall compartment	\$16.50
Filling of grave by hand (on families' request)	\$165.00

CHERYLE LEE, Shire President.
GREG CARTER, Chief Executive Officer.

CONSUMER AND EMPLOYMENT PROTECTION

CE401

CHARITABLE COLLECTIONS ACT 1946

REVOCATION OF LICENCES

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

- Mary Smith Night Shelter Association Inc
- Veteran Legion of Australia Inc

Dated this 20th day of August 2003.

JOHN KOBELKE MLA, Minister for Consumer and Employment Protection.

LOCAL GOVERNMENT

LG401*

LOCAL GOVERNMENT ACT 1995

City of Albany
(BASIS OF RATES)

Department of Local Government
and Regional Development
10 July 2003.

DLGRD: AL5-4

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and Regional Development under delegation from the Hon Tom Stephens MLC, Minister for Local Government and Regional Development being charged for the time being, with the administration of the *Local Government Act 1995*, 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 29 August, 2003.

CHERYL GWILLIAM, Director General.

TECHNICAL DESCRIPTION ADDITIONS TO GROSS RENTAL VALUE AREA

City of Albany

All those portions of land comprised in the schedule below—

Schedule

All that portion of land being Lot 502 and 507 as shown on Deposited Plan 36637.

LG402*

LOCAL GOVERNMENT ACT 1995*Shire of Nannup*
(BASIS OF RATES)Department of Local Government
and Regional Development
20 August 2003.

DLGRD: NP5-4

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and Regional Development under delegation from the Hon Tom Stephens MLC, Minister for Local Government and Regional Development being charged for the time being, with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the schedule hereunder shall be unimproved value for the purposes of rating with effect from 18th August 2003.

CHERYL GWILLIAM, Director General.

File: 02488-1971

TECHNICAL DESCRIPTION
ADDITIONS TO UNIMPROVED VALUE AREA*Shire of Nannup*

All that portion of land being Location 9823 as shown on Office of Plan 153667.

LG403*

LOCAL GOVERNMENT ACT 1995
HEALTH ACT 1911**MEMORANDUM OF IMPOSING RATES & CHARGES**

At a meeting of the Dumbleyung Shire Council held on Thursday 21 August 2003, it was resolved that rates and charges as specified hereunder be imposed on all rateable property within the Municipality in accordance with the provisions of the Local Government Act 1995 and Health Act 1911.

Schedule of Rates & Charges

General Rates

Residential/GRV	9.5855 cents in the dollar
Rural/UV	1.9413 cents in the dollar
Mining Tenements/UV	1.9413 cents in the dollar

Minimum Rates

Residential/GRV	\$150.00
Rural/UV	\$150.00
Mining Tenements/UV	\$150.00

Discount

A discount of five percent (5%) is allowed on all current rates levied (excluding service charges and rubbish charges) paid in full by the 1 October 2003.

Rubbish Charges

Standard 240l bin \$110 per annum

Pensioner Concessions

Eligible pensioners are entitled to fifty percent (50%) rate rebate provided by the State Government.

Instalment Plan Interest Rates

An interest rate of five and a half percent (5.5%) per annum, calculated daily by simple interest.

Late Payment Interest Rate

A charge of 11% per annum, calculated daily by simple interest.

Due Dates for Payment of Rates & Levies for 2003-04

Two Instalment Plan	- 1 October 2003
	- 1 February 2004
Four Instalment Plan	- 1 October 2003
	- 1 December 2003
	- 1 February 2004
	- 1 April 2004

Dated 25 August 2003.

G. J. DAVIDSON, Shire President.
I. V. CRAVEN, Chief Executive Officer.

LG404*CITY OF WANNEROO*
AUTHORISED OFFICERS

It is hereby notified for public information that the following persons have been appointed by Council as officers empowered to enforce the provisions of the following—

Local Government Act 1995 and related Local Laws
All other legislation Council is empowered to enforce.

- Sherriden Turner
- Suzanne Bowman
- Craig Luxford
- Steven Patten
- Romina De Santis
- Cyril Nicholls
- June Nicholls

The following appointments are hereby cancelled—

- David Woo
- Richard Rodic
- Warren Bow

CHARLES JOHNSON, Chief Executive Officer.

LG405***LOCAL GOVERNMENT ACT 1995**
HEALTH ACT 1911*Shire of Dandaragan***MEMORANDUM OF IMPOSING RATES AND CHARGES FOR FINANCIAL YEAR 2003/2004.**

To whom it may concern,

At a meeting of the Dandaragan Shire Council held on 29th July 2003, it was resolved that the rates specified hereunder should be imposed on all rateable property within the District of the Shire of Dandaragan in accordance with the provisions of the Local Government Act 1995 and the Health Act 1911.

Dated the 14th August 2003.

G SNOOK, President.
B. J. GOLDING, Chief Executive Officer.

Gross Rental Value—

- Jurien townsite: a rate of 8.2326 cents in the dollar.
- Jurien townsite Specified Area: a rate of 0.2591 cents in the dollar.
- Badgingarra townsite: a rate of 8.2326 cents in the dollar.
- Cervantes townsite: a rate of 8.2326 cents in the dollar.
- Dandaragan townsite: a rate of 8.2326 cents in the dollar.
- Rural: a rate of 8.2326 cents in the dollar.

Unimproved Value—

- Rural: a rate of 1.3878 cents in the dollar.
- Mineral Claims: a rate of 1.3878 cents in the dollar.

Minimum Rate—

- Jurien, Cervantes, Badgingarra and Dandaragan townsites and Rural GRV: \$462.00 per assessment.
- Unimproved: \$462.00 per assessment.
- Mineral Claims: \$585.00 per assessment.

Rubbish Charges—

- Domestic: \$170.00 per 240L bin per annum.
- Pensioner: \$135.00 per 240L bin per annum.
- 1.6 cubic metre Bins \$625.00 per annum.
- Department of Transport \$1000.00 per annum.
- Outside Townsite—No Bin \$80.00 per annum

Service Charges—

- Badgingarra Townsite: \$82.00 per rateable property for upgrade of Television Rebroadcasting facility.

Discount on Rates—a discount of 10% will be allowed on current general rates which are paid in full within 35 days of service of the annual rate notice, in accordance with section 6.46 of the Local Government Act.

Penalty Interest—a penalty interest of 10% per annum calculated daily, by simple interest will apply from 35 days of service of the rate notice.

Instalment Plan Interest—a charge of 5% per annum, calculated daily by simple interest.

Administration Fee—a charge of \$5.00 per instalment for rates levied.

Due dates for total payment of Rates and Services for the 2002/2003 financial year is 26th September 2003.

Due dates for Instalment Plan 2003/2004

1st Instalment	26/09/2003
2nd Instalment	26/11/2003
3rd Instalment	26/01/2004
4th Instalment	26/03/2004

LG406

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960

SWIMMING POOL INSPECTION FEES

City of Cockburn

The Council of the City of Cockburn pursuant to Section 245A(8) of the Local Government (Miscellaneous Provisions) Act 1960 (the Act) has for the financial year 2003/2004 imposed a charge of \$39.50 to meet the estimated cost in that financial year of carrying out the required private swimming pool inspections. This charge is to be imposed on each owner of land, on which there is a swimming pool.

LG407

SHIRE OF RAVENSTHORPE

APPOINTMENT OF RANGER

It is hereby notified for public information that Christopher Michael Carey has been appointed by the Council of the Shire of Ravensthorpe as an authorised officer to enforce the Acts, Regulations, Provisions of the following—

1. Dog Act 1976 and Regulations;
2. Litter Act 1979 and Regulations;
3. Control of Vehicles (Off Road Areas) Act 1978 and Regulations;
4. Bush Fires Act 1954 and Regulations;
5. Caravan Park and Camping Grounds Act 1995 and Regulations;
6. Local Government Act 1995—Part 3, Division 3, Subdivision 2, and Subdivision 4; Part 9, Division 2, Sections 9.11, 9.13, 9.16;
7. Local Government (Miscellaneous Provisions) Act 1960—Part XX as Pound Keeper and Ranger appointed under Section 449;
8. Dogs (Restricted Breeds) Regulations 2002.

And for the purpose and supervision of the Local Laws of the Council.

All previous Authorisations for Rangers of the Shire are hereby cancelled.

STUART A. TAYLOR, Chief Executive Officer.

LG408

DOG ACT 1976

Shire of Ravensthorpe

APPOINTMENT OF REGISTRATION OFFICERS

It is hereby notified for public information that the following persons have been appointed by the Council of the Shire of Ravensthorpe as Dog Registration Officers—

Murdoch, Karel	Edwards, Kylie
Wolfenden, Denise	Carey, Chris

All previous appointments as Dog Registration Officers of the Shire of Ravensthorpe are hereby cancelled.

STUART A. TAYLOR, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401***PETROLEUM (SUBMERGED LANDS) ACT 1967**

Surrender of Exploration Permits WA-282-P and WA-283-P

The surrender of Exploration Permit Nos. WA-282-P and WA-283-P have been registered and will take effect on the date this Notice appears in the *Government Gazette*.

W. L. TINAPPLE, Director Petroleum Division.

MP402**MINING ACT 1978****FORFEITURES**

Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provision of Section 96A(1) of the Mining Act 1978 that the undermentioned exploration licence is forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

CLIVE BROWN, MLA, Minister for State Development.

Number	Holder	Mineral Field
37/350	Gutnick Resources NL	Mt Margaret

MP403**MINING ACT 1978****FORFEITURES**

Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provision of Section 96A(1) of the Mining Act 1978 that the undermentioned exploration licence is forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

CLIVE BROWN, MLA, Minister for State Development.

Number	Holder	Mineral Field
38/517	Johnson's Well Mining NL; Mega-Min Resources NL; Creasy, Mark Gareth; Legendre, Bruce Robert	Mt Margaret

MP404**MINING ACT 1978****FORFEITURES**

Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provision of Section 96A(1) of the Mining Act 1978 that the undermentioned exploration licence is forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

CLIVE BROWN, MLA, Minister for State Development.

Number	Holder	Mineral Field
37/597	Gutnick Resources NL	Mt Margaret

MP405**MINING ACT 1978
FORFEITURES**Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provision of Section 97(1) of the Mining Act 1978 that the undermentioned mining lease is forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

CLIVE BROWN, MLA, Minister for State Development.

Number	Holder	Mineral Field
27/152	Gindalbie Gold NL	North East Coolgardie

MP406**MINING ACT 1978
FORFEITURES**Department of Industry and Resources,
Perth WA 6000.

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

CLIVE BROWN, MLA, Minister for State Development.

Number	Holder	Mining Lease	Mineral Field
27/327	Gindalbie Gold NL		North East Coolgardie

MP407**MINING ACT 1978
FORFEITURES**Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provision of Section 97(1) of the Mining Act 1978 that the undermentioned mining lease is forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

CLIVE BROWN, MLA, Minister for State Development.

Number	Holder	Mineral Field
52/464	Brosnan, Allan Neville; Hull, Jeffrey	Peak Hill

MP408**MINING ACT 1978
FORFEITURES**Department of Industry and Resources,
Perth WA 6000.

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

CLIVE BROWN, MLA, Minister for State Development.

Number	Holder	Mineral Field
51/962	Judicial Holdings Pty Ltd	Murchison

MP409**MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,
Canopus Street
Southern Cross WA 6426.

In accordance with Regulation 49(2)(c) of the Mining Act 1978, notice is hereby given that these Prospecting Licences are liable to forfeiture under the provisions of Section 96(1)(a) for breach of covenant, viz. failure to meet minimum expenditure requirements.

P. NICHOLLS (SM), Warden.

To be heard in the Warden's Court, Southern Cross on the 7th day of October 2003.

YILGARN MINERAL FIELD

Prospecting Licences

P77/3085—Gasgoyne Gold Mines NL and Orion Resources NL

P77/2701—Bellriver Pty Ltd and Sons of Gwalia Ltd

P77/2928—Sons of Gwalia Ltd

P77/2929—Sons of Gwalia Ltd

P77/3150—Gasgoyne Gold Mines NL and Orion Resources NL

P77/2951—Gasgoyne Gold Mines NL and Orion Resources NL

MP410**MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,
Canopus Street
Southern Cross WA 6426.

In accordance with Regulation 49(2)(c) of the Mining Act 1978, notice is hereby given that these Prospecting Licences are liable to forfeiture under the provisions of Section 96(1)(a) for breach of covenant, viz. failure to meet minimum expenditure requirements.

P. NICHOLLS (SM), Warden.

To be heard in the Warden's Court, Southern Cross on the 7th day of October 2003.

YILGARN MINERAL FIELD

Prospecting Licences

P77/2737—Gasgoyne Gold Mines NL and Orion Resources NL

P77/2738—Gasgoyne Gold Mines NL and Orion Resources NL

P77/2739—Gasgoyne Gold Mines NL and Orion Resources NL

P77/2740—Gasgoyne Gold Mines NL and Orion Resources NL

P77/2751—Gasgoyne Gold Mines NL and Orion Resources NL

P77/2752—Gasgoyne Gold Mines NL and Orion Resources NL

P77/2753—Gasgoyne Gold Mines NL and Orion Resources NL

P77/3000—Gasgoyne Gold Mines NL and Orion Resources NL

MP411**MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,
Canopus Street
Southern Cross WA 6426.

In accordance with Regulation 49(2)(c) of the Mining Act 1978, notice is hereby given that these Prospecting Licences are liable to forfeiture under the provisions of Section 96(1)(a) for breach of covenant, viz. failure to meet minimum expenditure requirements.

P. NICHOLLS (SM), Warden.

To be heard in the Warden's Court, Southern Cross on the 7th day of October 2003.

YILGARN MINERAL FIELD

Prospecting Licences

P77/3218—Sons of Gwalia Ltd
P77/2968—Vernon Wesley Strange
P77/2969—Vernon Wesley Strange
P77/3178—Gasgoyne Gold Mines NL and Orion Resources NL
P77/2997—Oriole Resources Ltd
P77/2838—Gasgoyne Gold Mines NL and Orion Resources NL

MP412

MINING ACT 1978

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,
Canopus Street
Southern Cross WA 6426.

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

P. NICHOLLS (SM), Warden.

To be heard in the Warden's Court, Southern Cross on the 7th day of October 2003.

YILGARN MINERAL FIELD

Prospecting Licences

P77/2657—Burmine Operations Pty Ltd and Golden Valley Mines Ltd
P77/2838—Gasgoyne Gold Mines NL and Orion Resources NL

MP413

MINING ACT 1978

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,
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. failure to meet minimum expenditure requirements.

STEPHEN SHARRATT (SM), Warden.

To be heard in the Warden's Court at Coolgardie on the 6th day of October 2003.

COOLGARDIE MINERAL FIELD

Prospecting Licences

16/1435—Gilbert, Robert Edward

MP414

MINING ACT 1978

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,
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.

STEPHEN SHARRATT (SM), Warden.

To be heard in the Warden's Court at Coolgardie on the 6th day of October 2003.

COOLGARDIE MINERAL FIELD

Prospecting Licences

15/4375—Pollock, George Leo; Soper, John Charles Harrington

15/4376—Pollock, George Leo; Soper, John Charles Harrington

15/4476—Pollock, George Leo; Corbet, Fiona; Corbet, Michael Eric Ralph

MP415

MINING ACT 1978

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Minerals
and Energy, Leonora.

In accordance with Regulation 49(2)(c) of the Mining Regulations 1981, notice is hereby given that the following Licences are liable to forfeiture under the provisions of Section 96(1)(a) of the Mining Act 1978, for breach of covenant, viz. non payment of rent.

S. P. SHARRATT (SM), Warden.

To be heard in the Warden's Court at Leonora on the 18th day of September 2003.

MOUNT MARGARET MINERAL FIELD

Mount Malcolm District

Prospecting Licences

37/6050—Crew, Christopher; Crew, Ross Frederick; Dixon, Trevor John

37/6051—Crew, Christopher; Crew, Ross Frederick; Dixon, Trevor John

37/6052—Crew, Christopher; Crew, Ross Frederick; Dixon, Trevor John

37/6053—Crew, Christopher; Crew, Ross Frederick; Dixon, Trevor John

37/6054—Crew, Christopher; Crew, Ross Frederick; Dixon, Trevor John

37/6055—Crew, Christopher; Crew, Ross Frederick; Dixon, Trevor John

MOUNT MARGARET MINERAL FIELD

Mount Margaret District

Prospecting Licences

38/2443—French, Donald Victor

Mount Morgans District

Prospecting Licences

39/2999—Dixon, Trevor John; Kilpatrick, Kevin

39/3000—Dixon, Trevor John; Kilpatrick, Kevin

39/3001—Dixon, Trevor John; Kilpatrick, Kevin

39/3002—Dixon, Trevor John; Kilpatrick, Kevin

39/4034—Tucker, Rodney Ian

MP416

MINING ACT 1978

INSTRUMENT OF EXEMPTION OF CROWN AND RESERVED LAND

The Minister for State Development, pursuant to the powers conferred on him by Section 19 of the *Mining Act 1978*, hereby exempts all areas of land described hereunder from Divisions 1-5 of Part IV of the *Mining Act 1978* for a period of 2 years.

Schedule

All Crown and Reserved land within that area of land South East of Kununurra in the Kimberley Mineral Field shown as File Notation Area 1444 in the Department of Industry and Resources Tengraph system except for any portion that is comprised in any mining tenement or application for a mining tenement.

Nett Area: 26242.6772 ha

Dated at Perth this 15th day of August 2003.

CLIVE BROWN, MLA, Minister for State Development.

PLANNING AND INFRASTRUCTURE

PI401*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AVAILABLE FOR INSPECTION*Shire of Toodyay*

Town Planning Scheme No. 4

Ref: 853/4/28/5

Notice is hereby given that the local government of the Shire of Toodyay has prepared the abovementioned Town Planning Scheme for the purpose of—

1. setting out the local government's planning aims and intentions for the Scheme Area;
2. setting aside land as reserves for public purposes;
3. zoning land within the Scheme Area for the purposes defined in the Scheme;
4. controlling and guiding land use and development;
5. setting out procedures for the assessment and determination of planning applications;
6. making provision for the administration and enforcement of the Scheme; and
7. addressing other matters set out in the First Schedule to the Town Planning Act.

Plans and documents setting out and explaining the Town Planning Scheme and Local Planning Strategy, have been deposited at Council Offices, Old Court House Building, 15 Fiennes Street, Toodyay and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 27 November 2003.

Submissions on the Town Planning Scheme and Local Planning Strategy may be made in writing on Form No 4 and lodged with the undersigned on or before 27 November 2003.

A. SMITH, Chief Executive Officer.

PI402*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT*Shire of Bridgetown-Greenbushes*

Town Planning Scheme No. 3—Amendment No. 55

Ref: 853/6/5/3 Pt 55

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 Bridgetown-Greenbushes Town Planning Scheme Amendment on 21 August 2003 for the purpose of—

1. Rezoning portion Lot 7 of Bridgetown Lot 645 from the Residential Zone to the Special Residential Zone;
2. Rezoning portions Lots 1, 2, 6, & 8 of Bridgetown Lot 645 from the Special Residential Zone to the Park and Recreation Zone;
3. Rezoning portion Lot 8 of Bridgetown Lot 645 from the Special Residential Zone to the Public Purpose Reserve;
4. Rezoning portion Lots 3 & 8 of Bridgetown Lot 645 and a portion road reserve from the Special Residential Zone to the Special Additional Use Zone;
5. Rezoning portions Lots 2, 3 & 7 of Bridgetown Lot 645 and a portion road reserve from the Park and Recreation Zone to the Special Residential Zone.
6. Rezoning portion Lot 6 of Bridgetown Lot 645 from the Park and Recreation Zone to the Special Restricted Use Zone;
7. Rezoning portion Lot 6 of Bridgetown Lot 645 from the Special Restricted Use Zone to the Park and Recreation Zone;
8. Rezoning portion Lot 2 of Bridgetown Lot 645 from the Commercial Zone to the Special Residential Zone;
9. Rezoning portion Lots 7 & 8 of Bridgetown Lot 645 from the Public Purpose Reserve to the Special Residential Zone;
10. Rezoning portion Lot 8 of Bridgetown Lot 645 from the Public Purpose Reserve to the Park and Recreation Zone;
11. Rezoning portion Lot 852 from the Park and Recreation Zone to the Public Purpose Reserve;

12. Modifying Schedule 2—Section 2 (Special Restricted Use Zone) by deleting existing Part 6 relating to “Portion Lot 6 of Bridgetown Lot 645” and replacing it with the following—

Location	Permitted Uses and Conditions of Use
Portion Lot 6 of Bridgetown Lot 645	<p>Permitted Uses</p> <p>Civic Buildings</p> <p>Educational Establishment</p> <p>Public Assembly</p> <p>Public Worship</p> <p>Public Utility</p> <p>Conditions</p> <p>1. A Development Guide Plan shall be prepared for the land to the satisfaction of Council prior to any planning consent being granted for development of the land.</p> <p>2. A landscaping plan shall be submitted in conjunction with the Development Guide Plan.</p>

13. Adding to Schedule 2—Section 1 (Special Additional Use Zone) the following—

Location	Permitted Uses and Conditions of Use
Portion Lots 3 & 8 of Bridgetown Lot 645 and portion road reserve	<p>1. Additional Uses Permitted</p> <ul style="list-style-type: none"> - Restaurant - Local Shop - Take Away Food Outlet - Art & Craft Centre <p>2. In addition to the above specified uses, the permissible uses under the Special Residential Zone will apply.</p> <p>3. Council will require the following matters to be suitably addressed at the development stage—</p> <ul style="list-style-type: none"> (i) Car parking & access (ii) Hours of operation (iii) Storm water drainage (iv) Landscaping <p>4. The development of a local shop shall be limited to a maximum gross leasable floor space area of 100m².</p>

14. Adding to Clause 1.6—Interpretations, between the definitions of “Light Industry” and “Lot”, the following—

“Local Shop” means premises used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens and newsagents.”

15. Modifying Schedule 3 (Special Residential Zones) by deleting the provisions relating to “Portion Lots 1, 2, 3, 4, 5, 6 and 8 of Bridgetown Lot 645” and replacing it with the following—

Site Description	Special Provisions
Portion Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Bridgetown Lot 645 and portions of road reserve	<p>1. Subdivision is to be generally in accordance with the Subdivision Guide Plan No. 2013B.DGN dated July 2001 adopted by Council and endorsed by the Chief Executive Officer</p> <p>2. At the time of subdivision Council will request the Western Australian Planning Commission that no further subdivision of the lots shown on the Subdivision Guide Plan be permitted.</p> <p>3. No trees or other substantial vegetation shall be felled or removed from the site except where—</p> <ul style="list-style-type: none"> (a) required for approved development works; (b) required for the establishment of a fire break as required by regulation or bylaw; or (c) as otherwise approved by Council. <p>4. Council shall request the Western Australian Planning Commission require the preparation of a Landscape Master Plan as a condition of subdivision approval.</p>

Site Description	Special Provisions
	<p>5. As a condition of development approval Council shall require lot owners to plant and maintain 30 trees, in accordance with the recommended species and planting of the Landscape Master Plan. Where lots contain significant levels of existing vegetation Council may waive this condition or stipulate a reduced number of trees for planting.</p> <p>6. At the time of subdivision Council will request the Western Australian Planning Commission to impose a condition requiring the subdivider to plant street trees in accordance with the recommended species and planting of the Landscape Master Plan.</p> <p>7. On-site waste water disposal systems are to be provided to the satisfaction and the Department of Health. At the application for subdivision stage the subdivider is to provide information demonstrating the suitability of areas identified for further investigation in the soil assessment study appended to the Amendment Report of Amendment No. 55.</p> <p>8. At the time of subdivision Council will request the Western Australian Planning Commission impose conditions relating to fencing of public open space, construction of dual use paths/bridle trails, fire management plan and external road upgrading.</p> <p>9. At the time of subdivision Council may recommend to the Western Australian Planning Commission the imposition of a condition requiring the subdivider prepare a stormwater management plan as part of road construction planning. This plan is to identify the requirement and siting of detention basins and other stormwater treatment measures within and adjacent to the subdivision.</p> <p>10. At the time of subdivision Council may recommend to the Western Australian Planning Commission the imposition of a condition requiring the subdivider prepare a vegetation management plan for the proposed public open space within the subdivision.</p>

R. J. WALSTER, President.
T. CLYNCH, Acting Chief Executive Officer.

PI403*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Gosnells

Town Planning Scheme No. 6—Amendment No. 7

Ref: 853/2/25/8 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 Gosnells Town Planning Scheme Amendment on 25 August 2003 for the purpose of—

1. Amending Table 1: Zoning Table by making Caretakers Dwelling a “D” use within the Light Industry zone, and an “A” use within the General Industry zone.
2. Inserting the following definition for Retail Nursery into Part 2 of Schedule 1—Dictionary of Defined Words and Expressions—

“retail nursery”—means premises used for the retailing of horticultural goods such as seeds, seedlings, bulbs, shrubs, trees or other nursery stock and may include as an incidental use, the sale of food and drinks, garden ornaments, herbicides, insecticides, gardening implements, plant containers, bagged fertilisers, bagged manures, bagged sand and bagged mulch;

3. Inserting the Use Class of Retail Nursery into Table 1: Zoning Table and making it a discretionary or "D" use within the Residential Development, Highway Commercial, Light Industry and General Rural zones.
4. Modifying the definition of Agriculture—Intensive in Part 2 of Schedule 1—Dictionary of Defined Words and Expressions, by adding the word "wholesale" after the words "operation of" and before the words "plant or fruit" in part (b) under "agriculture—intensive", as follows—

"agriculture—intensive"—means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following—

 - (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
 - (b) the establishment and operation of wholesale plant or fruit nurseries;
 - (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
 - (d) aquaculture;

P. M. MORRIS, Mayor.
S. JARDINE, Chief Executive Officer.

PI404*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Greenough

Town Planning Scheme No. 4—Amendment No. 97

Ref: 853/3/7/6 Pt 97

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 Greenough Town Planning Scheme Amendment on 25 August 2003 for the purpose of—

1. Rezoning Victoria Location 1076 Place Road, Woorree from the Recreation Zone and General Farming Zone to the Low Density Residential R5 Zone, Recreation Zone and General Farming Zone.
2. Amending the Scheme Map accordingly.

M. C. CULLOTON, President.
W. T. PERRY, Chief Executive Officer.

PI405*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Town of Victoria Park

Town Planning Scheme No. 1—Amendment No. 17

Ref: 853/2/32/2 Pt 17

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 Town of Victoria Park Town Planning Scheme Amendment on 20 August 2003 for the purpose of—

1. Rezoning Lots 148 and 149 Westminster Street, East Victoria Park from 'Residential' zone to 'Special Use' zone with the notation "PCP".
2. Adding to Precinct Plan P12—East Victoria Park Precinct—
 - (a) In the Legend in the section Town of Victoria Park Scheme Zones after the Special Use zone category Educational Establishments, a second category notated as "PCP-Private Carparking".
 - (b) In the text provisions of the Special Use Zone after the last paragraph, under a separate heading the following—

PRIVATE CARPARKING

Lot 148 Westminster Street and Lot 149 Westminster Street

P Private carparking required for the use of the premises at Lots 144, 145 and 146 Albany Highway, corner Westminster Street, East Victoria Park.

X All other uses.

J. A. LEE, Mayor.
J. BONKER, Chief Executive Officer.

PI702*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME
Shire of Laverton
Town Planning Scheme No. 2

Ref: 853/11/8/3

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 Laverton Town Planning Scheme No. 2 on 17 August 2003, the Scheme Text of which is published as a Schedule annexed hereto.

M. G. THOMAS, President.
M. N. BROWN, Chief Executive Officer.

Schedule
Shire of Laverton

Town Planning Scheme No. 2

The Shire of Laverton, under the powers conferred by the Town Planning and Development Act 1928 makes the following town planning scheme.

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PART 1—PRELIMINARY**1.1 Citation**

1.1.1 The Shire of Laverton Town Planning Scheme No. 2 (“the Scheme”) comes into operation on its gazettal date.

1.1.2 The Shire of Laverton Town Planning Scheme No. 1 published in the *Government Gazette* of 19 July 1991 and all amendments thereto is hereby revoked.

1.2 Responsible Authority

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

1.3 Scheme Area

The Scheme applies to the Scheme Area that covers the entire local government district of the Shire of Laverton as shown on the Scheme Map.

1.4 Contents of the Scheme

The Scheme comprises—

- (a) the Scheme Text;
- (b) the Scheme Map (sheets numbers 1 to 5 inclusive);

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

1.5 Purposes of Scheme

The purposes of the Scheme are to—

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

1.6 The Aims of the Scheme

The aims of the Scheme are—

- (a) To assist the effective implementation of regional plans and policies including the State Planning Strategy.
- (b) To ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.
- (c) To provide for housing choice and variety in townsites with a community identity and high levels of amenity.
- (d) To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment, and tourist developments, as well as providing opportunities for home-based employment.
- (e) To facilitate a diverse and integrated network of open space catering for both active and passive recreation, consistent with the needs of the community.
- (f) To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.
- (g) To protect and enhance the environmental values and natural resources of the Scheme Area and to promote ecologically sustainable land use and development.
- (h) To safeguard and enhance the character and amenity of the built and natural environment of the Scheme Area.
- (i) To protect the natural environment and biodiversity while ensuring appropriate development opportunities are realised;
- (j) To promote the sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning.

1.7 Definitions

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meanings 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 Design Codes.

1.7.2 If there is a conflict between the meanings 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 Design Codes—

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

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

1.8 Relationship with Local Laws

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

1.9 Relationship with Other Schemes

By way of information, the following other Schemes of the Shire of Laverton are, at the Gazettal date of the Scheme, complementary to the Scheme—

Scheme No.	Gazettal date
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There are no other Schemes of the Shire of Laverton, which apply to the Scheme Area.

PART 2—LOCAL PLANNING POLICY FRAMEWORK

2.1 Scheme Determinations to Conform with Local Planning Strategy

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

2.2 Local Planning Policies

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

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

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

2.3 Relationship of Local Planning Policies to the Scheme

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

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

Note: Local Planning Policies are guidelines used to assist the local government in making 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 Design Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.

2.4 Procedures for Making or Amending a Local Planning Policy

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

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

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

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

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

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

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

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

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

2.5 Revocation of Local Planning Policy

A Local Planning Policy may be revoked by—

- (a) the adoption by a local government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme Area.

PART 3—RESERVES**3.1 Classification**

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

3.2 Regional Reserves

There are no Regional Reserves in the Scheme Area.

3.3 Local Reserves

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

3.4 Use and Development of Local Reserves

3.4.1 A person must not—

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

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

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

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

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

PART 4—ZONES AND THE USE OF LAND**4.1 Zones**

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

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

4.2 Objectives of the Zones

The Objectives of the Zones are—

- (a) Residential Zone
 - (i) to provide for the predominant form of residential development to be single houses whilst providing for diversity with some higher density close to the Laverton town centre.
 - (ii) to provide for lifestyle choice with a range of residential densities.
 - (iii) to achieve a high standard of residential development having regard to the economic importance of tourism to the district.
 - (iv) to allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.
- (b) Commercial Zone
 - (i) to ensure the established town centre in Laverton remains the principal place for retail, commercial, civic, and administrative functions in the district.
 - (ii) to ensure development will not adversely affect local amenities, and will enhance the character of the town centre.
 - (iii) to provide for the efficient and safe movement of vehicles (including trucks, buses, and caravans) and pedestrians in and around the town centre.
 - (iv) to provide sufficient parking spaces for cars, caravans, and buses, without compromising pedestrian movements through the town centre.
 - (v) to provide an increased level of public amenities including public toilets, shaded areas, and street furniture.
 - (vi) to provide for expansion of the town centre to meet future demands.
- (c) Industrial Zone
 - (i) to provide for the needs of light and general industry to support the community.
 - (ii) to provide appropriate buffers between industry and adjacent land uses, so as to avoid land use conflicts.
 - (iii) To provide appropriate buffers to the industrial area along Beria Road and the main entry into Laverton.
 - (iv) to avoid non-industry related uses establishing in the industrial areas.
- (d) Rural Zone
 - (i) to provide for closer subdivision where a suitable water supply is available to sustain agricultural and horticultural uses.
 - (ii) to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.
 - (iii) having regard for the size of the district, the fragile nature of the environment in many places, and the difficulties faced by the local government in providing services away from the town of Laverton, the local government will generally favour the Rural Zone be located close to the town of Laverton, and then only where the environmental impacts are manageable.

(e) Settlement Zone

The purpose of the Settlement Zone is to provide a framework for the planning of communities and also to provide a basis for negotiation between Aboriginal communities and the local government in order to foster the development of cooperative strategies to improve the general health, safety and amenity of these communities.

(f) Pastoral & Mining Zone—

- (i) to support the continuation of mining and the pastoral industry in the district.
- (ii) to protect the pastoral industry from land use conflicts by location of high intensity uses.
- (iii) to facilitate diversification for agriculture, horticulture, and aquaculture on pastoral properties in accordance with the terms of pastoral leases.
- (iv) to make provision for facilities for travellers.

4.3 Zoning Table

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

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

“P” means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.

“D” means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

“A” means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.

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

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

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

Note: 1. The planning approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.

2. The local government will not refuse a ‘P’ use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.

3. In considering a ‘D’ or ‘A’ use, the local government will have regard to the matters set out in clause 10.2.

4. The local government must refuse to approve any ‘X’ use of land. Approval to an ‘X’ use of land may only proceed by way of an amendment to the Scheme.

4.4 Interpretation of the Zoning Table

4.4.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

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

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

4.5 Additional Uses

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

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

There are no Additional Uses which apply to the Scheme.

4.6 Restricted Uses

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

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

There are no Restricted Uses which apply to the Scheme.

4.7 Special Use Zones

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

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

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

TABLE 1
ZONING TABLE

Uses	Residential	Commercial	Industrial	Settlement	Rural	Pastoral & mining	Special use
1 abattoir	X	X	X	S E E C L A U S E 5 16	X	A	S E E S C H E D U L E 4
2 aged or dependent persons' dwelling	D	X	X		X	X	
3 agriculture- intensive	X	X	X		P	P	
4 caretaker's dwelling	X	D	D		D	D	
5 civic use	D	D	X		X	X	
6 educational establishment	A	A	X		X	A	
7 fuel depot	X	X	D		X	D	
8 grouped dwelling	D	X	X		X	D	
9 home business	D	X	X		D	D	
10 hotel	X	A	X		X	A	
11 industry—extractive	X	X	X		X	D	
12 industry—general	X	X	D		X	X	
13 industry—light	X	X	P		X	X	
14 industry—mining	X	X	X		X	P	
15 industry—rural	X	X	A		D	D	
16 motor vehicle repair	X	X	P		X	X	
17 place of worship	D	D	X		X	X	
18 plant nursery	A	A	P		P	D	
19 residential building	D	X	X		X	D	
20 restaurant	X	D	X		X	X	
21 roadhouse	X	A	D		X	D	
22 rural pursuit	X	X	X		A	P	
23 shop	X	D	X		X	X	
24 single house	P	X	X		P	P	
25 tavern	X	A	X		X	A	
26 tourist accommodation	A	D	X		D	D	
27 transport depot	X	X	P		X	X	
28 veterinary centre	X	A	A		A	D	

4.8 Non-conforming Uses

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

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at 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 authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

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

4.9 Extensions and Changes to a Non-conforming Use

4.9.1 A person must not—

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

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

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

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

4.10 Discontinuance of Non-conforming Use

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

4.11 Termination of a Non-conforming Use

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

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

4.12 Destruction of Non-conforming Use Buildings

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

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.1 Compliance with Development Standards and Requirements

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

5.2 Residential Design Codes

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

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

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

5.3 Special Application of Residential Design Codes

The following variations to the Residential Design Codes apply in the Scheme area—

- 5.3.1 The local government may permit an increase in residential density up to a maximum of R30 for more than 1 dwelling on a lot where—
 - (a) the lot is connected to reticulated sewerage;
 - (b) in the opinion of the local government the lot is suitably located close to services and facilities; and
 - (c) an application involving an increase in residential density is advertised in accordance with clause 9.4.

5.4 Restrictive Covenants

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

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

5.5 Variations to Site and Development Standards and Requirements

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

5.5.2 In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is 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 pursuant to clause 9.4; and
- (b) have regard to any expressed views prior to making its determination to grant the variation.

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

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

5.6 Environmental Conditions

5.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 10 of the Scheme.

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

5.6.3 The local government is to—

- (a) maintain a register of all relevant Statements published under section 48F and 48G of the EP 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.

5.7 Parking Requirements

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

5.8 Transported Buildings

5.8.1 A person is not to transport a building and place it on land in the Laverton townsite and use it as a dwelling unless planning approval has been granted by the local government. The local government is not to grant planning approval if the land is within a Heritage Area designated in accordance with clause 7.2.

5.8.2 The local government must only grant planning approval in accordance with clause 5.8.1 if the transported building—

- (a) complies with the provisions of the Scheme, the Residential Design Codes, and any Local Laws applicable both to the transported building and the land on which it is to be situated; and
- (b) is, in the opinion of the local government, in a satisfactory condition and will not detrimentally affect the amenity of the locality.

5.9 Use of Setback Areas

5.9.1 A person is not to use any land between a street alignment and the distance that buildings are required to be setback 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;
- (d) landscaping which only in the Commercial zone and then only with the specific approval of local government may include an awning, pergola, or similar structure and when in front of a fast food outlet or restaurant may provide for alfresco dining.

5.9.2 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.

5.10 Home Business

An approval to conduct a home business is issued to a specific occupier of a particular parcel of land, it shall not be transferred or assigned to any other person and shall not 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.

5.11 Caretaker's Dwellings

The provisions of this clause are to apply for all caretakers' dwellings in the Industrial zone.

- (a) a caretaker's dwelling is not to be developed and/or occupied on a lot unless that lot has been developed and is being used in accordance with the Scheme;
- (b) only one caretaker's dwelling is to be permitted on a lot; for the purposes of this clause "lot" excludes a strata lot or survey-strata lot created under the *Strata Titles Act 1985*;
- (c) a caravan or park home is not to be permitted as a caretaker's dwelling for either permanent or temporary occupation;
- (d) a caretaker's dwelling is to be screened and/or fenced from the street frontage of the lot to the satisfaction of the local government and wherever possible is to be sited at the rear of other buildings on the lot;
- (e) a caretaker's dwelling is to contain 1 bedroom only within an a total floor area that does not exceed 100 square metres measured from the external face of walls;
- (f) open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100 square metres referred to in paragraph (e).

5.12 Height of Buildings

With the objective that the continued operations of the Laverton airport are not prejudiced by development in the vicinity, when determining applications for planning approval the local government is to have regard for the height of any development in accordance with Department of Transport specifications, and may refuse or approve with or without conditions such application having regard for those guidelines. For the purpose of this clause, "development" includes all flagpoles, radio antennae, television towers, satellite dishes, and other structures that may intrude into the obstruction limitation area.

5.13 Residential Zone

5.13.1 Site Requirements

In accordance with the Residential Design Codes.

5.13.2 Structure Plan Required

The local government may require a Structure Plan before recommending subdivision or approving development of land for expansion of Laverton on the southern side of the town. A Structure Plan is to contain such detail as, in the opinion of the local government, is required to satisfy planning requirements, and, without limiting the generality of the foregoing, may include the following details—

- (a) the area to which the Structure Plan applies;
- (b) key opportunities and constraints including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads, and services;
- (c) the planning context including the neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the Structure Plan is to be integrated into the surrounding area;
- (d) proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses, mixed use, industrial uses;
- (e) estimates of future lots, dwellings, population, employment and retail floor space;
- (f) provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;
- (g) the proposed road network and hierarchy, and bicycle and pedestrian networks;
- (h) the timeframe and staging of subdivision and development, and the method of implementation;
- (i) such other information as may be required by the local government.

5.14 Commercial Zone

5.14.1 Site Requirements

At the discretion of the local government.

5.14.2 Development Requirements—

- (a) development is not to exceed 2 storeys in height except where the local government considers that particular circumstances may warrant an exception being made and provided the local government's objectives are not compromised;
- (b) in considering an application for planning approval for a proposed development (including additions and alterations to existing development) the local government is to have regard to the following—
 - (i) the colour and texture of external building materials; the local government may require the building facade and side walls to a building depth of 3m to be constructed in masonry;
 - (ii) building size, height, bulk, roof pitch;
 - (iii) setback and location of the building on its lot;
 - (iv) architectural style and design details of the building;
 - (v) function of the building;

- (vi) relationship to surrounding development; and
- (vii) other characteristics considered by the local government to be relevant;
- (c) landscaping is to be provided to complement the appearance of the proposed development and its setting;
- (d) the layout of car parking is to have regard for traffic circulation in existing parking areas and is to be integrated with any existing and adjoining parking area.

5.15 Industrial Zone

5.15.1 Site Requirements

- (a) the minimum lot size should be 2,500 square metres to provide for building envelope, on-site effluent disposal, landscaping (see clause 5.14.2), and manoeuvring area for all vehicles to enter and leave the lot in a forward gear;
- (b) the minimum building setbacks are—
 - Front : 7.5m
 - Rear : 7.5m
 - Side : 2.0m.

5.15.2 Development Requirements

- (a) the first 5 metres 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.
- (b) in addition to other requirements of the Scheme an application for planning approval for an industry is to demonstrate compliance with the buffer distance separation from dwellings in accordance with guidelines of the Environmental Protection Authority;
- (c) in determining an application for planning approval for an industry the local government may impose conditions to control industrial liquid, solid or gaseous wastes in accordance with Environmental Protection Authority guidelines and advice from the Department of Environmental Protection;
- (d) where a proposed industry would generate industrial liquid, solid, or gaseous wastes such wastes are to be treated and disposed of in accordance with Department of Environmental Protection advice/guidelines.

5.16 Rural Zone

5.16.1 Site Requirements

The minimum building setbacks are—

- Front : 15.0m
- Rear : 10.0m
- Side : 10.0m

5.16.2 Keeping of Animals

- (a) a person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals is to be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the local government.
- (b) with the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of land in the Rural zone, the local government may take any action which in the opinion of the local government is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the local government in taking such action is to be recoverable by the local government from the landowner in a Court of competent jurisdiction.

5.16.3 Setback from Skull Creek

All development is to be setback a minimum of 10 metres from the fringing vegetation along the northern side of Skull Creek.

5.17 Settlement Zone

Layout Plans may be prepared for the whole or part of any land within the Settlement Zone.

- (a) Layout Plans are to be prepared in accordance with the Guidelines for the Preparation of Community Layout Plans for Western Australian Aboriginal Communities and with any other relevant State or Commonwealth Government policy.
- (b) the local government is not to consider a Layout Plan, or any modification to an approved Layout Plan, unless the affected community has had the opportunity to comment on the contents of the plan or amendments to an approved plan.
- (c) the local government is to assess the planning merits of the plan and then resolve to approve, refuse, or approve the plan with any modification(s) that the local government considers necessary.
- (d) after assessing the layout Plan, the local government is to submit a copy of the plan to the Commission for its approval.
- (e) the local government is to maintain a copy of the approved Layout Plan for public inspection.
- (f) an approved Layout Plan may be amended or revoked by the local government with the approval of the Commission.

PART 6—SPECIAL CONTROL AREAS**6.1 Operation of Special Control Areas**

6.1.1 The following Special Control Areas are shown on the Scheme Map—

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

6.1.2 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.

6.2 Mineral Prospectivity Area

6.2.1 Purpose of Special Control Area

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

6.2.2 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 Industry and Resources and may refuse or approve with or without conditions such application having regard for the recommendations of that agency.

PART 7—HERITAGE PROTECTION**7.1 Heritage List**

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

7.1.2 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.

7.1.3 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 7.1.1 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.

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

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

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

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

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

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

7.2 Designation of a Heritage Area

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

7.2.2 The local government is to—

- (a) adopt for each Heritage Area a Local Planning Policy which is to comprise—
 - (i) a map showing the boundaries of the Heritage Area;
 - (ii) a record of places of heritage significance; and
 - (iii) objectives and guidelines for the conservation of the Heritage Area;and
- (b) keep a copy of the Local Planning Policy for any designated Heritage Area with the Scheme documents for public inspection.

7.2.3 If a local government proposes to designate 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.

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

- (a) the area subject of the proposed designation;
- (b) where the proposed Local Planning Policy which will apply to the proposed Heritage Area may be inspected; and
- (c) in what form and 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.

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

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

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

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

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

7.3 Heritage Agreements

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

7.4 Heritage Assessment

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

7.5 Variations to Scheme Provisions for a Heritage Place and Heritage Area

Where desirable to—

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

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

PART 8—DEVELOPMENT OF LAND

8.1 Requirement for Approval to Commence Development

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

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

8.2 Permitted Development

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

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

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

8.3 Amending or Revoking a Planning Approval

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

8.4 Unauthorised Existing Developments

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

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

Note 1. Applications for approval to an existing development are made under Part 9.

- 2. The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.

PART 9—APPLICATIONS FOR PLANNING APPROVAL

9.1 Form of Application

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

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

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

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

9.2 Accompanying Material

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

- (a) a plan or plans to a scale of not less than 1:500 showing—
 - (i) the location of the site including street names, lot number(s), north point and the dimensions of the site;

- (ii) the existing and proposed ground levels over the whole of the land 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 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 those areas; 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 the 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 reasonably require to enable the application to be determined.

9.3 Additional Material for Heritage Matters

Where an application relates to a place entered on the Heritage List or within a Heritage Area, the local government may require an applicant to provide one or more of the following to assist the local government in its determination of the application—

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

9.4 Advertising of Applications

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

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

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

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

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

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

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

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

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

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

10.1 Consultations with Other Authorities

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

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

10.2 Matters to be Considered by the Local Government

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

- (a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme Area;
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved Statement of Planning Policy of the Commission;
- (d) any approved Environmental Protection Policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission or any relevant planning policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the local government under clause 2.4 or clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been registered in the Register of Places under the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a Heritage Area;
- (i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (m) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or 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 submission received on the application;
- (z) the comments or submissions received from any authority consulted under clause 10.1.1; and
- (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.

10.3 Determination of Applications

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

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

10.4 Form and Date of Determination

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

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

10.5 Term of Planning Approval

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

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

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

10.6 Temporary Planning Approval

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

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

10.7 Scope of Planning Approval

Planning approval may be granted—

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

10.8 Approval Subject to Later Approval of Details

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

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

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

10.9 Deemed Refusal

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

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

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

10.10 Appeals

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

PART 11—ENFORCEMENT AND ADMINISTRATION

11.1 Powers of the Local Government

11.1.1 The local government in implementing the Scheme has the 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 Scheme or the Town Planning Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

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

11.2 Removal and Repair of Existing Advertisements

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

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

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

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

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

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

11.3 Delegation of Functions

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

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

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

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

11.4 Person Must Comply With Provisions of Scheme

11.4.1 A person must not—

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

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

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

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

11.5 Compensation

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

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

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

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*.

11.6 Purchase or Taking of Land

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

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

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

11.7 Notice for Removal of Certain Buildings

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

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

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 Design 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 Design 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 Laverton;

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

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

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

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

- (a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;

(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;

(d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;

“**non-conforming use**” has the same meaning as it has in section 12(2)(a) of the Town Planning Act;

“**owner**”, in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity—

(a) is entitled to the land for an estate in fee simple in possession;

(b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;

(c) is a lessor or licensee from the Crown; or

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

“**place**”, in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;

“**plot ratio**”, in the case of residential dwellings has the same meaning as in the Residential Design 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 Design Codes**” means the Residential Design 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—

(a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;

(b) the establishment and operation of fruit nurseries; or

(c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);

“**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—

(a) recreation or entertainment,

(b) consumption of food and / or beverages,

(c) the sale of produce,

(d) the sale of arts and crafts, and / or

(e) conducting excursions for tourists,

where such use is incidental to and directly related to the predominant 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;
- “**aquaculture**” has the same meaning given to the term in the *Fish Resources Management Act 1994*;
- “**bed and breakfast**” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;
- “**betting agency**” means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*;
- “**caravan park**” has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;
- “**caretaker’s dwelling**” means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;
- “**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;
- “**chalet**” means a detached holiday accommodation unit including cooking facilities which may be fully self contained or not, and which is generally of single storey or split-level construction.
- “**child care premises**” has the same meaning as in the *Community Services (Child Care) Regulations 1988*;
- “**cinema/theatre**” means premises where the public may view a motion picture or theatrical production;
- “**civic use**” means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;
- “**club premises**” means premises used by a legally constituted club or association or other body of persons united by a common interest;
- “**community purpose**” means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit;
- “**consulting rooms**” means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;
- “**convenience store**” means premises—
- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
 - (b) operated during hours which include, but may extend beyond, normal trading hours;
 - (c) which provide associated parking; and
 - (d) the floor area of which does not exceed 300 square metres net lettable area;
- “**corrective institution**” means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
- “**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;
- “**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, 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 a person resident in the dwelling operates;

“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, 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 Design 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 (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;

“**shop (kiosk)**” means the use of premises which is incidental to the predominant use and which complements that use for the purpose of the display and sale of souvenirs and/or refreshments to patrons of the predominant use.

“**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;

“**tourist accommodation**” means accommodation such as bed and breakfast, chalets, farmstay, guesthouses, and similar that specifically caters for tourists but does not include a hotel, or motel, and which is not to be occupied by a person for more than 3 months in a 12 month period

“**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;

SCHEDULE 2 ADDITIONAL USES

No.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS

SCHEDULE 3 RESTRICTED USES

No.	DESCRIPTION OF LAND	RESTRICTED USE	CONDITIONS

SCHEDULE 4 SPECIAL USE ZONES

No.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
1.	Lot 509 Spence Street, Laverton	Caravan park, minesite accommodation, and such similar or ancillary uses as may be approved by the local government.	As determined by the local government.
2.	Lot 201 and Part of Lot 211 Weld Drive and Augusta Street, Laverton	Caravan park, and such similar or ancillary uses as may be approved by the local government.	As determined by the local government.
3.	Lots 202 and 418 Weld Drive, Laverton.	Community facilities and services for Aboriginal community members.	As determined by the local government.

SCHEDULE 5
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	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. A maximum of two freestanding advertisement signs not exceeding 5 metres in height above ground level.	Total area of such advertisements are not to exceed 15m ² Maximum permissible total area is not to exceed 10m ² and individual advertisement signs are not to exceed 6m ² .
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 (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 (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 Not Applicable 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
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	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
(b) Multiple dwellings, shops, commercial and industrial properties	One sign as for (a) above.	5m ²
(c) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding three (3) storeys in height	One sign as for (a) above One additional sign showing the name of the project builder.	10m ² 5m ²
Sales of goods or livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose	2m ²
Property transactions Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:		
(a) Dwellings	One sign per street frontage for each property relating to the Sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign is not to exceed an area of 2m ²
(b) Multiple dwellings, shops, commercial and industrial properties	One sign as for (a) above.	Each sign is not to exceed an area of 5m ²
(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 as for (a) above	Each sign is not to exceed an area of 10m ²

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA
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 6
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 No House/Street No. Location No.

Diagram or Plan No. Certificate of Title No. Folio

Diagram or Plan No. Certificate of Title No. Folio

Title Encumbrances (eg, easements, restrictive covenants)

Street Name Suburb.....

Nearest Street Intersection

Existing Building/Land Use

Description of proposed development and/or use

Nature of any existing buildings and/or use

Approximate cost of proposed development.....

Estimated time of completion

OFFICE USE ONLY	
Acceptance Officer's Initials	Date Received.....
local government Reference No.	

SCHEDULE 7

ADDITIONAL INFORMATION FOR ADVERTISEMENTS
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) Height..... Width:..... 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 8

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

TOWN PLANNING ACT 1928

Shire of Laverton

Town Planning Scheme No. 2

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

The local government has received an application to use and/or develop land for the following purpose and public comments are invited.

LOT NO. STREET
SUBURB
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 9
NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL
 TOWN PLANNING ACT 1928
Shire of Laverton
 Town Planning Scheme No. 2

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—

- granted subject to the following conditions
- 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 10
ENVIRONMENTAL CONDITIONS

SCHEME OR AMENDMENT NO.	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS

ADOPTION

Adopted by Resolution of the local government of the Shire of Laverton at the meeting of the local government held on the 21st day of September 2000.

M. G. THOMAS, President.
 M. N. BROWN, Chief Executive Officer.

FINAL APPROVAL

Adopted by Resolution of the local government of the Shire of Laverton at the meeting of the local government held on the 14th day of November 2002 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of—

M. G. THOMAS, President.
M. N. BROWN, Chief Executive Officer.

The 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—

P. WOODWARD, Delegated Under S.20 of the
Western Australian Planning Commission Act 1985.

Date 15 August 2003.

FINAL APPROVAL GRANTED—

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

Date 17 August 2003.

POLICE

PO501***POLICE ACT 1892****POLICE AUCTION**

Under the provisions of the Police Act 1892, unclaimed found and stolen property and bicycles will be sold by public auction at Smith Broughton & Sons, 1 Clayton Street, Midland on Saturday, 6 September 2003 at 10.00 am.

The auction is to be conducted by Mr Jules Antenucci.

B. MATTHEWS, Commissioner of Police,
Western Australia Police Services.

RACING, GAMING AND LIQUOR

RG401**LIQUOR LICENSING ACT 1988****SUMMARY OF LIQUOR LICENSING APPLICATIONS**

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

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
9901	Burswood Nominees Pty Ltd	Application for the grant of a Hotel licence in respect of premises situated in Burswood and known as Holiday Inn Burswood	18/9/03
9915	RHUM Services Pty Ltd	Application for the grant of a Special Facility—Catering licence in respect of premises situated in East Perth and known as Comestibles	23/9/03

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS TO ADD, VARY OR CANCEL A CONDITION OF LICENCE			
176975	Hills District Softball Association Inc	Application to add, vary or cancel a condition of the club restricted licence in respect of premises situated in Forrestfield and known as Hills District Softball Association Inc.	9/9/03
177621	Donald Colin Ryan	Application to add, vary or cancel a condition of the Hotel licence in respect of premises situated in Guildford and known as Stirling Arms Hotel	11/9/03

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

H. R. HIGHMAN, Director of Liquor Licensing.

TRANSPORT

TR401*

NAVIGABLE WATERS REGULATIONS

WATER SKI AREA

Shire of Waroona

Waroona Dam

Department for Planning and Infrastructure
Fremantle WA, 29 August 2003.

Acting pursuant to the powers conferred by Section 48A of the Navigable Waters Regulations the department by this notice defines and sets aside the following area of Navigable Water for the purpose of Water Skiing between the hours of Sunrise and Sunset and orders that bathing shall be prohibited therein—

Waroona Dam—All the waters of the dam lying to the north and east of a line drawn 200 metres upstream and parallel with the dam wall to a line marked with buoys in the north-east and eastern arm provided however that skiing is not permitted within 45 metres of the foreshore except at the designated ski take off and landing points as marked by signs on the foreshore in the north-east and eastern arms. The rotation of all water skiing on the dam shall be in an anti-clockwise direction.

GREG MARTIN, Chief Executive Officer,
Department for Planning and Infrastructure.

TR402*

WESTERN AUSTRALIAN MARINE ACT 1982

CLOSURE OF NAVIGABLE WATERS

Shire of Waroona

Waroona Dam

Department for Planning and Infrastructure
Fremantle WA, 29 August 2003.

Acting pursuant to the powers conferred by Section 66 of the Western Australian Marine Act 1982, the department by this notice hereby closes the following waters to navigation by personal water craft, until further notice—

Waroona Dam—All the waters of Waroona Dam are closed to navigation by personal watercraft unless water skiing within the gazetted water ski area.

GREG MARTIN, Chief Executive Officer,
Department for Planning and Infrastructure.

TR403*

WESTERN AUSTRALIAN MARINE ACT 1982
CLOSURE OF NAVIGABLE WATERS
Shire of Waroona
 Waroona Dam

Department for Planning and Infrastructure
 Fremantle WA, 29 August 2003.

Acting pursuant to the powers conferred by Section 66 of the Western Australian Marine Act 1982, the department by this notice revokes Notice TR401 as published in the *Government Gazette* on 23 November 2001 and hereby closes the following waters to navigation by all craft until further notice—

Waroona Dam—All the waters of the dam lying from the dam wall to a distance of 200 metres upstream.

GREG MARTIN, Chief Executive Officer,
 Department for Planning and Infrastructure.

WATER

WA401*

WATER BOARDS ACT 1904
BUNBURY WATER BOARD
 Memorandum of Imposing Rates

To Whom It May Concern:

At the Special Meeting of the Bunbury Water Board held on 11 June 2003, it was resolved that the Rates and Charges specified hereunder should be imposed on all rateable properties within the District of the Bunbury Water Board in accordance with the Water Board's Act 1904 for the financial year 1 July 2003 to 30 June 2004.

Rates/Consumption Schedule of Charges:

- (a) An annual Supply Fee of \$87.00 will apply to all residential properties.
- (b) 3.05 cents in the dollar to be levied on the GRV of all commercial category properties.
- (c) 2.40 cents in the dollar to be levied on the GRV of all industrial category properties.
- (d) 3.20 cents in the dollar to be levied on the GRV of all rural category properties.
- (e) 3.00 cents in the dollar to be levied on the GRV of all public facility category properties.
- (f) 5.20 cents in the dollar levied on the GRV of all residential category vacant land.
- (g) The charge for non rateable properties under Section 57 of the Water Board's Act to be \$327.00 per annum.
- (h) The charge (per kl) for water consumed at residential zoned properties to be:

First 150 kl	\$0.38
Next 200 kl	\$0.66
Next 150 kl	\$0.97
Next 200 kl	\$1.26
Next 300 kl	\$1.50
Over 1,000 kl	\$2.18
- (i) Registered pensioners to receive 50% rebate of the total amount of water rates payable and 50% rebate of the amount payable for water consumption up to 350 kl.
- (j) Registered Seniors who also hold the Commonwealth Seniors Health card to receive 50% rates rebate and 50% rebate of the amount payable for water consumption up to 150kl.
- (k) Registered seniors to receive 25% rates rebate and 50% rebate of the amount payable for water consumption up to 150 kl.
- (l) A rebate of 1 kl to be allowed for 71 cents of rates paid on non-residential category properties and the excess water to be at the rate of 71 cents per kl.

PENALTY FOR OVERDUE RATES AND CHARGES

A penalty charge equal to 10% per annum will accrue on a daily basis on all Rates and Charges which are overdue for payment.

GENERAL CHARGES

CATEGORY	DETAILS	COST
		2003/2004
Disconnection	20mm Service	\$186.00
	25mm Service	\$284.00
	40mm Service	\$309.00
	50mm Service	\$309.00
Repair of Damaged Meters	Business hours - No new meter	\$54.00
	Business hours - New meter	\$96.00
	Other hours - No new meter	\$160.00
	Other hours - New meter (20mm meters only)	\$202.00
	Additional fee where the meter damage caused by Contractor	\$110.00
Statements (Property Sale/Enquiry)		\$13.20
Meter Test	(20mm)	\$22.00
Re-Connection		0
Headworks	1.7.03 to 30.6.04	\$2,140.00
Tenant Advice - Friday		\$16.50
Change of ownership Read - Friday		\$16.50
Application for Fire Service	25mm	\$522.00
	40mm	\$1020.00
Fire Service Charge	50mm	\$1130.00
	100mm	Quote
	150mm	Quote
	Annual Charge Based on Size	
	20mm	\$43.20
	25mm	\$54.00
	40mm	\$86.40
	50mm	\$108.00
	100mm	\$216.00
	150mm	\$324.00
Application for Water Service	20mm	\$451.00
	25mm	\$682.00
	40mm	\$1380.00
	50mm	\$1906.00
	80mm	Quote
	100mm	Quote
	150mm	Quote
	Application for Standpipe	
Application for Hydrant Point	\$150 refundable deposit	\$42.00
Daily Fee - Standpipe and Hydrant		\$11.00
Consumption - Standpipe and Hydrant	\$1.06 per kilolitre	\$1.06
Deferral of Headworks - Administration Fee	Per lot	\$54.45
Register manual memorial	Per document	\$37.40
Backflow Prevention - Testing	Per device	\$116.60
Service call fee to attend to mains damaged by third party.	Total fee to be \$226.60 plus actual cost of repairs.	\$226.60
Hydrant Repairs		
a) Raise/lower box		\$144.00
b) Replace lid		\$124.00
c) Replace lid/box		\$258.00
d) Replace hydrant (part)		\$659.00
e) Raise/lower hydrant		\$680.00

WORKSAFE

WS401*

OCCUPATIONAL SAFETY AND HEALTH ACT 1984
OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 1996
EXEMPTION CERTIFICATE PURSUANT TO REGULATION 2.13

(No. 26 of 2003)

I, Brian Thomas Bradley, WorkSafe Western Australia Commissioner, hereby grant an exemption to Airservices Australia from the requirements of Regulation 3.117(1) of the *Occupational Safety and Health Regulations 1996* in relation to the requirement to hold a Class 1 demolition licence to dismantle a 22 metre communications tower at Cocos (Keeling) Island in the Indian Ocean. I further grant an exemption from the requirements of Regulation 3.118(a) of the *Occupational Safety and Health Regulations 1996* in relation to the requirement to ensure that any Class 1 demolition work is done by a holder of a Class 1 demolition licence during the removal of the communications tower at the aforementioned address.

This exemption is subject to the following conditions—

- A documented method statement and job safety analysis will be prepared by a competent person prior to the work commencing.
- The dismantling work will be directly supervised by a competent person at all times during the dismantling of the tower.
- All personnel involved with rigging work will hold an appropriate rigging certificate of competency.
- All personnel involved with working at heights will have completed the appropriate training for this work and be competent in the use of fall injury prevention systems in use.
- Adequate public protection will be provided and maintained during the tower dismantling process.
- All personnel required to work on the communication tower will be trained in identifying, monitoring and controlling Radio Frequency Electro-magnetic Emissions.
- This exemption revokes exemption 23 of 2003.

Dated this 22nd day of August 2003.

BRIAN THOMAS BRADLEY, WorkSafe Western Australia Commissioner.

PUBLIC NOTICES

ZZ201

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Violet Lorraine Nicolle, late of Unit 2, 11 McCaw Mews, Yangebup, Home Duties, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased who died on 28 July 2003, are required by the Trustee ANZ Executors & Trustee Company Limited (ACN 006 132 332) of Level 9, Allendale Square, 77 St George's Terrace, Perth WA 6000 to send particulars of their claim to him by 5 October 2003 after which the Trustee may convey or distribute the assets having regard only to the claims he then has notice.

ZZ202

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

John Austin Ferguson, late of 3 Kenny Drive, Duncraig, Marine Engineer, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased who died on 16 May 2003 are required by the Executrix of care of Stables Scott, 8 St George's Terrace, Perth to send particulars of their claims to her by no later than 30 September 2003 after which date the Executrix may convey or distribute the assets having regard only to the claims of which she then has notice.

ZZ203

TRUSTEES ACT 1962**DECEASED ESTATES**

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 29th September 2003, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Andre, George Wilfred, late of Unit 2/93 View Terrace Bicton, died 20/7/03, (DE19630811EM26)

Banfield, Bernice Ernestine, late of Craigmont Waters Third Avenue Maylands, died 25/7/03, (DE19701832EM17)

Byatt, Esmee Marjorie, late of Sundowner Hostel, 416 Stirling Highway Cottesloe, died 20/5/03, (DE30312443EM33)

Clamp, Ruth Lilian, late of 145 Gwentyfred Road Kensington, died 12/7/03, (DE19790151EM35)

Djimbukuku, Jim, late of Broome Hospital Post Office Box 62 Broome, died 28/8/02, (DE33020573EM37)

Easthope, Edith Evelyn, late of Carinya of Bicton 220 Preston Point Road Bicton, died 26/1/03, (DE30324928EM34)

Johnston, Edward Leslie, late of 164 Parry Avenue Bull Creek, died 18/7/03, (DE19754708EM13)

Kalem, Paula, late of 12 Reservoir Close Mosman Park, died 17/5/03, (DE19911749EM37)

Martin, Kathleen Helen, late of 82 Ravenswood Drive Nollamara, died 12/8/03, (DE19660723EM23)

Polak, Rosie, late of Little Sisters of the Poor Nursing Home 1 Croesus Street Kalgoorlie. died 30/12/02, (DE30267478EM26)

Roberts, Joyce Brice, late of Glenn Craig Village Beaufort Road Albany, died 3/7/03. (DE19791742EM36)

Utting, Winifred Joyce, late of 151 The Strand Bedford, died 8/7/03, (DE19760571EM26)

Yardoo, Judy also known as Judy Yato, late of Numbala Nunga Nursing Home Sutherland Street Derby died 8/4/02, (DE30306135EM37)

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

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