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Gazette**

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GOVERNMENT GAZETTE

PUBLISHING DETAILS FOR CHRISTMAS 2004 AND NEW YEAR HOLIDAY PERIOD 2005

NOTE: Due to Tuesday 28th December being a public holiday there will not be a gazette published on that day

Publishing Dates and times

Friday 31 December 2004 at 3.30 pm

Tuesday 4 January 2005 at 3.30 pm

Closing Dates and Times for copy

Wednesday 29 December 2004 at 12 noon

Friday 31 December 2004 at 12 noon



— PART 1 —

MINERALS AND PETROLEUM

MP301*

Diamond (Argyle Diamond Mines Joint Venture) Agreement Act 1981

Diamond (Argyle Diamond Mines Joint Venture) Security Amendment Regulations 2004

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Diamond (Argyle Diamond Mines Joint Venture) Security Amendment Regulations 2004*.

2. The regulations amended

The amendments in these regulations are to the *Diamond (Argyle Diamond Mines Joint Venture) Security Regulations 1982**.

[* *Published in Gazette 29 October 1982, p. 4371-74.*]

3. Regulation 2 amended

Regulation 2 is amended as follows:

- (a) in the definition of “the Act” by deleting the full stop at the end and inserting a semicolon instead;
- (b) by inserting the following definition in the appropriate alphabetical position —

“

“**waste dump**” means a waste dump principally consisting of tailings or overburden.

”

4. Regulation 3 amended

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

“ this regulation ”.

- (2) After regulation 3(3) the following subregulations are inserted —

“

- (4) Where —

- (a) a portion of the boundaries of land comprising a designated area is covered by a waste dump; and
(b) the entire edge of that part of the waste dump extending beyond the boundaries is greater than 30 m in height,

the Owners are not required to comply with subregulation (2) in relation to that portion of the boundaries.

- (5) Where a portion of the boundaries of land comprising a designated area is submerged by the waters of a lake or dam that was in existence before this subregulation came into operation, the Owners are not required to comply with subregulation (2) in relation to that portion of the boundaries.

”.

5. Regulation 6 amended

- (1) Regulation 6 is amended by inserting before “The” the subregulation designation “(1)”.
- (2) At the end of regulation 6 the following subregulation is inserted —

“

- (2) Where the Owners are not required to comply with regulation 3(2) with respect to a portion of the boundaries of land comprising a designated area because of regulation 3(4) or (5), the Owners shall erect and maintain signs in or to the effect of Form 3 in Schedule 2 at intervals of not more than 250 m along those portions of the boundaries.

”.

By Command of the Governor,

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

TREASURY AND FINANCE

TF301*

Stamp Act 1921

Stamp Amendment Regulations (No. 5) 2004

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Stamp Amendment Regulations (No. 5) 2004*.

2. The regulations amended

The amendment in these regulations is to the *Stamp Regulations 2003**

[* *Published in Gazette 27 June 2003, p. 2415-18.*
For amendments to 18 October 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 364, and Gazette 27 February, 7 May, 29 June and 13 August 2004.]

3. Regulation 6 amended

Regulation 6(1) is amended by deleting “section 17C” and inserting instead —

“ section 17C(1)(g) ”.

By Command of the Governor,

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

— PART 2 —

CEMETERIES

CC401*

CEMETERIES ACT 1986**METROPOLITAN CEMETERIES BOARD**

Additional and Amended Fees to those Gazetted on 8 June 2004

In pursuance of the powers conferred by section 53 of the Cemeteries Act 1986, the Metropolitan Cemeteries Board hereby records having resolved on 29 April 2004, to set the following fees effective from July 1st, 2004. The fees shall be payable upon application for services at Karrakatta, Fremantle, Pinnaroo, Midland and Guildford Cemeteries detailed hereunder.

FEES & CHARGES INCLUSIVE OF 10% GST (except where indicated)

Interment and Graves	Karrakatta	Fremantle	Pinnaroo	Midland	Guildford
Gravesite: including lawn at Fremantle (<i>Amendment</i>)	1,001.00	1,001.00	1,001.00	1,001.00	1,001.00
Selected Lawns (Fremantle): gravesite fee to be added (<i>Addition</i>)		Quote			
Late to arrive/depart (after 10 mins) (<i>Addition</i>)	102.30	102.30	102.30	102.30	102.30
Cremation and Ashes					
Adult Cremation—unattended or may incl. 1hr Garden Chapel or 30min in Dench, Pinnaroo, Central Committal (<i>Amendment</i>)	646.80	646.80	646.80		
Ash Container: large (<i>Amendment</i>)	15.40	15.40	15.40		
Ash Container: small (<i>Addition</i>)	11.00	11.00	11.00		
Webcasting—Live telecast only (no recording) (<i>Amendment</i>)	115.00		115.00		
Copy of Webcast on DVD or VHS video (<i>Amendment</i>)	119.00		119.00		
Memorials					
Standard Rose (in a bed)—1st Inscription: for large plaques (<i>Amendment</i>)	3,153.70				
Memories E-ternal		Quote			
Pre-need reservation of a memorial (doesn't include plaque or tenure fees) (<i>Amendment</i>)			Quote		

CONSERVATION

CO401*

CONSERVATION AND LAND MANAGEMENT ACT 1984**JANDAKOT REGIONAL PARK**

Notice of Draft Management Plan

The Conservation Commission of Western Australia advises that the draft management plan for Jandakot Regional Park is available for public comment.

The draft management plan provides direction for the planning, management and protection of Jandakot Regional Park by encouraging the protection of park values, anticipating future community requirements and developing strategies aimed at addressing management issues and concerns.

All submissions received will be considered in the preparation of a final management plan and analysis of public submissions. Authors of submissions marked 'Confidential' will remain anonymous.

The closing date for submissions is 24 February 2005.

Copies of the draft plans may be obtained from the following Department of Conservation and Land Management (CALM) offices—

State Operations Headquarters, Technology Park Western Precinct, 17 Dick Perry Avenue, Kensington WA 6151;

Regional Parks Unit, Level 1, 4-6 Short Street, Fremantle WA 6160; and

Swan Coastal District, 5 Dundobar Road, Wanneroo WA 6065.

They can also be downloaded from CALM's NatureBase webpage:

<http://www.calm.wa.gov.au/cgi-bin/participate/plancomment.pl>

Submissions can be made on-line, or as a written response addressed to—

Regional Parks Coordinator

Regional Parks Unit

PO Box 1535

Fremantle WA 6959

KEIRAN McNAMARA, Executive Director,
Department of Conservation and Land Management.

Dr JOHN BAILEY, Chairman,
Conservation Commission of Western Australia.

CO402*

CONSERVATION AND LAND MANAGEMENT ACT 1984
HERDSMAN LAKE REGIONAL PARK
Management Plan

The Conservation Commission of Western Australia advises that the management plan for Herdsman Lake Regional Park is available.

The management plan was prepared in accordance with sections 53 to 61 of the Conservation and Land Management Act 1984, and was approved by the Minister for the Environment on 24 November 2004. No modifications were made to the management plan under section 60(2) of the Act, and it comes into operation with this *Gazette* notice.

The management plan will provide direction for the planning, management and protection of Herdsman Lake Regional Park by encouraging the protection of park values, anticipating future community requirements and developing strategies aimed at addressing management issues and concerns.

Copies of the draft plans may be obtained from the following Department of Conservation and Land Management (CALM) offices—

State Operations Headquarters, Technology Park Western Precinct, 17 Dick Perry Avenue, Kensington WA 6151; and

Regional Parks Unit, Level 1, 4-6 Short Street, Fremantle WA 6160.

They can also be downloaded from CALM's NatureBase webpage:

<http://www.calm.wa.gov.au/cgi-bin/participate/plancomment.pl>

Submissions can be made on-line, or as a written response addressed to—

Regional Parks Coordinator

Regional Parks Unit

PO Box 1535

Fremantle WA 6959

KEIRAN McNAMARA, Executive Director,
Department of Conservation and Land Management.

Dr JOHN BAILEY, Chairman,
Conservation Commission of Western Australia.

ELECTORAL COMMISSION

EC401*

ELECTORAL ACT 1907

(Section 62H)

REGISTRATION OF POLITICAL PARTIES

New Country Party

I hereby give notice in accordance with Section 62H(5)(c) of the *Electoral Act 1907*, that I registered New Country Party as a political party in Western Australia on 30 November 2004.

WARWICK GATELY AM, Acting Electoral Commissioner.

ENERGY

EN401

ELECTRICITY INDUSTRY ACT 2004

COMMENCEMENT OF VARIOUS PROVISIONS OF THE MARKET RULES

Provisions 2.12.1, 2.12.2, 2.12.5, 2.28, 2.31.23(a), 2.31.23(d), 2.33.1(a) to (f), 2.33.1(m) to (o) and 2.33.2 of the Wholesale Electricity Market Rules made under regulation 6(2) of the *Electricity Industry (Wholesale Electricity Market) Regulations 2004* commence at 8.00 am (WST) on 4 January 2005.

Dated at Perth this 15th day of November 2004.

ERIC RIPPER, Minister for Energy.

FISHERIES

FI401

FISH RESOURCES MANAGEMENT ACT 1994

DETERMINATION OF THE CAPACITY OF THE NORTHERN DEMERSAL SCALEFISH MANAGED FISHERY FOR THE 2005 LICENSING PERIOD

I, Peter Millington, Executive Director of the Department of Fisheries, in accordance with sub-clause 19(5) of the *Northern Demersal Scalefish Managed Fishery Management Plan 2000*, do hereby determine the capacity of Area 2 of the *Northern Demersal Scalefish Managed Fishery* shall be limited to 1760 fishing days for the period commencing 1 January 2005 and ending on 31 December 2005.

P. J. MILLINGTON, Executive Director.

Dated this 26th day of November 2004.

HEALTH

HE401*

HEALTH ACT 1911

APPOINTMENTS

Department of Health WA,
Perth, 30 November 2004.

In accordance with the provisions of section 28 of the *Health Act 1911*, the appointment of the following persons as Environmental Health Officers is approved.

Environmental Health Officer	Date Effective	Local Government
Maurice Walsh	1 November 2004	Shire of Lake Grace
Jonathan Smith	5 November 2004	Town of Victoria Park
Gordon Tester	5 November 2004	Shire of Toodyay
Nathan Rayner	8 November 2004	Town of Bassendean
Peter Horgan	18 November 2004-7 January 2005	Town of Vincent
James McKechnie	5 January 2005	Shire of Shark Bay

Dr M. STEVENS, Executive Director, Public Health.

LOCAL GOVERNMENT

LG401*

BUSH FIRES ACT 1954*Shire of Dumbleyung***FIRE CONTROL OFFICERS 2004-05**

The following have been appointed as Bush Fire Control Officers for the Shire of Dumbleyung in accordance with the Bush Fires Act 1954. All previous appointments are hereby cancelled—

Chief Fire Control Officer and Fire Weather Officer—Norm Matthews

Deputy Chief Fire Control Officer and Fire Weather Officer—Jamie Dare

Kukerin Brigade	Norm Matthews
	John Clarke
	Darren Smith
	Stephen Adams
	Pat O'Neill
	Howard Joyce

Lakeview Brigade	Jamie Dare
	Trevor Dawson

Moulyinning Brigade	Graham Gooding
	Gordon Davidson
	Mervyn Mott

Nippering Brigade	Terry Ward
	Dale Lloyd

Dongolocking Brigade	Ken Smith
	Ken Wright

Datatine Brigade	Don O'Donnell
	Chris Ramm

The following have been appointed Dual Fire Control Officers for—

Shire of Dumbleyung and Katanning	Jamie Dare and Trevor Dawson
Shire of Dumbleyung and Kent	Don O'Donnell and John Clarke
Shire of Dumbleyung and Kulin	Pat O'Neill and Gordon Davidson
Shire of Dumbleyung and Lake Grace	Pat O'Neill and John Clarke
Shire of Dumbleyung and Wagin	Jamie Dare and Ken Wright
Shire of Dumbleyung and Wickepin	Gordon Davidson
Shire of Dumbleyung and Woodanilling	Jamie Dare and Ken Wright

The following have been appointed Dual Fire Control Officers for the Shire of Dumbleyung from—

Shire of Lake Grace	Rex Walker and Doug Dunham
Shire of Wickepin	Keith Parnell
Shire of Woodanilling	Roger Crosby and Eric Crossley
Shire of Kulin	Peter Mullan and Michael Dearlove
Shire of Kent	Jeff Patterson
Shire of Wagin	Glen Ward and Stephen Angwin

IAN V. CRAVEN, Chief Executive Officer.

LG402

BUSH FIRES ACT 1954*City of Geraldton***APPOINTMENT OF OFFICERS**

It is hereby notified for public information that in accordance with Section 38 of the Act, the Council of the City of Geraldton have appointed the following Officers—

Chief Fire Control Officer	Barry Allan Dodd
Deputy Chief Fire Control Officer	Archie Wahu Karakia Brown
Fire Control Officers	Cole Marcus Tanner
	Craig Mark Wing
	Laura Lisa MacLeod

All previous appointments are hereby cancelled.

R. W. JEFFERIES, Chief Executive Officer.

LG403*

LOCAL GOVERNMENT ACT 1995*Shire of Capel*
(BASIS OF RATES)Department of Local Government,
and Regional Development,
30 November 2004

DLGRD: CP5-4#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 Ljiljana Ravlich 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 16 November 2004.

CHERYL GWILLIAM Director General.

SCHEDULE
ADDITIONS TO GROSS RENTAL VALUE AREA
SHIRE OF CAPEL

All those portions of land being Lots 1511 to 1514 inclusive, Lots 1517 to 1524 inclusive, Lots 1536 to 1540 inclusive, Lots 1549 to 1560 inclusive and Lots 1575 to 1581 inclusive as shown on Deposited Plan 41449.

LG501*

BUSH FIRES ACT 1954*City of Bunbury***BUSH FIRE NOTICE AND REQUIREMENTS**

Pursuant to the powers contained in Section 33 of the Bush Fires Act, 1954, it is hereby notified that owner/occupiers of land with the District of the City of Bunbury are required to carry out fire prevention work in accordance with the provisions of this notice. This work must be carried out no later than 30 November 2004 and kept maintained throughout the summer months until 10 May 2005. The penalty of non-compliance with this notice is a maximum of \$1000, and notwithstanding prosecution, Council may enter upon the land and carry out required works at the owners/occupiers expense.

REQUIREMENTS**1. Rural and Townsite Land (includes residential, commercial and industrial)**

(a) Where the area of land is 2024m² (approximately 1/2 acre) or less, **remove** all flammable material on the land except living standing trees, from the whole of the land; and

(b) Where the area of land exceeds 2024m² provide firebreaks free of all flammable material and at least 3 metres wide, immediately inside all external boundaries of the land and also immediately surrounding all buildings and haystacks situated on the land. Where several adjoining lots are held or used by the owner/occupier, the firebreaks may be provided inside and along the external boundaries of the group or lots.

2. Rural Land

The owners of all rural holdings zoned as Rural under Town Planning Schemes must maintain clear of all flammable materials, a firebreak not less than three (3) metres wide immediately inside all external boundaries of the land.

3. Fuel and Gas Depots

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

4. Plantations**Boundary Firebreaks—**

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

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

Internal Firebreaks—

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

5. Burning Permits, Burning of Bush, Grass and Garden Refuse

Burning of anything including bush, grass and garden refuse is totally prohibited from 30th December 2004 to 28th March 2005 (inclusive).

Permits to burn are required for any burning including garden refuse at any time between November 15 2004 and December 29 2004 (inclusive) and between March 29 2005 and May 10 2005 (inclusive).

Permits to burn will only be issued to land owners/occupiers for hazard reduction burning until 30 November 2004 (inclusive). From 1 December 2004 to 29 December 2004 (inclusive), permits to burn will not be issued to land owner/occupiers for hazard reduction burning. Permits to burn will only be issued to fire brigades established in accordance with the Fire Brigades Act 1942 or the Bushfires Act 1954 and for any other burning as approved by the Councils Chief Bushfire Control Officer.

6. Campfires

Campfires are totally banned within the whole of the District of the City of Bunbury from 15 November 2004 until 10 May 2005 (inclusive).

7. Prohibited and Restricted Burning periods

Prohibited Burning Period: The 'prohibited burning' period that applies within the District of the City of Bunbury is 30 December 2004 to 28 March 2005 (inclusive).

Restricted Burning Period: The 'restricted burning' periods that apply within the District of the City of Bunbury are 15 November 2004 to 29 December 2004 (inclusive) and 29 March 2005 to 10 May 2005 (inclusive). These dates may be subject to variation according to seasonal conditions, but any changes will be advertised in a newspaper circulating the Bunbury District.

If it is considered for any reason to be impractical to clear firebreaks as required by this notice or if natural features render fire-breaks unnecessary, you may apply to the Council or its duly authorised officer not later than **15 November 2004** for permission to provide firebreaks in alternative positions or to take alternative action to abate fire hazards on the land. If permission is not granted by the Council or its duly authorised officer, the requirements of this notice shall be complied with. If the requirements of this notice are carried out by burning, such burning must be in accordance with the relevant provisions of the Bushfires Act.

It is hereby notified that in accordance with the Bush Fires Act 1954 the following have been appointed as Fire Control Officers for the District of the City of Bunbury.

John Kowal Chief Bush Fire Control Officer

Lewis Winter Deputy Chief Bush Fire Control Officer

Fire Control Officers

Brett Lappan, Dean Host, Harold Neil, Mark Bell, Jacquelyn Randall.

GREG TREVASKIS, Chief Executive Officer.

MEDICAL BOARD WA

MX401

MEDICAL ACT 1894**MEDICAL BOARD OF WESTERN AUSTRALIA****Orders of the Medical Board**

Inquiry No.: 1830-105

In the matter of Dr Bozena Bialozor and in the matter an Inquiry to be conducted by the Medical Board of Western Australia pursuant to Section 13 of the Medical Act 1984 as amended.

The Medical Board of Western Australia having issued a Notice of Inquiry pursuant to section 13 of the *Medical Act 1894* (as amended), makes the following orders—

- 1 The Notice of Inquiry dated 27 November 2003 be withdrawn.
- 2 There be no orders as to costs.

Dated the 9th day of November 2004.

SIMON HOOD, Registrar,
Medical Board of Western Australia.

PLANNING AND INFRASTRUCTURE

PI401*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Broome

Town Planning Scheme No. 4—Amendment No. 16

Ref: 853/7/2/4 Pt 16

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Broome Town Planning Scheme Amendment on 23 November 2004 for the purpose of excising portion of Reserve 1640, Broome from “Public Purposes” reservation and including it in the Residential Zone with R10, R10/20 and R50 Codes, as illustrated on the plan attached to the amending documents.

T. W. VINNICOMBE, President.
I. BODILL, Chief Executive Officer.

PI403*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Dalwallinu

Town Planning Scheme No. 1—Amendment No. 14

Ref: 853/3/5/1 Pt 14

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Dalwallinu Town Planning Scheme Amendment on 23 November 2004 for the purpose of reclassifying Lot 395 (Reserve 39431) Strickland Drive, Dalwallinu, from 'Recreation' Local Scheme Reserve to 'Special Use—Private School' zone, as more clearly shown on the Scheme Amendment Map.

R. T. ALLAN, President.
A. J. R. DOUST, Acting Chief Executive Officer.

PI402*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Broome

Town Planning Scheme No. 4—Amendment No. 18

Ref: 853/7/2/4 Pt 18

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Broome Town Planning Scheme Amendment on 23 November 2004 for the purpose of—

1. Amending the Zoning Table to change Aged Persons Accommodation, Single House, Grouped Dwellings and Multiple Dwellings from a “P” use to an “X” use in the Mixed Use Zone as follows—

Use Class	Zones
	Mixed Use
Residential—	
1. Aged Persons Accommodation	X
2. Single House	X
3. Grouped Dwellings	X
4. Multiple Dwellings	X

2. Deleting the word “residential” from clause 4.16.1.1 so that it reads—
The aim of the zone is to provide for tourist, offices, commercial, showrooms and other compatible uses which complement the mixed use character of the locality.
3. Deleting the words “residential and” from clause 4.16.1.2(c) so that it reads—
Ensure all development reflects Broomestyle Architecture within an open landscaped site and streetscape which is compatible with a tourist accommodation environment.

4. Deleting the words “residential or” from clause 4.16.2.4 so that it reads—
Carparking for residential or tourist land uses, which are within a site which comprise a mixed land use/development, shall be located in an area which is separate from any car parking for commercial land uses, and exclusively used for tourist land use.
5. Deleting the word “residential” from clause 4.16.3 so that it reads—
Tourist Development.
6. Deleting clause 4.16.3.1

T. W. VINNICOMBE, President.
I. BODILL, Chief Executive Officer.

PI404*

TOWN PLANNING AND DEVELOPMENT ACT 1928

DIRECTION

In the matter of Appeal No. 277 of 2004 in the Town Planning Appeal Tribunal between Moore River Company Pty Ltd, Appellant and the Western Australian Planning Commission, Respondent.

Direction to the Town Planning Appeal Tribunal to refer appeal with recommendations to the Minister for Planning and Infrastructure pursuant to section 70(2)(b) of the *Town Planning and Development Act 1928*.

To: Town Planning Appeal Tribunal
Level 4, 12 St George's Terrace
PERTH WA 6000

1. On 19 November 2004, Appeal No. 277 of 2004 between Moore River Company Pty Ltd, appellant and the Western Australian Planning Commission, respondent (“the Appeal”) was filed in the Town Planning Appeal Tribunal.
2. I, Minister for Planning and Infrastructure, consider that the Appeal raises issues of such regional importance that it is appropriate for the Appeal to be determined by the Minister for Planning and Infrastructure.
3. I therefore direct you, pursuant to section 70(2)(b) of the *Town Planning and Development Act 1928*, to hear the Appeal but, without determining it, to refer it with your recommendations to the Minister for Planning and Infrastructure, for determination.

Dated 26 November 2004.

ALANNAH MacTIERNAN, MLA, Minister for Planning and Infrastructure.

PI405*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Melville

Community Planning Scheme No. 5—Amendment No. 34

Ref: 853/2/17/12 Pt 34

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the City of Melville Town Planning Scheme Amendment on 30 November 2004 for the purpose of—

1. Amending Schedule 3 Additional Uses and Special Conditions of the Scheme Text as follows—

NO.	ADDRESS	ADDITIONAL USE	SPECIAL CONDITIONS
43.	Lot 32 (520) Canning Highway, corner Ince Road, Attadale	Consulting Rooms	Maximum of four (4) Health Consultants and one (1) other staff to operate from the premises at any one time, with hours of operation limited to 7.00 am to 9.00 pm Monday to Thursday, Friday 7.00 am to 8.00 pm, Saturday, Sunday and Public Holidays 8.00 am to 5.00 pm.

2. Amending the Scheme Map by inserting the symbol for Additional Uses onto Lot 32 (520) Canning Highway.

K. J. JACKSON, Mayor.
J. J. MCNALLY, Chief Executive Officer.

PI406*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Murray

Town Planning Scheme No. 4—Amendment No. 185

Ref: 853/6/16/7 Pt 185

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Murray Town Planning Scheme Amendment on 30 November 2004 for the purpose of—

1. Inserting Home-Occupation as an additional permitted use in Schedule 3—Canal Development Zone as follows—

Description of Land	Permitted Uses	Development Control Provisions
“Yunderup Canal Estate— Stage 1” as delineated on Scheme Map and bounded by Kiap Road, Wellya Crescent, Moyup Way; Warma Way and Allambi Way, South Yunderup.	7. Home-Occupation	May be approved at the discretion of Council.
“Yunderup Canal Estate— Stage 2” as delineated on the Scheme Map and being Lots 5, Pt 6, Pt 7 and Pt Lot 8 Kiap Road, South Yunderup.	6. Home-Occupation	May be approved at the discretion of Council.
“Yunderup Canal Estate— Stage 3” as delineated on the Scheme Map and being Pt Lot 18 Warma Way, South Yunderup.	6. Home-Occupation	May be approved at the discretion of Council.
“Murray Waters” Canal Estate as delineated on the Scheme Map and bounded by Pelican Road; South Yunderup Road and Willow Place, South Yunderup.	8. Home-Occupation	May be approved at the discretion of Council.
“Murray Lakes” as delineated on the Scheme Map and bounded by Banksia Road, Cammarri Way, Sunland Avenue, South Yunderup Road; Delta Drive and Patemen Place, South Yunderup.	9. Home-Occupation	May be approved at the discretion of Council.

2. Amending the Scheme text accordingly.

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

PI408*

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

District Planning Scheme No. 2—Amendment No. 41

Ref: 853/2/30/19 Pt 41

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the City of Wanneroo Town Planning Scheme Amendment on 30 November 2004 for the purpose of—

1. Rezoning portions of Lots 118 and 807 and 'A' Class Reserve 27575, Clarkson, from unzoned and General Rural to Urban Development.
2. Rezoning portions of land abutting the Mitchell Freeway reservation at Clarkson, Ridgewood, Butler and Alkimos from unzoned and General Rural to Urban Development.

3. Rezoning portions of land abutting the Wanneroo Road reservation at Nowergup, Neerabup and Carramar from unzoned to Rural Resource, General Rural, Special Residential and Special Rural.
4. Amending the Scheme Map accordingly.
5. Inserting the following in Schedule 12: Environmental Conditions—
 3. Location of Land
Portions of Lots 118 and 807 and 'A' Class Reserve 27575, Clarkson
Environmental Conditions—
 - 3.1 Buffer from Tamala Park Landfill
Residential land uses shall not be permitted within 500 metres of the active face of any existing or proposed putrescible waste filling area. Encroachments within this buffer may be acceptable if it is demonstrated to the Environmental Protection Authority, through appropriate studies and investigations, that odour, noise, landfill gas and dust will not adversely impact on future residents.
 - 3.2 Environmental Management Plans
The following Management Plans are to be prepared in accordance with the specifications set out in Attachment 2 to the Minister for the Environment's "Statement that a Scheme may be Implemented" No 629 published on 8 July 2003 and shall subsequently be implemented in accordance with the provisions of those Management Plans—
 - Environmental Management Plan.
 - Stygofauna and Troglobitic Fauna Management Plan.

J. KELLY, Mayor.
C. JOHNSON, Chief Executive Officer.

PI407*

TOWN PLANNING AND DEVELOPMENT ACT 1928

Advertisement of Approved Town Planning Scheme Amendment

Shire of Murray

Town Planning Scheme No. 4—Amendment No. 192

Ref: 853/6/16/7 Pt 192

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Murray Town Planning Scheme Amendment on 30 November 2004 for the purpose of—

1. Inserting Bed and Breakfast Accommodation as an additional permitted use in Schedule 3—Canal Development Zone as follows—

Description of Land	Permitted Uses	Development Control Provisions
“Yunderup Canal Estate—Stage 1” as delineated on Scheme Map and bounded by Kiap Road, Wellya Crescent, Moyup Way; Warma Way and Allambi Way, South Yunderup	8. Bed and Breakfast Accommodation	To be determined as an “SA” use in accordance with clause 5.2.2.
“Yunderup Canal Estate—Stage 2” as delineated on the Scheme Map and being Lots 5, Pt 6, Pt 7 and Pt Lot 8 Kiap Road, South Yunderup	7. Bed and Breakfast Accommodation	To be determined as an “SA” use in accordance with clause 5.2.2.
“Yunderup Canal Estate—Stage 3” as delineated on the Scheme Map and being Pt Lot 18 Warma Way, South Yunderup	7. Bed and Breakfast Accommodation	To be determined as an “SA” use in accordance with clause 5.2.2.

2. Amending the Scheme text accordingly.

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

PI409*

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

City of Wanneroo

District Planning Scheme No. 2—Amendment No. 47

Ref: 853/2/30/19 Pt 47

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the City of Wanneroo Town Planning Scheme Amendment on 30 November 2004 for the purpose of recoding Lot 279 Penola Court, Clarkson from R20 to R40 and amending the Scheme Maps accordingly.

S. SALPIETRO, Mayor.
 C. JOHNSON, Chief Executive Officer.

PI703*

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

Town of East Fremantle

Town Planning Scheme No. 3

Ref: 853/2/4/4

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Town of East Fremantle Town Planning Scheme No. 3 on 4 October 2004, the Scheme Text of which is published as a Schedule annexed hereto.

J. O'NEILL, Mayor.
 S. WEARNE, Chief Executive Officer.

SCHEDULE

Town of East Fremantle

TOWN PLANNING SCHEME No 3

SCHEME TEXT

Preamble

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

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

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

Scheme Details

Town of East Fremantle

Town Planning Scheme No. 3

(Zoning Scheme)

The Town of East Fremantle 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 Town of East Fremantle Planning Scheme No. 3 ('the Scheme') comes into operation on its Gazettal date.

1.1.2 Town Planning Scheme No. 2, Gazetted on 9 July 1982 is hereby revoked.

1.2 Responsible Authority

The Town of East Fremantle, is the responsible authority for implementing the Scheme.

1.3 Scheme Area

The Scheme applies to the Scheme Area, which covers all of the local government district of the Town as shown on the Scheme Map.

1.4 Contents of Scheme

The Scheme comprises—

- (a) the Scheme Text, and
- (b) the Scheme Map

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

1.5 Purpose of the Scheme

The purposes of the Scheme are to—

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

1.6 Aims of the Scheme

The aims of the Scheme are—

- (a) To recognise the historical development of East Fremantle and to preserve the existing character of the Town;
- (b) To enhance the character and amenity of the Town, and to promote a sense of place and community identity within each of the precincts of the Town;
- (c) To promote the conservation of buildings and places of heritage significance, and to protect and enhance the existing heritage values of the Town;
- (d) To provide for a variety of development to meet the needs of the community with regard to housing, employment and services;
- (e) To conserve and enhance the natural environmental attributes of the Town by incorporating environmental principles into public and private decision making;
- (f) To ensure the safe and convenient movement of people throughout the Town, including pedestrians, cyclists, public transport users and motorists;
- (g) To facilitate and encourage effective public involvement in planning issues of significance to the character, amenity and environmental attributes of the Town.

1.7 Definitions

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

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

There are no other Schemes of the Town of East Fremantle.

1.10 Relationship to the Metropolitan Region Scheme

The Scheme is complementary to the Metropolitan Region Scheme and the provisions of the Metropolitan Region Scheme continue to have effect.

PART 2: LOCAL PLANNING FRAMEWORK

2.1 Scheme determinations to conform with Local Planning Strategy

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

2.2 Local Planning Policies

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

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

and may amend or add to or rescind the Policy.

2.3 Relationship of Local Planning Policies to Scheme

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

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

2.4 Procedures for Making and Amending a Local Planning Policy

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

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

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

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

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

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

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

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

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

2.5 Revocation of Local Planning Policy

A Local Planning Policy may be revoked by—

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

2.6 Local Planning Policies Made Under Previous Scheme

2.6.1 Where a Local Planning Policy has been advertised and adopted in accordance with the provisions of Town Planning Scheme No 2, it shall continue to have effect as if it were made under the Scheme

2.6.2 A Local Planning Policy made under Town Planning Scheme No. 2 may be amended or revoked in accordance with the provisions of clause 2.4 and clause 2.5 respectively.

Note: Recognition of Local Planning Policies made in accordance with the requirements of the previous Scheme are essential to the effective administration of the Scheme, and are necessary to fill the policy vacuum which would otherwise occur upon the Gazettal of the Scheme. Such 'savings' are common when legislation is amended and where subsidiary instruments have been made under the superceded legislation, e.g. by-laws made under the Local Government Act 1960.

PART 3: RESERVES

3.1 Reserves

Certain lands within the Scheme Area are shown on the Scheme Map and classified into either—

- (a) Regional Reserves; or
- (b) Local Reserves.

3.2 Regional Reserves

3.2.1 The land shown as 'Regional Reserves' on the Scheme Map are lands reserved under the Metropolitan Region Scheme and are shown on the Scheme Map for the purposes of the *Metropolitan Region Town Planning Scheme Act 1959/WA Planning Commission Act 1985*. These lands are not reserved under the Scheme.

3.2.2 The approval of the local government under the Scheme is not required for the commencement or carrying out of any use or development on a Regional Reserve.

Note: The provisions of the Metropolitan Region Scheme continue to apply to such Reserves and approval is required under the Metropolitan Region Scheme from the Commission for the commencement or carrying out of any use or development on a Regional Reserve unless specifically excluded by the Region Scheme.

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.

Note: This clause is to be read in conjunction with clause 8.1 and 8.2 under which certain development (including specified use) of local reserves is permitted and does not require the planning approval of local government.

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.

ZONING TABLE (Clause 4.3 Refers)

Use Class	Residential	Mixed Use		Special Business	Town Centre
		Canning	George		
Advertising Sign	A ¹	A ¹	A ¹	A ¹	A ¹
Aged or Dependent Persons Dwelling	D	P	P	P	A
Amusement Parlour	X	X	X	X	A
Ancillary Accommodation	A	P	P	P	X
Bed and Breakfast	A	A	A	A	A
Caretaker's Dwelling	X	D	D	D	D
Child Care Premises	A	A	D	D	P
Cinema/Theatre	X	X	A	X	D
Civic Use	A	P	P	P	P
Club Premises	X	A	A	D	A
Community Purposes	A	D	D	P	D
Consulting Rooms	X	D	D	P	P
Convenience Store	X	X	X	X	X
Educational Establishment	A	A	A	D	A
Exhibition Centre	X	P	D	P	P
Family Day Care	A	D	D	D	X
Fast Food Outlet (<i>Refer 5.8.9</i>)	X	A	A	X	A
Funeral Parlour	X	A	X	A	A
Grouped Dwelling	D/A ²	D	D	D	A
Home Business	X	D	D	D	D
Home Occupation	D	D	D	D	D
Home Office	P	P	P	P	P
Home Store	X	X	A	X	X
Hospital	X	X	X	X	A
Hotel	X	X	X	X	A
Industry—Cottage	A	A	D	D	D
Industry—Service	X	A	D	D	D
Market	X	X	X	X	A
Medical Centre	X	A	A	P	P
Motel	X	X	X	X	A
Multiple Dwelling	A ³	X	A	X	A
Night Club	X	X	X	X	X
Office	X	A	D	P	P
Place of Worship	X	A	A	A	D
Pre-School/Kindergarten	A	X	D	D	P
Recreation—Private	X	A	A	D	A
Residential Building	X	A	A	D	A
Restaurant	X	A	D	P	P
Service Station	X	X	X	X	X
Shop	X	A	A	D	P
Showrooms	X	A	A	D	D
Single House	P	P	P	P	X
Tavern	X	X	A	X	A
Telecommunications Infrastructure	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴
Veterinary Centre	X	A	A	P	A

1. Advertisement which meet the requirements for the particular land use as set out in Schedule 5, are exempt from Planning Approval except in respect of a place included in the Heritage List or in a Heritage Area. [Clause 8.2(e) refers] Exempt advertisements are therefore deemed to be a 'P' use.

2. In areas with a density coding of R12.5, where a density bonus is sought for Grouped Dwellings on corner lots, applications shall be dealt with as an 'A' use. (Sub-clause 5.3.2)

3. In areas with a density coding of less than R40, Multiple Dwelling is an 'X' use.

4. Subject to the provisions of: the *Telecommunications Act 1997*; the *Telecommunications (Low-impact Facilities) Determination 1997* and Amendment No. 1; and the *Telecommunications Code of Practice 1997*.

PART 4: ZONES

4.1 Zones

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

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

4.2 Objectives of the zones

The objectives of the zones are—

General

- To recognise and respect the desired future character of each precinct, and to ensure future development is sympathetic with that character.
- To recognise the historical development of East Fremantle and its contribution to the identity of the Town.
- To conserve significant places of heritage value, and to preserve the existing character of the Town.
- To promote the integration of transport and land use, and to encourage the use of low energy transport modes, such as walking, cycling and public transport.
- To facilitate and encourage effective public involvement in planning issues and processes.

Residential Zone

- To provide for a range and variety of housing to meet the social and economic needs of the community, while recognising the limitations on re-development necessary to protect local character.
- To safeguard and enhance the amenity of residential areas and ensure that new housing development is sympathetic with the character and scale of the existing built form.
- To encourage high standards and innovative housing design, which recognises the need for privacy, solar access, cross ventilation, water sensitive design and provision of 'greenspace'.
- To protect residential areas from encroachment of inappropriate land uses which are likely to detract from residential amenities, but to provide for a limited range of home-based activities compatible with the locality.
- To recognise the importance of design elements such as the 'front yard' and the 'back yard' to the character, amenity and historical development of the Town and to the community.

Town Centre Zone

- To provide for a range of commercial shopping, civic and community facilities to meet the day to day needs of the community and which will contribute towards the vibrancy of the Town.
- To encourage the development of a consolidated Town Centre, which will provide a focus for the community and exhibit a high standard of urban design in keeping with the historical character of the Town.
- To enhance pedestrian connectivity to and within the Town Centre, so as to facilitate the safe and convenient movement of local residents, and enhance the viability of Town Centre businesses.
- To ensure the location and design of vehicular access and parking facilities do not detract from the character or integrity of the Town Centre or the streetscapes which define the centre.

Mixed Use Zone

- To provide for a limited range of commercial, civic and community facilities to meet the day to day needs of the community, but which will not prejudice the amenities of the neighbourhood;
- To ensure future development within each of the Mixed Use Zones is sympathetic with the desired future character of each area, and that a significant residential component is retained as part of any new development;
- To promote the coordination of development within each of the Mixed Use zones and to facilitate the safe and convenient movement of pedestrians to and within the area;
- To ensure the location and design of vehicular access and parking facilities do not detract from the amenities of the area or the integrity of the streetscape.

Special Business Zone

- To provide for a limited range of commercial facilities and services to meet the day to day needs of the community;
- To promote the coordination of development within the Special Business zone and to facilitate the safe and convenient movement of pedestrians to and within the area;
- To ensure the location and design of vehicular access and parking facilities do not detract from the amenities of the area or the integrity of the streetscape.

4.3 Zoning Table

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

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 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, the proposed use falls within the same use class as that previously approved by the local government and the proposed use complies with all the relevant development standards and any requirements of the Scheme or conditions of approval to which the previous use was subject;
- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot, and the proposed use complies with all the relevant development standards and any requirements of the Scheme or conditions of approval to which the development is subject; or
- (d) the change is to an incidental use that does not change the predominant use of the land, and the proposed use complies with all the relevant development standards and any requirements of the Scheme or conditions of approval to which the previous use was subject.

- 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 may 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 any use class in the Table, the local government may—

- (a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
- (b) determine that the use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.5 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives and purposes 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.

4.6 Restricted Uses

(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 which do not comfortably sit within any other zone in the Scheme.*

4.8 Non-Conforming Uses

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

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

4.9 Extensions and changes to a non-conforming use

4.9.1 A person must not—

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

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

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

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

4.10 Discontinuance of non-conforming use

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

4.11 Termination of a non-conforming use

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

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

4.12 Destruction of non-conforming use buildings

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

PART 5: GENERAL DEVELOPMENT REQUIREMENTS

5.1 Compliance with Development Standards and Requirements

5.1.1 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, as amended, 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 to the provisions of those Codes.

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

5.2.4 Where a site is identified as having a split density coding such as R12.5/30, the higher code may only be employed where the specific requirements identified for development or re-development of the site as set out in Schedule 2 are addressed to the satisfaction of the local government. In all other circumstances, the lower of the two codes prevails.

5.3 Special Application of Residential Design Codes (Variations)

5.3.1 *Density Bonus for Corner Lots:* In areas with a density coding of R12.5, the local government may approve development up to a density of R20 on corner lots where the dwellings are designed to face each of the two street frontages, and in the opinion of local government, there will be an improvement in the overall amenity of the streets as a result of the development.

5.3.2 *Highway frontage dual coding:* In the case of those sites with frontage on to Canning Highway and which are designated with a dual density coding, development above the lower density coding is subject to the following requirements—

- (a) Sole vehicular access to the site is to be via a street other than Canning Highway;
- (b) Noise attenuation measures are to be included in all dwellings, which will in the opinion of the local government, reduce traffic noise to an acceptable level within all habitable rooms;
- (c) Development is to be designed to face the frontage to Canning Highway, and any other street to which the site has frontage; and
- (d) The heritage value of any place included on the heritage list under clause 7.1 of the Scheme, is to be maintained, to the satisfaction of the local government.

Note: Development of land affected by the Primary Regional Road Reserve associated with Canning Highway, is also subject to the requirements of the Metropolitan Region Scheme.

5.3.3 *Existing non-complying development:* Where a lot contains an existing authorised development which exceeds the prescribed density coding, the local government may permit redevelopment of the lot up to the same density as the existing development, or of a different form than otherwise permitted, provided that—

- (a) in the opinion of the local government, the proposed development will contribute more positively to the scale and character of the streetscape, the improvement of the amenity of the area, and the objectives for the precinct than the existing building; and
- (b) except where proposed development comprises minor alterations to the existing development which, in the opinion of the local government, do not have a significant adverse effect on the amenity of adjoining land, advertising of the proposed development has been undertaken in accordance with the provisions of clause 9.4.

5.3.4 *Residential Development in Non-Residential Zones:* Subject to clause 5.3.5, where residential development is provided for in non-residential zones, a maximum density of R40 shall apply, although the local government may vary the requirements relating to bulk, form and setbacks so as to facilitate coordinated development, having regard to the local government's objectives for the Precinct.

5.3.5 *Residential Development in the Town Centre Zone:* Notwithstanding the provisions of clause 5.3.4, the local government may approve residential development at a density in excess of R40 in the Town Centre Zone, where it is satisfied that the resultant design and mix of development will be consistent with the planning proposals contained in the Local Planning Strategy and accord with any approved development plan for the centre.

5.4 Restrictive Covenants

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

5.5.1 *General Requirements:* Unless otherwise provided for in the Scheme, development of land in the Residential Zone for purposes other than residential shall accord with the requirements of the Scheme for residential development under the relevant density code.

5.5.2 *Car Parking Standards:* Car parking in respect of any non-residential development in the Residential Zone shall be provided in accordance with the standards set out in Schedule 11 of the Scheme, and the specifications in Schedule 12 of the Scheme. Where there are no standards for a particular use or development, The local government shall determine what standards shall apply. In its determination of the requirements for a particular use or development which is not listed in Schedule 11 of the Scheme, the local government shall take into consideration the likely demand for parking generated by the use or development.

5.5.3 *Location of Car Parking:* Required car parking shall be provided on the site of the development for which it is required, or subject to the local government's approval, off-site in the immediate vicinity of the development site. Before approving any proposal for off-site parking, the local government will need to be satisfied that such off-site parking areas will continue to be available for use in conjunction with the development at such times as it might reasonably be required. The local government may accept immediately adjacent on-street car parking as satisfying part or all of the car parking requirements for development, provided such allocation does not prejudice adjacent development or adversely affect the safety or amenity of the locality.

5.5.4 *Commercial Vehicle Parking:* Parking of Commercial Vehicles in the Residential Zones shall not be permitted except in accordance with the provisions set out in the following paragraphs of this sub-clause. A vehicle shall be considered to be parked on a lot for the purposes of this sub-clause, if it remains on that lot for more than 1 hour in aggregate in any 24 hour period, unless the vehicle is being used in connection with ongoing construction, delivery or collection operation legally being carried out on the lot.

- (a) No more than one Commercial Vehicle is parked on any lot;

- (b) The lot on which a Commercial Vehicle is parked contains only a single house (including any associated outbuildings);
- (c) The vehicle is parked entirely on the subject lot and is located on a hard standing area which is located behind the front building setback line, or alternatively the vehicle is parked within a garage;
- (d) The vehicle is used as an essential part of the lawful occupation of an occupant of the house. The foregoing requirement of this item shall not be satisfied in any case unless the owner of the vehicle or an occupier of the house within 7 days of the local government making a request, supplies to the local government full information as to the name and occupation of the person said to be using the vehicle.
- (e) The vehicle does not exceed 2.5 metres in height, 2.5 metres in width, or 8 metres in length;
- (f) The vehicle is not started or manoeuvred on site between the hours of 10 p.m. and 6 a.m. the next following day;
- (g) While on the lot, the vehicle's motor is not left running while the vehicle is unattended or in any event for any period in excess of 5 minutes;
- (h) Any noise created by the vehicle does not exceed the standards for the relevant area set out in the *Environmental Protection (Noise) Regulations 1996*;
- (i) Only minor servicing or cleaning of the vehicle is carried out on the lot and then provided that work is carried out behind the front building setback line;
- (j) Storage of liquid fuels on the lot complies with the *Explosive and Dangerous Goods Act, 1961*;
- (k) The vehicle is not used or designed for use for the transportation of livestock or the transportation or disposal of liquid or solid wastes; and
- (l) The vehicle is not carrying a refrigeration unit which is operating on a continuous or intermittent basis.

5.5.5 Parking of Boats, Trailers, Caravans, and the like: A person shall not without the consent of the local government park or permit to be parked any Boat, Trailer, Caravan or like vehicle for any purpose on land within the Residential Zones unless the vehicle is parked behind the front setback line. A vehicle shall be considered to be parked on land for the purpose of this clause if it remains on the same lot for more than 4 hours in aggregate in any 24 hour period.

5.6 Variations to site and development standards and requirements

5.6.1 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 the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

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

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

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

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

5.7 Environmental conditions

5.7.1 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.

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

5.7.3 The local government is to—

- (a) maintain a register of all relevant statements published under sections 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*. At the time of its Gazettal, the Scheme was not subject to any environmental conditions.

5.8 Commercial Zones (Town Centre, Special Business and Mixed Use)

5.8.1 Building Setbacks: Except as otherwise required or permitted by the local government, buildings in the Commercial Zones are to be aligned with the front property boundary, and are to be built up to any side boundary, other than a boundary which abuts the Residential Zone. In the case of a

boundary which abuts land situated in the Residential Zone, the side setback standards applicable to the adjoining Residential Zoned land are to apply, unless varied in accordance with the provisions of clause 5.6 of the Scheme.

Note: In the case of a site included on the Heritage List referred to in Part 7 of the Scheme, the local government may require in any particular case, additional setbacks in order to protect the heritage value of the site.

5.8.2 *Building Height*: Except as otherwise permitted by the local government, the maximum height of buildings in the Commercial Zones are to be as follows—

- | | | |
|-----------------------|-------------------|----------------------|
| (a) Town Centre: | Walls: 8.0 metres | Overall: 10.5 metres |
| (b) Special Business: | Walls: 8.0 metres | Overall: 10.5 metres |
| (c) Mixed Use: | Walls: 5.5 metres | Overall: 8.0 metres |

5.8.3 *Pot Ratio*: Except as otherwise permitted by the local government, the maximum plot ratio in the Commercial Zones are to be as follows—

- | | |
|----------------------|-------|
| (a) Town Centre: | 0.5:1 |
| (b) Special Business | 0.5:1 |
| (c) Mixed Use: | 0.5:1 |

5.8.4 *Design and Landscaping*: The design and landscaping of all development in the Commercial Zones are to be undertaken in accordance with a Landscape Plan to be approved by the local government, and which has regard to the requirements of any local government Policy or Design Guidelines relevant to the form and location of development proposed.

5.8.5 *Car Parking and Vehicular Access*: Car parking in respect of development in the Commercial Zones is to be provided in accordance with the standards set out in Schedule 11 of the Scheme and the specifications in Schedule 4 of the scheme. Where there are no standards for a particular use or development, the local government is to determine what standards are to apply. In its determination of the requirements for a particular use or development which is not listed in Schedule 11 of the Scheme, the local government is to take into consideration the likely demand for parking generated by the use or development.

5.8.6 *Location of Car Parking*: Required car parking is to be provided on the site of the development for which it is required, or subject to the local government's approval, off-site in the immediate vicinity of the development site. In considering a proposal for off-site parking, applicants will need to demonstrate to the satisfaction of the local government that any off-site parking areas will continue to be available for use in conjunction with the development at such times as it might reasonably be required.

5.8.7 *On-Street Parking*: The local government may accept immediately adjacent on-street car parking as satisfying part or all of the car parking requirements for development, provided such allocation does not prejudice adjacent development or adversely affect the safety or amenity of the locality.

5.8.8 *Cash-in-lieu of Parking*: The local government may accept or require cash-in-lieu of all or a proportion of required car parking, based on the estimated cost of providing the requisite parking, including any associated access and manoeuvre facilities. Cash-in-lieu of parking shall be paid into a trust fund and used to provide public parking in the vicinity of the development site(s) in relation to which any cash-in-lieu contributions have been received.

5.8.9 *Fast Food Outlets*: Fast food outlets within the Scheme Area shall not include a drive through facility.

Note: Drive-through fast food outlets have the potential to disrupt the continuity of commercial frontages where situated in a commercial zone, and are not compatible with the principles of 'Main Street' commercial centres of the type sought for East Fremantle.

5.8.10 *Development in the Mixed Use Zone*: The local government will generally not approve any development or re-development involving a change in use of existing residential floorspace in a Mixed Use zone, unless it is satisfied that an appropriate mix of uses, including residential, is to be maintained. No development is to be approved in a Mixed Use zone where it would prejudice the character or amenity of the locality by reason of the nature of the resultant activities, the building design or the impact of traffic or car parking.

Note: While the Mixed Use zones are intended to provide for a range of commercial facilities, residential development is an essential characteristic of these areas, and care needs to be taken to ensure preservation of a residential component.

5.9 Advertising Signs

5.9.1 Except as provided for in Schedule 5 of the Scheme, no advertising sign are to be erected or displayed without the approval of the local government.

5.9.2 Advertising signs are to be designed and constructed having due regard to any relevant local government Policy.

5.9.3 In its determination of any application for erection or display of an advertising sign for which planning approval is required, the local government is to take into consideration the likely impact of the proposal on the safety and amenity of the area.

PART 6: SPECIAL CONTROL AREAS

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

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

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

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

- (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 Heritage List such of the entries on the municipal inventory as it considers to be appropriate.

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

- (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.

7.1.7 Notwithstanding the provisions of clauses 7.1.2 to 7.1.3, the local government may establish the Heritage List by adopting any or all of the places that were incorporated in Appendix v—Schedule of Places Heritage Value in Town Planning Scheme No. 2 shall after the revocation of that scheme have the status for all relevant purposes of a Heritage List.

7.2. Designation of a heritage area

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

7.2.2 The local government is to—

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

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

- (a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;
- (b) advertise the proposal by—
 - (i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
 - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
 - (iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal;

and

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

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

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

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

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

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

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

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

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

7.3. Heritage agreements

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

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

7.4 Heritage assessment

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

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

Where desirable to—

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

the local government may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.6.2.

PART 8: DEVELOPMENT OF LAND

8.1. Requirement for approval to commence development

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

- Note:
1. The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).
 2. Development includes the erection, placement and display of any advertisements.
 3. Approval to commence development may also be required from the Commission under the Metropolitan Region Scheme.

8.2 Permitted development

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

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the Heritage List under clause 7.1 of the Scheme;
- (b) a home office;
- (c) the demolition of any building or structure except where the building or structure is—
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
 - (iv) located within a heritage area designated under the Scheme;

- (d) minor filling or excavation of land, provided there is no more than 500 mm change to the natural ground level;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees; and
- (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a heritage area.

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

8.3 Amending or revoking a planning approval

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

8.4 Unauthorized existing developments

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

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

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

PART 9: APPLICATIONS FOR PLANNING APPROVAL

9.1 Form of application

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

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

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

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

- Note:
1. Under the provisions of the Metropolitan Region Scheme, an application for planning approval in respect of land which is wholly within a regional reserve is to be referred by the local government to the Commission for determination. No separate determination is made by the local government.
 2. An application for planning approval in respect of land which is wholly within the management area of the Swan River Trust is to be referred by the local government to the Swan River Trust for determination by the Minister responsible for the *Swan River Trust Act 1988*.
 3. An application for planning approval in respect of land which is zoned under the Metropolitan Region Scheme and is—
 - (a) affected by a gazetted notice of resolution made by the Commission under clause 32 of the Metropolitan Region Scheme;
 - (b) within or partly within a planning control area declared by the Commission under section 35C of the *Metropolitan Region Town Planning Scheme Act 1959* or section 37B of the *Western Australian Planning Commission Act 1985*;
 - (c) partly within the management area of the Swan River Trust or which abuts waters that are in that area; or

- (d) affected by a notice of delegation published in the *Gazette* by the Commission under section 20 of the *Western Australian Planning Commission Act 1985* and is not of a type which may be determined by the local government under that notice,

is to be referred by the local government to the Commission in accordance with the requirements of the Metropolitan Region Scheme and notice of delegation. Separate determinations are made by the local government under the Scheme and the Commission under the Region Scheme.

4. This clause prescribes the form of application, and does not necessarily include all proposals which may be the subject of an application for planning approval. No application is required where development is exempt from the requirements for planning approval under clause 8.2.

9.2. Accompanying material

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

- (a) a plan or plans to a scale of not less than 1:500 showing—
- (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
 - (ii) the existing and proposed ground and floor levels over the whole of the site, and their relationship with those of the adjoining sites, including, where required by the local government, levels relative to the Australian Height Datum (AHD);
 - (iii) the location and type of existing vegetation, and identification of any trees or other significant vegetation proposed to be removed;
 - (iv) the location and type of all existing structures on the site and the identification of those structures proposed to be retained, modified or removed;
 - (v) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
 - (vi) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (vii) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (viii) 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;
 - (ix) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
 - (x) the nature and extent of any open space and landscaping proposed for the site;
 - (xi) proposals for drainage of the site, and disposal of stormwater run-off, either on-site or off-site;
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- (c) any specialist studies that local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and
- (d) any other plan or information that the local government may require to enable the application to be determined.

9.3 Additional material for heritage matters

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

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the site, and the location, type and height of all existing structures including existing structures and vegetation proposed to be removed, to the same scale as the site plan;
- (c) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the site and on each lot immediately adjoining the development site; and
- (d) A heritage assessment as provided for under clause 7.4 of the Scheme.

9.4 Advertising of applications

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

- (a) an 'A' use as referred to in clause 4.3.2; or

(b) a use not listed in the Zoning Table, the local government is not to grant approval to that application unless notice is given in accordance with clause 9.4.3.

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

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

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

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

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

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

PART 10: PROCEDURE FOR DEALING WITH APPLICATIONS

10.1 Consultation with other authorities

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

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

- 10.1.3
- (a) In the case of land within Area 2 of the Fremantle Inner Harbour Buffer Area as depicted on the Supplementary Scheme Map, the local government is to refer applications for development of any sensitive use (excluding residential development incorporating less than 5 dwellings), or any other application for development that will result in a concentration of people within Area 2, to Fremantle Ports for comment prior to determination of the application.
 - (b) Should the local government seek to amend the Scheme in a manner that could result in an increase in the development of sensitive uses within Area 2 or Area 3 of the Fremantle Inner Harbour Buffer Area as depicted on the Supplementary Scheme Map, the local government is to notify Fremantle Ports of its intention to do so as soon as practicable.
 - (c) For the purposes of this clause, the term 'sensitive use' includes residential development, major recreational areas, childcare facilities, aged persons facilities, prisons, hospitals schools and other institutional uses involving accommodation and any other use that the Council considers may be affected by proximity to the inner harbour of the Port of Fremantle.

Note: The local government is to produce and maintain a Port Buffer Policy in accordance with clause 2.4 of the Scheme to guide its deliberations when determining development applications or amending the Scheme in relation to land within the Fremantle Inner Harbour Port Buffer Area. The local government is to notify Fremantle Ports when preparing and/or amending its Port Buffer Policy and shall, prior to finalising the policy or any amendment, have due regard to any comment or advice provided by Fremantle Ports.

10.2 Matters to be considered by local government

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

- (a) the aims, objectives and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area (including the Metropolitan Region Scheme);
- (b) the provisions of the Local Planning Strategy, including the aims and objectives, the strategy for the relevant sector and any planning proposals for the particular precinct
- (c) 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;
- (d) any approved statement of planning policy of the Commission;
- (e) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- (f) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;

- (g) any Local Planning Policy adopted by the local government under clause 2.4 or effective under clause 2.6, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- (h) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (i) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;
- (j) the compatibility of a use or development with its setting;
- (k) any social issues that have an effect on the amenity of the locality;
- (l) the cultural significance of any place or area affected by the development;
- (m) 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;
- (n) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (o) the preservation of the amenity of the locality;
- (p) 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;
- (q) 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;
- (r) 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;
- (s) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (t) whether public utility services are available and adequate for the proposal;
- (u) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (v) whether adequate provision has been made for access by disabled persons;
- (w) 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;
- (x) whether the proposal is likely to cause soil erosion or land degradation;
- (y) the potential loss of any community service or benefit resulting from the planning approval;
- (z) any relevant submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 10.1.1;
- (zb) any other planning consideration the local government considers relevant;
- (zc) whether the proposal is consistent with the principles of water sensitive urban design.

10.3. Determination of applications

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

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

10.4 Form and date of determination

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

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

10.5 Term of planning approval

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

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

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

10.6. Temporary planning approval

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

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

10.7 Scope of planning approval

Planning approval may be granted—

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

10.8 Approval subject to later approval of details

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

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

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

10.9 Deemed refusal

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

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

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

10.10 Appeals

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

PART 11: ADMINISTRATION AND ENFORCEMENT

11.1 Powers of the local government

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

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

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

11.2 Removal and repair of existing advertisements

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

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

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

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

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

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

11.3 Delegation of functions

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

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

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

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

11.4 Person must comply with provisions of Scheme

A person must not—

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

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

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

is guilty of an offence.

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

11.5 Compensation

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

- (a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or
- (b) where the land has been reserved for a public purpose and—
 - (i) an application made under the Scheme for approval to carry out development on the land is refused; or
 - (ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,

not later than 6 months after the application is refused or the permission granted.

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

- Note:
1. A claim for compensation in respect of the refusal of planning approval or the imposition of conditions on land reserved under the Metropolitan Region Scheme should be made under the (*Metropolitan Region Town Planning Scheme Act 1959/Western Australian Planning Commission Act 1985*).
 2. 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*.

3. Property shall not be deemed to be injuriously affected by reason of any provisions in a town planning scheme which, with a view to securing the amenity, health, or convenience of the area, prescribe the space about, or limit the number of, or prescribe the height, location, purpose, dimensions, or general character of buildings, which the local government, considers reasonable for the purpose or which provide for the conservation of any land to which the *Heritage of Western Australia Act 1990* applies. (Refer section 12 of the Town Planning Act.)

11.6 Purchase or taking of land

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

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

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

11.7 Notice for removal of certain buildings

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

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

SCHEDULE 1: Dictionary of Defined Words and Expressions

(Clause 1.7)

1. General Definitions

In the Scheme—

“**advertisement**” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;

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

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

“**commercial zones**” means the Town Centre Zone, Special Business Zone and the Mixed Use Zone.

“**Commission**” means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act 1985*.

“**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 natural 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 Town of East Fremantle;

“**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*;

“**natural ground level**” at any point for the purposes of determining the height of a wall or building, means the ground level which existed prior to development (including any earth works), and shall be interpolated based on the natural ground level at a point on the boundary immediately opposite the point at which the level is to be determined. Where there is a level difference at or immediately adjacent to the boundary, the natural ground level at the boundary shall be taken to be ground level on the lower side of the boundary, unless it can be demonstrated to the satisfaction of the local government, that the lower level has resulted from excavation undertaken after the subdivision by which the relevant boundary was established;

“**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—non-residential development**”, has the same meaning as ‘plot ratio’ in the Residential Design Codes but with the deletion of the phrase ‘amenities common to more than one dwelling’;

“**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;

“**preservation**” in relation to a place of heritage significance, means maintaining the fabric of the place in its existing state and retarding deterioration;

Note: This definition has been taken from the Burra Charter.

“**reconstruction**” in relation to a place of heritage significance, means returning a place as near as possible to a known earlier state, and is distinguished by the introduction of materials (old or new) into the fabric;

Note: This definition has been adapted from the Burra Charter.

“**region scheme**” means a regional planning scheme made under the *Western Australian Planning Commission Act 1985*, as amended from time to time;

“**Region Scheme—Metropolitan**” means the Metropolitan Region Scheme within the meaning of the *Metropolitan Region Town Planning Scheme Act 1959*;

“**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;

“**restoration**” in relation to a place of heritage significance, means returning the existing fabric of the place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material;

Note: This definition has been taken from the Burra Charter.

“**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—

“**agriculture—extensive**” means premises used for the raising of stock or crops but does not include agriculture—intensive or animal husbandry—intensive;

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

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

“**agroforestry**” means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;

“**amusement parlour**” means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;

“**animal establishment**” means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre;

“**animal husbandry—intensive**” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;

“**bed and breakfast**” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;

“**betting agency**” means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*;

“**caravan park**” has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;

“**caretaker’s dwelling**” means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;

“**carpark**” means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;

“**child care premises**” has the same meaning as in the *Community Services (Child Care) Regulations 1988*;

“**cinema/theatre**” means premises where the public may view a motion picture or theatrical production;

“**civic use**” means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;

“**club premises**” means premises used by a legally constituted club or association or other body of persons united by a common interest;

“**community purpose**” means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit;

“**consulting rooms**” means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;

“**convenience store**” means premises—

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
- (b) operated during hours which include, but may extend beyond, normal trading hours;
- (c) which provide associated parking; and
- (d) the floor area of which does not exceed 300 square metres net lettable area;

“**corrective institution**” means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;

- “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—
- does not employ more than 2 people not members of the occupier’s household;
 - will not cause injury to or adversely affect the amenity of the neighbourhood;
 - does not occupy an area greater than 50 square metres;
 - does not involve the retail sale, display or hire of goods of any nature;
 - in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
 - 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—
- does not employ any person not a member of the occupier’s household;
 - will not cause injury to or adversely affect the amenity of the neighbourhood;
 - does not occupy an area greater than 20 square metres;
 - does not display a sign exceeding 0.2 square metres;
 - does not involve the retail sale, display or hire of goods of any nature;
 - 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
 - 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—
- entail clients or customers travelling to and from the dwelling;
 - involve any advertising signs on the premises; or
 - require any external change to the appearance of the dwelling;
- “home store”** means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;
- “hospital”** means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;
- “hotel”** means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;
- “industry”** means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for:
- the storage of goods;
 - the work of administration or accounting;
 - the selling of goods by wholesale or retail; or
 - 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—
- does not cause injury to or adversely affect the amenity of the neighbourhood;
 - 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;
- “**marina**” means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings and all offices and storerooms used in connection with the marina;
- “**marine filling station**” means premises used for the storage and supply of liquid fuels and lubricants for marine craft;
- “**market**” means premises used for the display and sale of goods from stalls by independent vendors;
- “**medical centre**” means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);
- “**motel**” means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Licensing Act 1988*;
- “**motor vehicle, boat or caravan sales**” means premises used to sell or hire motor vehicles, boats or caravans;
- “**motor vehicle repair**” means premises used for or in connection with—
- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
 - (b) repairs to tyres,
- but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;
- “**motor vehicle wash**” means premises where the primary use is the washing of motor vehicles;
- “**night club**” means premises—
- (a) used for entertainment with or without eating facilities; and
 - (b) licensed under the *Liquor Licensing Act 1988*;
- “**nursing home**” means any premises in which persons who do not require constant medical attention are received as residents for the purposes of medical supervision and nursing care;
- “**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;

“**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;

“**rural pursuit**” means any premises used for—

- (a) the rearing or agistment of animals;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
- (d) the sale of produce grown solely on the lot,

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

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

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,

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

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

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

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

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

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

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

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

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

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

SCHEDULE 2: Additional Use Sites and Requirements

(Clause 4.5)

No.	Description of Land	Additional Use and/or Development	Special Conditions
1	Lots 5,6 and 12 north-east corner Staton Road and Canning Highway	Service Station excluding Convenience Store	

No.	Description of Land	Additional Use and/or Development	Special Conditions
2	Part Lot 3 (No 75) Alexandra Road and Strata Lots 1 and 2 on Strata Plan 3487 (No 77) Alexandra Road, (Cnr Wolsley Road)	Car parking for Hospital (Kaleeya)	Subject to local government approval in accordance with the requirements for 'A' uses under the Scheme. Design (including access, location, landscaping and screening) to be such as to minimise any adverse impact on the amenity of adjacent properties.
3 4 5 6 7 8	Lot 1 north-east corner Marmion and East Streets Lot 170 north west corner Marmion and Hubble Streets Lot 344 north west corner Marmion and King Streets Pt Lot 67 north west corner Fletcher and Dalgety Streets Pt Lot 288 north west corner Fletcher and Oakover Streets Pt Lot 485 south west corner Wolsley and Osborne Roads	Consulting Rooms, Home Business and/or Shop - subject to local government approval in accordance with procedures for 'A' uses (Clause 9.4)	(a) Floor area of non-residential activity not to exceed 100m ² . (b) Buildings to be reconstructed, restored and/or preserved to the satisfaction of the local government prior to any change of use. The extent of works required, will be based on assessment of the heritage value of the existing building, the extent to which the proposed additional use will affect any heritage value. Note: Any requirements for reconstruction, restoration and/or preservation will be imposed as conditions of planning approval.
9	Lots 14, 15, 16, 17, 18 and 19 Canning Highway, between Glyde Street, and East Street	(i) R40 residential development, i.e. development above the base density code of R20, and (ii) ground floor use for Consulting Rooms and/or Home Business, subject to the approval of the local government. Note: To qualify for either of the foregoing additional uses, the requirements (Special Conditions) in column 4 applicable to the site, are to be met.	(a) Development to be designed with frontage and access to East and Glyde Streets; (b) Local government approval to an overall development plan to ensure coordinated development of site; (c) Any buildings proposed to be retained as part of the development to be refurbished to the satisfaction of the local government.
10	Lots 217, 218, 219, 256, 257 and 218 Bounded by View Terrace, Penshurst Street and Pier Street	R30 residential development, i.e. development above the base density code of R 12.5	(a) Refurbishment of the existing heritage listed house in accordance with a formal heritage assessment under Clause 6.4 of the Scheme; (b) Existing heritage house to be retained on a lot with grounds appropriate to the heritage value of the property; (c) Local government approval to an overall development plan to ensure coordinated development of the site.

No.	Description of Land	Additional Use and/or Development	Special Conditions
11	Lot 185 (No 235) Canning Highway (Cnr Irwin Street)	Shop, Consulting Rooms and/or Home Business Subject to local government approval in accordance with procedures for 'A' uses (Clause 9.4)	(a) Floor area of non-residential activity not to exceed 100m ² . (b) Building to be reconstructed, restored and/or preserved to the satisfaction of the local government prior to any change of use.
12	Lot 4 Pier Street	12 Special Purpose Dwellings	Subject to local government approval in accordance with the requirements for 'D' uses under the Scheme.
13	Lots 93 and 94 (No 22) Wolsely Road (Pilgrim Hostel)	Hostel and ancillary uses	Any change in the nature of use or occupancy requires the approval of the local government. Note: A change from an <i>aged care facility</i> to a <i>refuge</i> is an example of a change which would require approval.
14	Lots Pt 1, Pt 2 and 4 (No 10) Windsor Road (Braemar Nursing Home)	Nursing Home	Any change in the nature of use or occupancy requires the approval of the local government. Note: A change from <i>nursing home</i> to a <i>psychiatric hospital</i> is an example of a change which would require approval.

—————

SCHEDULE 3: Restricted uses

[cl. 4.6]

No.	Description of land	Restricted use	Conditions

—————

SCHEDULE 4: Special use zones

[cl. 4.7]

No.	Description of land	Special use	Conditions
1	Lot 102 Diagram 84181, Staton Road (Cnr Woolsley Road and Coolgardie Avenue)	Hospital	Minimum 10% of the site to be allocated as landscaped open space. Existing building to be retained and restored in accordance with an agreed Conservation Plan for the site.
2	Part Lot 2 Alexandra Road	Office (In-house training, In-house meetings, Record Storage, Community Purposes)	Minimum 10% of the site to be allocated as landscaped open space. Use for Community Purposes other than meetings and training, subject to approval in accordance with the requirements for 'A' uses under the Scheme.

SCHEDULE 5: Advertisements Exempt from Planning Approval*[Clause 7.2(e)]*

Advertisements which are exempt from the requirements to obtain the local government's Planning Approval, and the requirements applicable to each are defined as follows. N.B. The following exemptions do not apply to any place included on the Heritage List or in a Heritage Area.

Land Use	Sign Requirements
Residential (other than Residential Buildings)	One sign identifying the name of building. Maximum size of 0.2m ²
Home Occupation, Home Office or Cottage Industry	One sign describing the nature of the business. Maximum size 0.2m ²
Residential Buildings such as bed and breakfast establishments, hostels or lodging houses	One 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. Maximum size 0.4m ²
Place of Worship or Club Premises	One sign detailing the function and/or the activities of the institution. Maximum size 0.4m ²
Community Purposes, (e.g. Educational Establishment and Hospitals)	One sign detailing the function and/or the activities of the institution. Maximum size 5m ²
Commercial and Industrial Buildings (e.g. showrooms, shops, exhibition centres, restaurants, hotels, motels, taverns, cinemas/theatres)	Signs and advertisements painted or flush-mounted on the building provided no more than 5 metres above ground level. No maximum size provided there is no extension to the building surface. Information or display to relate to the business or activities on the site of the advertisement.
Public Places and Reserves (other than road reserves)	One or more signs displaying the name of the place or reserve and any other information relevant to its management or use.
Road Reserves, Public Car Parks, Cycleways and Railway Reserves	Signs required for the management and control of traffic or to provide directional or locational information, or information about works or conditions, but not including advertisement of individual businesses or services.
Property disposal (temporary sign)	One sign per street frontage advertising for sale, lease or rent the property on which the sign is situated. Maximum area as follows— <ul style="list-style-type: none"> • Sites less than 5000m²—2m² • Sites greater than 5000m²—5m²
Construction sites (temporary sign)	Signs containing details of the project, architects, contractors or builders, displayed only for the duration of the construction. Maximum area as follows— <ul style="list-style-type: none"> • Sites less than 5000m²—2m² • Sites greater than 5000m²—5m²
Statutory signs	Signs required to be exhibited by, or pursuant to any law.
All sites	Signs not readily visible from any public street or adjoining property.

SCHEDULE 6: Application for Planning Approval (Form)*(Clause 9.1)***OWNER DETAILS—**

Name.....

Address Post Code

Phone (work)(home)FaxE-Mail.....

Contact Person.....

Signature Date

SignatureDate

The signature of the land owner(s) is required on all applications.

APPLICANT DETAILS—

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

N.B. In signing the application, the applicant agrees to the Town of East Fremantle providing to members of the public, any documents (including plans) which the local government would be required to provide under the Local Government Act 1995 in respect of documents before the local government.

PROPERTY DETAILS—

Lot No. House/Street No. Location:
Diagram or Plan No. Certificate of Title Volume:Folio:
Title Encumbrances (e.g. easements, restrictive covenants).....
Street Name. Suburb.....
Nearest Street Intersection

DEVELOPMENT DETAILS—

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

(Clause 9.1)

TO BE COMPLETED IN ADDITION TO THE APPLICATION FOR PLANNING APPROVAL FORM

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

.....
.....

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 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—
.....

Period of time for which advertisement is required:

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 6 above.

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

Date:

SCHEDULE 8: Notification of Development Proposal

(Clause 9.4)

TOWN PLANNING ACT 1928 (as amended)

Town of East Fremantle

NOTICE OF DEVELOPMENT PROPOSAL

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

LOT No:STREET No:

STREET: LOCALITY:

PROPOSAL:

.....

Details of the proposal, including plans, 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

Signed Dated:.....

for and on behalf of the Town of East Fremantle



SCHEDULE 9: Notice of Decision on Application for Planning Approval

(Clause 10.4.1)

TOWN PLANNING ACT 1928 (as amended)

Town of East Fremantle

DECISION ON APPLICATION FOR PLANNING APPROVAL

LOCATION:

.....

LOT No: PLAN/DIAGRAM:

CERTIFICATE OF TITLE Volume: Folio:

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 decision, the approval shall lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development shall 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 decision there may be a right of appeal pursuant to the provisions of either the Scheme (Clause 7.14) or the Town Planning Act. In accordance with the Rules and Regulations made under the Town Planning Act, any appeal must be lodged within 60 days of the local government's decision.

Signed Dated:

for and on behalf of the Town of East Fremantle



SCHEDULE 9A: Revocation or Amendment of Planning Approval*(Clause 7.12)*

TOWN PLANNING ACT 1928 (as amended)

Town of East Fremantle

REVOCAION OR AMENDMENT OF PLANNING APPROVAL

LOCATION:

.....
LOT No: PLAN/DIAGRAM:

CERTIFICATE OF TITLE Volume: Folio:

Application Date: Approved on:

Description of proposed development:

The planning approval is—

- revoked—
- amended—

REASONS FOR REVOCATION / AMENDMENT—

.....

.....

.....

Signed: Dated:

for and on behalf of the Town of East Fremantle

SCHEDULE 10: Environmental Conditions*(Clause 5.9)*

The following are environmental conditions imposed by the Minister for the Environment.

Scheme or Amendment No	Gazettal Date	Environmental Conditions

*(There are no environmental conditions applicable to the Scheme as at the time of its initial adoption.)***SCHEDULE 11: Car Parking Standards***(Sub-clause 5.4.2 and 5.5.5)*

The following are the minimum standards for car parking in respect of the types of development listed, except as provided for under Clause 5.8 of the Scheme, *Variations to Development Standards*. Where there are no standards for a particular development or use, the local government shall determine what standards shall apply in accordance with the provisions of sub-clause 5.4.2 or sub-clause 5.5.5.

Development (Use)	Parking Standard (Number of Bays)
Aged or Dependent Persons' Dwellings	As prescribed by the <i>Residential Design Codes</i>
Ancillary Accommodation	As provided for in the <i>Residential Design Codes</i>
Auction Mart	1 space per 20m ² of land and/or buildings used for auction purposes
Banks, Building Societies, Post Offices and the like	1 space for every 20m ² net lettable area.
Betting Agency	1 space for every 20m ² of net lettable area
Boating Sales Premises	1 space for every 100m ² display area, plus 1 space for every employee. Minimum 4 spaces

Development (Use)	Parking Standard (Number of Bays)
Bowling Green (Club)	4 spaces per rink
Car Sales Premises	1 space for every 100m ² display area, plus 1 space for every employee Minimum 4 spaces
Caretaker's Residence	As prescribed by the <i>Residential Design Codes</i> for Single House
Child Care Premises	1 space for every 10 children the facility is designed to accommodate, plus 1 space for every employee Minimum 4 spaces
Cinema or Theatre	1 space for every 5 seats or 1 space for every 5 persons the facility is designed to accommodate, whichever is the greater.
Club Premises	1 space for every 5 seats or 1 space for every 5 persons the facility is designed to accommodate, whichever is the greater.
Community Purposes	1 space for every 5 persons the facility is designed to accommodate
Consulting Rooms	2 spaces for every consulting room, plus 1 space for every staff member.
Convenience Store	1 space for every 20m ² net lettable area, plus Service Station requirements
Dry Cleaning Premises	1 space per 20m ² net lettable area
Educational Establishment - Pre-Primary - Primary School - Secondary School - Tertiary Institution	1 space for every staff member, plus 1 space for every 2 students 1 space for every staff member, plus 14 drop-off spaces for every 100 students (may include on-street spaces) 1 space for every staff member, plus 7 drop-off spaces for every 100 students (may include on-street spaces) 1 space for every staff member, plus 1 space for every 5 students
Exhibition Centre	1 space per 30m ² of exhibition area, plus 1 space for every staff member present at any one time
Fast Food Outlet	1 space for every 2.5m ² queuing area with a minimum of 4 spaces, plus 1 space for every 5m ² seating area
Funeral Parlour	1 space for every 5 persons for which any assembly area is designed, plus 1 space for every staff member. Minimum 4 spaces
Grouped Dwelling	As prescribed by the <i>Residential Design Codes</i>
Home Office	As prescribed by the <i>Residential Design Codes</i> for Single House
Home Occupation	As prescribed by the <i>Residential Design Codes</i> for Single House 2 spaces per dwelling
Homestore	1 space for every 20m ² net lettable area Minimum 4 spaces in addition to residential requirements
Hospital	1 space for every 5 patients beds, plus 1 space for each staff member on duty at any one time
Hotel	1 space for every 2.5m ² of bar area, plus 1 space for every 5m ² of lounge or beer garden area; and 1 space for every 5 seats which an eating area is designed to provide or 1 space for every 5m ² of eating area, whichever is the greater; and 1 space for every 5 seats provided in assembly area; and 1 space for each bedroom or residential unit.

Development (Use)	Parking Standard (Number of Bays)
Indoor Recreation— —Gymnasium —Health Studio —Bowling Alley —Cricket —Skating Rink —Swimming Pool —Squash Courts —Spectator Seating —Dining/Drinking —Staff	1 space for every 10m ² net floor area 1 space for every 10m ² net floor area 4 spaces for every lane 10 spaces per court 1 space for every 20m ² skating area 1 space for every 20m ² pool area 2 spaces for every court 1 space for every 5 seats provided 1 space for every 5m ² floorspace available for tables and chairs 1 space for every staff member present during peak operation
Industry—Service	1 space for every 50m ² floor area or open space used for such purposes, plus 1 space for each employee Minimum 4 spaces per tenancy or unit
Industry—Cottage	1 space for every staff member not living on the premises, plus 1 space per 25m ² of any display area, with a minimum of 2 spaces, plus 2 spaces per dwelling if undertaken in conjunction with a residence - as prescribed by the <i>Residential Design Codes</i> for Single House
Laundromat	1 space per 20m ² gross floor area
Library	1 space per 30m ² of public floor area, plus 1 space for every staff member present at any one time
Liquor Store	1 space per 20m ² gross floor area
Lodging House	1 space per bed (in the case of communal accommodation) or 1 space per bedroom unit
Lunch Bar	1 space for every 20m ² gross leasable area Minimum 4 spaces
Motel	1 space for each unit, plus 1 space for every staff member present at any one time, plus 1 space for every 4 persons any restaurant is designed to accommodate, or 1 space for every 4m ² dining area, whichever is greater.
Motor Vehicle Repair	4 spaces for each working bay, or 1 space for every 50m ² gross floor area, whichever is the greater, plus 1 space for every person employed on site
Multiple Dwelling	As prescribed by the <i>Residential Design Codes</i>
Night Club	1 space for every 2.5m ² of public bar area, plus 1 space for every 5m ² of lounge/garden area
Nursing Home	1 space per 5 beds, plus 1 space for every staff member present at any one time
Office (excluding Bank, Building Society, Post Office or other such uses)	1 space for every 30m ² net lettable area, Minimum 3 spaces per tenancy or office unit. (N.B. Offices with intensively used public areas require additional parking. Refer Banks, etc.)
Open Air Display (not elsewhere specified)	1 space for every 100m ² display area, plus 1 space for every employee Minimum 3 spaces per tenancy or unit
Place of Worship	1 space for 5 seats or 1 space for every 5 persons the facility is designed to accommodate, whichever is the greater
Reception Centre	1 space for every 5 seats, or 1 space for every 5 persons the facility is designed to accommodate, or 1 space for every 5m ² dining area, whichever is the greater
Residential Building (Institutional Home)	1 space for every 5 persons the building is designed to accommodate, plus 1 space for every staff member present at any one time

Development (Use)	Parking Standard (Number of Bays)
Restaurant (includes Café)	1 space for every 5 seats or 1 space for every 5 persons the building is designed to accommodate, or 1 space for every 5m ² seating area, whichever is the greater, plus 1 space for every staff member present at any one time
Service Station	4 spaces for every working bay, plus 1 space for every person employed on site
Shop	1 space for every 20m ² net lettable area (5 spaces per 100m ² NLA) Minimum 4 spaces
Showroom	1 space for every 50m ² gross leasable floor area Minimum of 4 spaces per tenancy or unit
Single Bedroom Dwelling	As prescribed by the <i>Residential Design Codes</i>
Single House	As prescribed by the <i>Residential Design Codes</i>
Swimming Pool	1 space for every 20m ² pool area, plus 1 space for every 5 seats provided for spectators (if applicable)
Tavern	1 space for every 2.5m ² of bar area, plus 1 space for every 5m ² of lounge or other seating area, including eating areas
Tennis Courts	3 spaces for every court plus 1 space for every 5 seats provided for spectators (if applicable)
Veterinary Centre	2 spaces per veterinary practitioner based on maximum capacity, plus 1 space for every staff member present at any one time
Marina	1 space for every 2 boat pens, and 1 space for every 2 hard standing boat bays (other than maintenance areas)

SCHEDULE 12: Car Parking and Manoeuvre Specifications

(Sub-clause 5.4.2 and 5.7.5)

Where car parking is required or provided in conjunction with the use or development of land, the following specifications shall be met except as provided for under Clause 5.8 of the Scheme, *Variations to Development Standards*.

The following specifications apply to non-residential development; parking and manoeuvre specifications for residential development are to conform with the requirements of the Residential Design Codes.

Parking Angle	Width of Bay	Depth Of Bay	Aisle Width		Distance Along Kerb	Kerb Overhang	Total Depth	
			1 way	2 way			1 way	2 way
90°	2.5m	5.4m	6.2m	6.2m	2.5m	0.7m	11.6m	11.6m
	2.7m	5.4m	5.8m	5.8m	2.7m	0.7m	11.2m	11.2m
	2.9m	5.4m	5.4m	5.8m	2.9m	0.7m	10.8m	11.2m
60°	2.5m	5.7m	4.6m	5.8m	2.9m	0.6m	10.3m	11.5m
	2.7m	5.7m	4.2m	5.8m	3.1m	0.6m	9.9m	11.5m
	2.9m	5.7m	4.0m	5.8m	3.3m	0.6m	9.7m	11.5m
45°	2.5m	5.3m	3.7m	5.8m	3.5m	0.5m	9.0m	11.1m
	2.7m	5.3m	3.3m	5.8m	3.8m	0.5m	8.6m	11.1m
	2.9m	5.3m	2.9m	5.8m	4.1m	0.5m	8.2m	11.1m
30°	2.5m	4.4m	2.9m	5.8m	5.0m	0.3m	7.3m	10.2m
	2.7m	4.4m	2.9m	5.8m	5.4m	0.3m	7.3m	10.2m
	2.9m	4.4m	2.9m	5.8m	5.8m	0.3m	7.3m	10.2m
0°	2.5m	2.5m	3.0m	5.8m	6.3m	0.0m	5.4m	8.3m
	2.5m	2.5m	3.3m	5.8m	6.1m	0.0m	5.8m	8.3m
	2.5m	2.5m	3.6m	5.8m	5.9m	0.0m	6.1m	8.3m

1. Bays situated adjacent to walls or other obstructions which affect door opening, shall be increased in width by 0.3m on the side of the obstruction.
2. The length of parallel parking bays may be reduced to 5.4m for end bays where free access is available.
3. For blind aisles, an aisle extension of 2m shall be provided to facilitate access.
4. Where access aisles intersect, adequate truncations shall be provided to facilitate the movement of vehicles (Refer AS 2890.1—85 percentile vehicle swept path with 300mm clearances each side).

SCHEDULE 13: Supplementary Scheme Map**ADOPTION OF SCHEME**

This scheme was adopted by resolution of the council of the Town of East Fremantle at its meeting on the twenty-first day of December 1999.

J. O'NEILL, Mayor.

Date: 16/9/2004.

S. WEARNE, Chief Executive Officer.

Date: 16/9/2004.

FINAL APPROVAL OF SCHEME

1. Adopted by resolution of the council of the Town of East Fremantle at its meeting on the 17th day of February 2004 and the seal of the municipality was pursuant to that resolution hereunto affixed in the presence of—

J. O'NEILL, Mayor.

Date: 16/9/2004.

S. WEARNE, Chief Executive Officer.

Date: 16/9/2004.

2. Recommended / submitted for final approval by the Western Australian Planning Commission.

R. KOHN, delegated under s.20 of WAPC Act 1985.

Date: 30/9/2004.

3. Final approval granted by Minister for Planning & Infrastructure—

ALANNAH MacTIERNAN, Minister for Planning & Infrastructure.

Date: 4/10/2004.

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

Under the provisions of the Police Act 1892-1992, unclaimed and forfeited property and bicycles will be sold by public auction Ross's Sales & Auctions, 241 Railway Parade, Maylands on Wednesday 15th December 2004 at 10.00am.

The auction is to be conducted by Mr Brad Buckle, Mr. Craig Edwards, Mr. Kevin Grickage.

K. O'CALLAGHAN, Commissioner of Police,
Western Australia Police Service.

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			
10535	Pemberton Brewing Co Pty Ltd	Application for the grant of a Special Facility—Tourism licence in respect of premises situated in Pemberton and known as Jarrahjacks Brewery.	23/12/2004

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE—<i>continued</i>			
10536	Orana Holdings Pty Ltd	Application for the grant of a Special Facility—Theatre licence in respect of premises situated in Albany and known as Orana Cinemas Albany.	04/01/2005
10543	Myhotel (Perth) Pty Ltd	Application for the grant of a Special Facility—Tourism licence in respect of premises situated in West Perth and known as The Outram Small Luxury Hotel	29/12/2004
APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
21884	Debonne Holdings Pty Ltd	Application for the grant of an extended trading permit in respect of premises situated in Bassendean and known as The Bassendean Hotel.	12/12/2004

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

Dated: 1 December 2004.

H. R. HIGHMAN, Director of Liquor Licensing.

PUBLIC NOTICES

ZZ201

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Keith Jack Lang late of 38 Jane Street, Esperance, Farmer 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 11 March 2004 are required by the Executors of care of Stables Scott, 8 St George's Terrace, Perth to send particulars of their claims to them by no later than 6 January 2005 after which date they may convey or distribute the assets having regard only to the claims of which they then have notice.

ZZ202

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Claims against the estate of Martin Andrew Elford late of Albany Highway, Narrikup, Western Australia should be lodged with the Executors, c/- PO Box 485, Albany, Western Australia before 24 December 2004 after which date the assets will be distributed having regard only to the claims received.

HAYNES ROBINSON.

ZZ203

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Edward Henry Fenton late of 8 MacQueen Crescent Bunbury, retired, 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 27th September, 2001 are required by the administrators Peter John Fenton of 12 Glengarry Street Parkwood WA 6147 and Judith Sussan Jones of 2812 Bussell Highway Witchcliffe WA 6286 to send particulars of their claims to them by no later than 3rd January 2005 after which date they may convey or distribute the assets having regard only to the claims of which they then have notice.

ZZ204

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 3rd January 2005 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Adam Evelyn Mavis, late of Gracehaven Nursing Home 2 Westralia Gardens Rockingham formerly of Sunshine Park Hostel 10 Brady Road Lesmurdie, died 27/10/2004, (DE31054482EM37)

Atkinson Rita May, late of Carrington Aged Care Facility 27 Ivermeyer Road Hamilton Hill formerly of 84 Peel Terrace Busselton, died 29/10/2004, (DE19812781EM13)

Bicker Aubrey Leonard, late of 6A Rockton Road Nedlands, died 25/9/2004, (DE20011814EM12)

Brankovic Dragan, late of 38 Storey Road Thornlie, died 18/8/2004, (DE33034137EM38)

Davies Margaret Eileen, late of Riverview Residence Pendleton Street Collie, died 2/11/2004, (DE19630510EM36)

Dixon Brian Robert, late of Lot 708 Maslin Street Bridgetown, died 1/4/2004, (DE33033258EM13)

Flynn Mervyn Victor, late of Greenfields Aged Care Facility 95 Lakes Road Mandurah formerly of 3 Tropicana Way, Safety Bay, died 4/11/2004, (DE19842485EM22)

Gardasevic Svetozar also known as Stefan Gardasevic, late of 13 Urawa Street Dianella, died 15/11/2004, (DE33030277EM110)

Gibbons Vivian Grace, late of Collier Park Village Hostel Morrison Street Como, died 14/11/2004, (DE19972315EM12)

Hart Paul, late of Unit 74/34 Arundel Street Fremantle, died 29/8/2004, (DE19911099EM38)

Kensitt Olga Sigrid, late of Leighton Nursing Home 40 Florence Street West Perth, died 7/11/2004, (DE19931708EM16)

Lace Gerard Charles, late of Brightwater The Oaks High Care Facility 2-10 Oakwood Crescent Waikiki, died 19/9/2004, (DE30305784EM17)

Leahy Timothy John Francis, late of Maine Farm Lot 2619 Northam Pithara Road Pithara, died 19/5/2003, (DE33033729EM26)

Leeds Keith John, late of 1A Tintal Way Bateman, died 29/10/2004, (DE19732931EM27)

Lyons Phyllis Mary, late of 16 Freedman Road Menora, died 14/9/2004, (DE19925209EM110)

Nylander Joan Florence Emily, late of 147A Phoenix Road Spearwood, died 10/11/2004, (DE19915494EM35)

Sadler Helen Blanche, late of 4B Barenco Place Willetton formerly of Ningana Nursing Home 26 Plantation Drive Bentley and Rowethorpe Hilltop Hostel Hillview Terrace Bentley, died 6/11/2004, (DE19590966EM16)

Sparron Janet Betty, late of 61 Parkside Drive Thomlie formerly of 36 Moyup Way South Yunderup, died 10/8/2004, (DE20011176EM313)

Trzebinski Boleslaw, late of 9 Atkins Way Eden Hill, died 26/10/2004, (DE19990831EM37)

Walter Leslie Steve, late of Parkland Villas 31/510 Marmion Street Booragoon, died 14/11/2004, (DE19671040EM36)

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

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