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or Tuesday 2 January 1996.**

**AGRICULTURE****AG401****AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**

Agriculture Protection Board,  
South Perth, 22 November 1995.

PURSUANT to section 37 of the Agriculture and Related Resources Protection Act 1976, the Agriculture Protection Board hereby lists the classes of plants that are for the time being the subject of a declaration made under section 35 of that Act, together with the matters specified pursuant to subsection (2) of that Section in relation to each class:

**Declared Plants****Aquarium Plants; P1; Whole of the State**

Plants of any class used or grown in aquariums unless they are plants that are on premises for the time being accredited by the Chief Agriculture Protection officer as premises free from any snails capable of acting as intermediate hosts for the Fluke *Fasciola hepatica*, or are in the course of being moved from such premises.

**Aquatic Weeds:**

Alligator weed (*Alternanthera philoxeroides*); P1, P2; Whole of the State  
Arrowhead (*Sagittaria montevidensis*); P1, P2; Whole of the State  
Canadian Pond weed (*Elodea canadensis*); P1, P2; Whole of the State  
Hydrocotyl (*Hydrocotyle ranunculoides*); P1, P2; Whole of the State  
Hydrocotyl (*Hydrocotyle verticillata*); P1, P2; Whole of the State  
Lagarosiphon (*Lagarosiphon spp.*); P1, P2; Whole of the State  
Leafy elodea (*Egeria densa*); P1, P2; Whole of the State  
Parrot's feather (*Myriophyllum aquaticum*); P1, P2; Whole of the State  
Sagittaria (*Sagittaria graminea*); P1, P2; Whole of the State  
Salvinia (*Salvinia molesta*); P1, P2; Whole of the State  
Water hyacinth (*Eichhornia crassipes*); P1, P2; Whole of the State  
Water lettuce (*Pistia stratiotes*); P1, P2; Whole of the State

Apple of Sodom (*Solanum linnaeanum*); P1, P2; Municipal districts of Dardanup, Capel, Donnybrook-Balingup, Busselton, Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Nannup, Manjimup, Serpentine-Jarrahdale, Murray, Mandurah, Waroona, Harvey and Collie; and the City of Bunbury. P1, P4; Albany Region as defined under Section 13 of the Act.

Artichoke thistle or Cardoon (*Cynara cardunculus*); P1, P2; Whole of the State

Arum lily (*Zantedeschia aethiopica*);

P1, P2; Municipal districts of Manjimup, Nannup, Bridgetown-Greenbushes, Boyup Brook, Dardanup, Capel, Donnybrook-Balingup, Augusta-Margaret River and those portions of the State constituted as the Harvey region under Section 13 of the Act, except the lands shown in the Schedule to categories P1, P3 below.

P1, P3; Municipal district of Busselton.

**Schedule**

Wellington Locations 17, 20, 48 and all of that area bounded by the Old Coast Road and the Scenic Drive adjacent to the Leschenault Inlet.

P1, P4; Town of Albany. Municipal districts of Albany, Plantagenet, Denmark.

African rue (*Peganum harmala*); P1, P2; Whole of the State.

African thistle (*Augusta thistle*) (*Berkheya rigida*) P1, P2; Whole of the State.

Bathurst burr (*Xanthium spinosum*)

P1; Whole of the State.

P2; All Municipal districts except the Shire of Coolgardie and the City of Kalgoorlie/Boulder.

P3; Municipal districts of Coolgardie and the City of Kalgoorlie/Boulder.

Bellyache bush (*Jatropha gossypifolia*)

P1, P3; Zone 1B as constituted under Section 13 of the Act.

Blackberry (*Rubus fruticosus* agg.)

P1, P2; Municipal districts of Boddington, Serpentine-Jarrahdale, Dardanup, Capel, Donnybrook-Balingup, Busselton, Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Nannup, Manjimup.

P1, P4; Municipal districts of Albany, Plantagenet, Denmark, Town of Albany and Harvey region as defined under Section 13 of the Act.

Boneseed (*Chrysanthemoides monilifera*); P5; Lands in the control of the Government and local authorities in the Whole of the State.

Calotropis (*Calotropis procera*); P1, P4, All Municipal districts in that portion of the of the State North of the 26th parallel of latitude, except Zones 1A and 1B as defined under Section 13 of the Act.

Camelthorn (*Alhagi maurorum*); P1, P2; Whole of the State

Cape tulip (*Homeria flaccida*) (One-leaf), (*Homeria miniata*) (Two-leaf);

P1; Whole of the State

P2; (i) All Municipal districts and Towns except the Shires of Northam, York, Beverley, Brookton, Corrigin, Pingelly, Cuballing, Wickepin, Wandering, Boddington, Williams, Narrogin, Wagin, West Arthur, Wanneroo, Swan, Mundaring, Kalamunda, Kwinana and Rockingham

and the Towns of Northam and Narrogin and all Shires, Towns and Cities in the Perth metropolitan area.

- (ii) Those portions of the State constituted as the Harvey region under Section 13 of the Act, except the lands shown in the Schedule to category P3 below.

P3; Municipal districts of Northam, York, Beverley, Brookton, Corrigin, Pingelly, Cuballing, Wickipin, Wandering, Boddington, Williams, Narrogin, Wagin, West Arthur and Kwinana; and the Towns of Northam and Narrogin, and the lands shown in the schedule below.

#### Schedule

Part Lot 78 of Cockburn Location 16. Cockburn Locations 173, 174, 175, 176, 180, 181, 182, 191, 192, 193, 194, 34, 394, 395, 396, 805, 162, 369, 811, 138, 370.

Wellington Locations 4238, 1208, 945, 528, 1001, 853, 4201, 907, 2281, 224, 173, 2606.

P4; All Shires, Towns and Cities in the Perth metropolitan area.

City of Rockingham, Town of Armadale, Municipal districts of Wanneroo, Swan, Mundaring, Kalamunda.

Chinee Apple (*Ziziphus mauritiana*)

P1, P5; All municipal districts in that portion of the State, constituted as Zones 1A and 1B under section 13 of the Act.

P1; for the remainder of the State.

Common Heliotrope (*Heliotropium europaeum*);

P1; All that portion of the State South of the 26th parallel of latitude.

P2; Municipal districts of Northampton, Chapman Valley, Mullewa, Greenough, Irwin, Mingenew, Morawa, Three Springs, Carnamah, Perenjori, Coorow, Dalwallinu, Moora, Dandaragan, Wongan-Ballidu, Victoria Plains, Gingin, Chittering, Toodyay, Goomalling, Northam, York, Beverley, Quairading, Cunderdin, Tammin, Kellerberrin, Dowerin, Wyalkatchem, Trayning, Koorda, Mt. Marshall, West Arthur, Serpentine-Jarrahdale, Murray, Mandurah, Waroona, Harvey, Collie, Wagin, Dumbleyung, Woodanilling, Katanning, Broomehill, Kojonup, Tambellup, Cranbrook, Plantagenet, Denmark, Albany, Ravensthorpe, Dardanup, Capel, Donnybrook-Balingup, Busselton, Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Nannup, Manjimup, Wanneroo, Swan, Mundaring, Kalamunda, Kwinana and Rockingham; all Shires, Towns and Cities in the Perth metropolitan area; and the Towns of Geraldton, Northam, Albany and the City of Bunbury.

P3; Municipal districts of Jerramungup, Merredin, Nungarin, Mukinbudin, Westonia, Yilgarn, Bruce Rock, Narembeen, Esperance.

P4; (a) All land in the Eastern land division South of the 26th parallel of latitude except for the Shires of Westonia and Yilgarn and those portions of the Shires of Merredin, Mullewa and Perenjori in that division.

(b) All land in the Eucla division except the Shire of Esperance and those portions of the Shires of Ravensthorpe and Narembeen in the Eucla division.

(c) Municipal districts of Kent, Kondinin, Kulin, Lake Grace and Gnowangerup.

(d) Narrogin Region as defined under Section 13 of the Act.

Common Horsetail (*Equisetum arvense*);

P1, P2 for the whole of the State.

Cotton bush (narrow leaf) (*Gomphocarpus fruticosus*);

P1, P2; Whole of the State except those portions constituted as the Harvey region under section 13 of the Act, shown in the Schedule to P1, P3 below.

#### Schedule

P1, P3; Lots 1, 2, 8, 9, 3, 11, 12, 29, 25, 34, 35, 36 of Wellington Location 1; Wellington Location 5.

Doublegee (*Emex australis*), and (*Emex spinosa*);

P1; Zone 6 as constituted under Section 13 of the Act. Municipal districts of Tambellup, Katanning, Woodanilling, Wagin, Dumbleyung, Gnowangerup, Boddington and Williams.

P1, P3; Jerramungup Region as defined under Section 13 of the Act, Municipal districts of Kojonup, West Arthur and Broomehill.

P5; Lakes Region and Esperance Region as defined under Section 13 of the Act (saleyards, railway yards and recreational areas).

Doveweed (*Eremocarpus setiger*);

P1; Whole of the State.

P2; All Municipal districts except the Shires of Katanning, Cuballing, Brookton, Pingelly, Beverley, Goomalling and Cunderdin.

P3; Municipal districts of Katanning, Cuballing, Brookton, Pingelly, Beverley, Goomalling and Cunderdin.

Field bindweed (*Convolvulus arvensis*); P1, P2; Whole of the State

Geraldton carnation weed (*Euphorbia terracina*);

P1, P2; All Municipal districts and Towns in the State except the region of Esperance as defined under section 13 of the Act, and the Shires of Northampton, Chapman Valley, Greenough, Mullewa, Irwin, Mingenew, Morawa, Three Springs, Carnamah, Perenjori, Coorow, Dalwallinu, Moora, Dandaragan, Wongan-Ballidu, Victoria Plains, Gingin, Chittering, Bayswater, Belmont, Kalamunda, Mundaring, Peppermint Grove, Rockingham, Swan and Wanneroo; the Towns of Armadale, Bassendean, Claremont, Cockburn, Cottesloe, East Fremantle, Kwinana and Mosman Park; the Cities of Canning, Fremantle, Gosnells, Melville, Nedlands, Perth, South Perth, Stirling and Subiaco.

P1, P4; Region of Esperance as defined under section 13 of the Act.

- Glaucous star thistle (*Carthamus leucocaulos*); P1, P3; that portion of the State constituted as the Katanning Region under Section 13 of the Act.
- Golden dodder (*Cuscuta campestris*); P1, P2; Whole of the State.
- Gorse (*Ulex europaeus*); P1, P2; Whole of the State
- Gorteria (*Gorteria personata*); P1, P2; Whole of the State
- Harrisia cactus (*Eriocereus martinii*); P1, P2; Municipal districts of Port Hedland, East Pilbara, Roebourne and West Pilbara.
- Hoary cress (*Cardaria draba*); P1, P2; Whole of the State
- Horehound (*Marrubium vulgare*);  
 P1; Whole of the State.  
 P2; All Municipal districts, Towns and Cities except the Shire of Ravensthorpe.  
 P3; Municipal district of Ravensthorpe.
- Kochia (*Bassia scoparia*); P1, P2, Whole of the State
- Ivy gourd (*Coccinia grandis*); P1, P2, All Municipal districts in that portion of the State, constituted as Zones 1A and 1B under Section 13 of the Act.
- Mesquite (*Prosopis* spp.);  
 P1; Whole of the State  
 P2; Whole of the State, except for the area on Mardie Station bordered by the coast, the boundary between Mardie and Karratha stations, the North West Coastal Highway, Peter's Creek and the boundary between Yarraloola and Mardie stations.  
 P4; The area on Mardie Station bordered by the coast, the boundary between Mardie and Karratha stations, the North West Coastal Highway, Peter's Creek and the boundary between Yarraloola and Mardie stations.
- Mexican poppy (*Argemone mexicana*), and (*Argemone ochroleuca*);  
 P1; Whole of the State  
 P2; All Municipal districts, Towns and Cities except the Shires of Port Hedland, East Pilbara, Roebourne, West Pilbara and those portions of the State constituted as the Carnarvon, Leonora and Kalgoorlie regions under Section 13 of the Act.  
 P3; Municipal districts of Port Hedland, East Pilbara, Roebourne and West Pilbara.  
 P4; Those portions of the State constituted as the Carnarvon, Leonora and Kalgoorlie regions under Section 13 of the Act.
- Mintweed (*Salvia reflexa*); P1, P2; Municipal districts of Sandstone, Wiluna, Leonora, Laverton, Menzies, Coolgardie and the City of Kalgoorlie/Boulder and pastoral areas of the Shire of Dundas.
- Noogoora hurr (*Xanthium occidentale*, *Xanthium cavanillesii*, *Xanthium italicum*, *Xanthium orientale*);  
 P1, P2; Whole of the State
- Parkinsonia (*Parkinsonia aculeata*); P1, P2; All Municipal districts in that portion of the State, constituted as Zones, 2, 3 and 9 under Section 13 of the Act.  
 P1, P4; Municipal Districts in that portion of the State, constituted as Zones 1A, 1B under Section 13 of the Act.
- Parthenium weed (*Parthenium hysterophorus*); P1; All that part of the State North of the 26th parallel of latitude.
- Paterson's curse (*Echium plantagineum*);  
 P1; All that portion of the State South of the 26th parallel of latitude, except for that portion of the State constituted as Zone 9 under Section 13 of the Act.  
 P2; Municipal districts of Dardanup, Capel, Donnybrook-Balingup, Busselton, Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Nannup, Manjimup, Plantagenet, Denmark, Albany, Ravensthorpe and Esperance, Town of Albany and those portions of the State constituted as the Harvey region under Section 13 of the Act, except the lands shown in the Schedule to category P3 and item (c) in Category P4 below.  
 P3; Municipal districts of Mullewa, Morawa, Carnamah, Coorow, Dalwallinu, Moora, Dandaragan, Wongan-Ballidu, Gingin, Chittering, Beverley, Quairading, Brookton, Pingelly, Wandering, Boddington, Williams, Cuballing, Wickepin, Narrogin, Dumbleyung, Wagin, West Arthur, Woodanilling, Katanning, Broomehill, Kojonup, Tambellup, Cranbrook, Kondinin, Kulin, Lake Grace, Kent, Jerramungup and Gnowangerup and the Town of Narrogin and lands listed in the Schedule below.

## Schedule

- Lots A18, A36, A37, 51, 52, 57, 54 of Cockburn Location 16.  
 Cockburn Locations 263, 237, 238, 546.  
 Lots 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 of Murray Location 1.  
 Murray Locations 545, 716, 387, 355, 321.
- P4; Municipal districts of Goomalling, York, Dowerin, Wyalkatchem, Tammin, Kellerberrin, Nungarin, Westonia, Yilgarn, Merredin, Bruce Rock, Narembeen, Corrigin, Northampton, Chapman Valley, Greenough, Mingenew, Irwin, Three Springs, Perenjori, Victoria Plains, Toodyay, Northam, Cunderdin, Koorda, Mt. Marshall, Trayning, Mukinbudin, Wanneroo, Swan, Mundaring, Kalamunda, Kwinana and Rockingham; and all Shires, Towns and Cities in the Perth metropolitan area and the Towns of Geraldton and Northam and
- (a) all land in the Eastern land division south of the 26th parallel of latitude except for the Shires of Westonia and Yilgarn and those portions of the Shires of Merredin, Mullewa and Perenjori in that division, and for that portion of the State constituted as Zone 9 under Section 13 of the Act.

- (b) all land in the Eucla division except the Shire of Esperance and those portions of the Shires of Ravensthorpe, Lake Grace, Kondinin and Narembeen in that division.
  - (c) Peel Location 250 and Part Location 497 (now known as Millbrook Estate) and Peel Locations 147, Part 37, Lot 6 of Part 103 and 37, Lot 12 of 497, and Lot 460 in the Shire of Serpentine-Jarrahdale.
- Pennyroyal (*Mentha pulegium*);  
P1, P2; Town of Albany.  
P1, P4; Municipal districts of Albany, Cranbrook, Plantagenet, Denmark, Manjimup, Nannup and that portion of the State constituted as the Busselton Region under Section 13 of the Act.
- Perennial thistle (Canada thistle) (*Cirsium arvense*); P1, P2; Whole of the State
- Prickly acacia (*Acacia nilotica*); P1, P2; Whole of the State
- Prickly pear (*Opuntia* spp.);  
P1; All Municipal districts in that portion of the State North of the 26th parallel of latitude.  
P2; All Municipal districts in that portion of the State North of the 26th parallel of latitude except that portion of the State constituted as the Carnarvon Region under Section 13 of the Act.  
P4; That portion of the State constituted as the Carnarvon Region under Section 13 of the Act.
- Ragwort (*Senecio jacobaea*); P1, P2; Whole of the State.
- Rubber vine (*Cryptostegia grandiflora*); P1, P2; Whole of the State.  
(*Cryptostegia madagascariensis*); P1, P2; Whole of the State.
- Saffron thistle (*Carthamus lanatus*);  
P1; Whole of the State.  
P2; Municipal districts of Northampton (except that portion north of the Murchison River), Irwin, Carnamah, Coorow, Dalwallinu, Dandaragan, Moora (except for Melbourne Locations 3485, 3499, 3493), Wongan-Ballidu, Victoria Plains, Gingin, Chittering, Goomalling, Toodyay, Northam, York, Beverley, Quairading, Cunderdin, Tammin, Kellerberrin (except for locations 7416, 7703, 16508, 7868, 9098, 8206, 9099, 16416, 16417, 7574, 7561, 7235 and 8875), Dowerin, Wyalkatchem, Trayning, Koorda (except for Ninghan Locations 134, 84, 609, 616, 690, 691, 692, 869, 2244, 2409, 2518 and part of Location 2814), Mt. Marshall, Mukinbudin, Westonia, Nungarin, Merredin, Bruce Rock, Narembeen, Serpentine-Jarrahdale, Murray, Mandurah, Waroona, Harvey, Collie, Dardanup, Donnybrook-Balingup, Capel, Busselton, Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Nannup, Manjimup, Brookton, Corrigin, Pingelly, Wandering, Boddington, Williams, Cuballing, Wickepin, Narrogin, Dumbleyung, Wagin, West Arthur, Woodanilling, Katanning, Broomehill, Kojonup, Tambellup, Cranbrook, Plantagenet, Denmark, Albany, Kondinin, Kulin, Lake Grace, Kent, Gnowangerup, Jerramungup, Ravensthorpe (except all land inside a 24 kilometre radius from the centre of the Ravensthorpe townsite), Esperance (except all land inside a 20 kilometre radius from the Grasspatch townsite), Swan, Mundaring, Kalamunda, Kwinana, and the Cities of Rockingham and Wanneroo and all Shires, Towns and Cities in the Perth metropolitan area and the Towns of Northam, Narrogin and Albany and City of Bunbury.
- P3; Murchison River and the area on Murchison House Station situated north of the Murchison River), Chapman Valley, Mullewa, Greenough, Mingenew, Morawa, Three Springs, Perenjori, Yilgarn and the Town of Geraldton and areas as follows -  
(a) Melbourne Locations 3485, 3490 and 3493 in the Shire of Moora.  
(b) Locations 7416, 7703, 16508, 7868, 9098, 8206, 9099, 16416, 16417, 7574, 7561, 7235 and 8875 in the Shire of Kellerberrin.  
(c) All land inside a 24 kilometre radius from the centre of the Ravensthorpe townsite and  
(d) All land inside a 20 kilometre radius from the Grasspatch townsite.  
(e) Ninghan Locations 134, 384, 609, 616, 690, 691, 692, 869, 2244, 2409, 2518 and part of Location 2814 in the Shire of Koorda.
- P4; The area on Murchison House Station situated north of the Murchison River in the Municipal district of Northampton and all Municipal districts of the Kimberley, North West, Eastern and Eucla land divisions except the Shires of Westonia and Yilgarn and those portions of the Shires of Merredin, Mullewa and Perenjori in the Eastern division; and except the Shire of Esperance and those portions of the Shires of Ravensthorpe, Lake Grace, Kondinin and Narembeen in the Eucla division.
- Senna tora; P1, P2; Whole of the State.
- Sensitive plant, common (*Mimosa pudica*); P1, P2; Zones 1A, 1B, 2, 3 and 9 constituted under Section 13 of the Act.
- Sensitive plant, giant (*Mimosa invisa*); P1, P2; Whole of the State.
- Sensitive plant, giant (*Mimosa pigra*); P1; All that part of the State north of the 26th parallel of latitude.
- Siam weed (*Chromolaena odorata*); P1, P2; Whole of the State
- Sickle pod (*Senna obtusifolia*); P1, P2; Whole of the State.
- Sida (*Sida acuta*, *Sida cordifolia*); P1; All that part of the State north of the 26th parallel of latitude.
- Silverleaf nightshade (*Solanum elaeagnifolium*); P1; Whole of the State.  
P2; Whole of the State, except that portion of the State constituted as the Narrogin region under Section 13 of the Act.  
P4; That portion of the State constituted as the Narrogin region under Section 13 of the Act.
- Skeleton weed (*Chondrilla juncea*); P1, P2; Whole of the State

Soursob (*Oxalis pes-caprae*);

P1, P3; Those portions of the State constituted as the Cunderdin region under section 13 of the Act.

P1, P4; Whole State except those portions of the State constituted as Zone 6 and the Cunderdin region under Section 13 of the Act.

Stemless thistle (*Onopordum acaulon*); P1, P2; Whole of the State

St. John's wort (*Hypericum perforatum*); P1, P2; Whole of the State except those portions constituted as Zones 6 and 8 under Section 13 of the Act.

Thornapple (*Datura stramonium* (Common), *Datura ferox* (Fierce), *Datura leichhardtii* (Native), *Datura wrightii* (Hairy), *Datura innoxia* (Downy), *Datura metel*;

P1; Whole of the State.

P2; Whole of the State except those portions of the State constituted as Zones 1A, 1B, 2, 3 and 9 under Section 13 of the Act.

P4; Those portions of the State constituted as Zones 1A, 1B, 2, 3 and 9 under Section 13 of the Act.

Variegated thistle (*Silybum marianum*);

P1; Whole of the State

P2; All Municipal districts except the Shires of Plantagenet, the Balingup Ward of the Donnybrook-Balingup Shire and those portions of the State constituted as the Harvey region under Section 13 of the Act, except the lands shown in the Schedule to category P3 below.

P3; Municipal districts of Plantagenet and the Balingup Ward of the Donnybrook-Balingup Shire.

#### Schedule

Lots 28, 29, 30 of Wellington Location 50.

Lots 13, 15, 39, 40, 25, 1, 34, 35, 36, 3 of Wellington Location 1.

Wellington Locations 688, 3233, 3232, 3337, 3218, 2979.

Yellow burr weed (*Amsinckia* spp.); P1, P2; Whole of the State

G. A. ROBERTSON, Chairperson,  
Agriculture Protection Board.

## AG402

### AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

Agriculture Protection Board,  
South Perth, 22 November 1995.

Pursuant to Section 37 of the Agriculture and Related Resources Protection Act 1976, the Agriculture Protection Board hereby lists the classes of animals that are for the time being the subject of a declaration made under Section 35 of that Act, together with the matters specified pursuant to subsection (2) of that Section in relation to each class.

#### ANIMALS

##### Table A

(Managed Native Animals)

Table A: Native pest animals—Category A7. A management programme for each species outlines the area and conditions under which controls may be applied. Programmes are for the whole of the State or as indicated for each species.

#### MAMMALS

Agile Wallaby (*Macropus agilis*). Municipal districts of the Shires of Wyndham-East Kimberley, West Kimberley, Halls Creek and Broome.

Euro (*Macropus robustus*).

Long-haired Rat (*Rattus villosissimus*). Municipal district of the Shire of Wyndham-East Kimberley.

Red Kangaroo (*Macropus rufus*).

Western Grey Kangaroo (*Macropus fuliginosus*).

#### BIRDS

Australian Raven (*Corvus coronoides*). Eucla and South-west Divisions, excluding those municipal districts within the Perth Metropolitan Region.

Australian Shelduck or Mountain Duck (*Tadorna tadornoides*). South-west and Eucla Divisions, excluding those municipal districts within the Perth Metropolitan Region.

Baudin's or Long-billed White-tailed Black-Cockatoo (*Calyptrorhynchus baudinii*). Zones 5,6, and 10, as constituted under Section 13 of the Act.

Emu (*Dromaius novaehollandiae*).

Galah (*Cacatua roseicapilla*)

Little Corella (Kimberley) (*Cacatua sanguinea sanguinea*). Shires of Wyndham-East Kimberley and Derby-West Kimberley.

Little Corella (Pilbara-Murchison & northern wheatbelt) (*Cacatua sanguinea westralensis*). Shires of Carnarvon, Greenough, Irwin, Mingenew, Perenjori and Three Springs.

- Long-billed corella (northern & central wheatbelt) (*Cacatua pastinator butleri*). Shires of Irwin, Mingenew, Morawa, Mullewa, Perenjori and Three Springs.
- Long-billed corella (Lake Muir) (*Cacatua pastinator pastinator*). Shires of Boyup Brook, Cranbrook and Manjimup.
- Maned Goose or Wood Duck (*Chenonetta jubata*). South-west and Eucla Divisions, excluding those municipal districts within the Perth Metropolitan Region.
- Port Lincoln Ringneck, or twenty-eight parrot (*Barnardius zonarius*). South-west Division, excluding those municipal districts within the Perth Metropolitan Region and the Cities of Albany, Bunbury and Mandurah.
- Red-capped Parrot, or W.A. king parrot (*Purpureicephalus spurius*). Municipal districts of the Shires of Bridgetown-Greenbushes, Capel, Chittering, Donnybrook-Balingup, Harvey, Kalamunda, Manjimup, Mundaring, Murray, Plantagenet, Serpentine-Jarrahdale, Swan, and the City of Armadale.
- Wedge-tailed Eagle (*Aquila audax*).
- Western Rosella (*Platycercus icterotis*). Municipal districts of the Shires of Bridgetown-Greenbushes, Capel, Cranbrook, Donnybrook-Balingup, Manjimup, Plantagenet and Serpentine-Jarrahdale.
- Western Silvereye (*Zosterops lateralis gouldii*). South-west Division.

### Table B

(Animals subject to control and restricted introductions and keeping, generally categories A4, A5, A6 but also A4, A6 or A1, A5 or A5)

All animals listed in this table are declared A4, A5, A6 for the whole of the State unless otherwise indicated in the table. Conditions for introduction and keeping are specified in the Declared Animals regulations or by Board decision and leaflets are available showing requirements for each species.

### MAMMALS

- American Bison (*Bison bison*)
- Banteng (*Bos javanicus*).
- Blackbuck (*Antilope cervicapra*).
- Deer (Family *Cervidae*) A5, A6.
- Dingo (*Canis familiaris dingo*) and dingo x domestic dog hybrids (*Canis familiaris dingo x Canis familiaris familiaris*).
- Domestic dog (*Canis familiaris familiaris*) run wild, feral or being at large, A5.
- Domestic or pet rabbits (*Oryctolagus cuniculus*): (other than the common grey or wild rabbit) and commercial varieties of rabbits (e.g. "Commercial White"). A4, A6. All varieties of rabbits at large. A5.
- Feral Buffalo (*Bubalus bubalis*).
- Feral Camels (*Camelus spp.*).
- Feral Donkey (*Equus asinus*).
- Feral Goat (*Capra hircus*). A2, A4, A6 whole of the State
- Feral Horse (*Equus caballus*). A5, whole of the State
- Feral Pig (*Sus scrofa*).
- Fox (*Vulpes vulpes*).

### BIRDS

- Chaffinch (*Fringilla coelebs*).
- Ostrich (*Struthio camelus*) run wild, feral or at large A5.
- Red Bishop, grenadier weaver (*Euplectes orix*).
- Redpoll (*Acanthis flammea*).
- Rhea (*Rhea americana*)
- Sulphur-crested Cockatoo, white cockatoo (*Cacatua galerita*)—A4, A6—whole of the State; at large—A2—south of 20°S latitude.
- White-winged Whydah (*Euplectes albonotatus*).
- Yellow Hammer (*Emberiza citrinella*).

### INSECTS

- Angoumois Grain Moth (*Sitotroga cerealella*). A1, A5.
- Argentine Ant (*Iridomyrmex humilis*). A1, A5.
- Australian Plague Locust (*Chortoicetes terminifera*). A5.
- Confused Flour Beetle (*Tribolium confusum*). A1, A5.
- Flat Grain Beetle (*Cryptolestes spp.*). A1, A5.
- Granary Weevil (*Sitophilus granarius*). A1, A5.
- Indian Meal Moth (*Plodia interpunctella*). A1, A5.
- Lesser Grain Borer (*Rhyzopertha dominica*). A1, A5.
- Rice Weevil (*Sitophilus oryzae*). A1, A5.



Rust-red Flour Beetle (*Tribolium castaneum*). A1, A5.  
 Sawtooth Grain Beetle (*Oryzaephilus surinamensis*). A1, A5.  
 Small Plague Grasshopper (*Austroicetes cruciata*). A5.  
 Warehouse Moth (*Ephestia* spp.). A1, A5.  
 Giant Termite (*Mastotermes darwiniensis*). A1, A5.

**Table C**  
 (Prohibited animals)

Table C: Animals which may not be introduced into or kept in W.A. and which must be eradicated—Categories A1, A2, A3 or A1, A3, A5 as indicated, for the whole of the State.

#### **MAMMALS**

European Wild Rabbit (*Oryctolagus cuniculus*)—A1, A3, A5.  
 Indian Palm Squirrel (*Funambulus pennanti*)—A1, A3, A5.  
 Other non-native mammals not specifically listed in tables A, B or D are declared—A1, A2, A3.

#### **BIRDS**

Blackbird, English blackbird (*Turdus merula*).  
 Bullfinch (*Pyrrhula pyrrhula*).  
 California Quail (*Lophortyx californica*).  
 Common Myna, Indian myna(h), Indian house myna(h) (*Acridotheres tristis*).  
 Common Starling, starling (*Sturnus vulgaris*).  
 House Crow, Indian crow (*Corvus splendens*).  
 House Finch, Mexican rose finch, (*Carpodacus mexicanus*).  
 House Sparrow, sparrow (*Passer domesticus*).  
 Red-billed Quelea, red-billed weaver or dioch (*Quelea quelea*).  
 Red-vented Bulbul (*Pycnonotus cafer*).  
 Red-whiskered Bulbul (*Pycnonotus jocosus*).  
 Song Thrush, English song thrush (*Turdus philomelos*).  
 Tree Sparrow (*Passer montanus*).

In addition to the above, all other non-native birds not specifically listed in tables A, B, D or E to this notice are declared—A1, A2, A3—for the whole of the State.

#### **INSECTS**

Codling Moth (*Cydia pomonella*) A1, A2.  
 European Wasp (*Vespula germanica*) A1, A2, A3.  
 Khapra Beetle (*Trogoderma granarium*) A1, A5.  
 Mediterranean Fruit Fly (*Ceratitus capitata*) A1, A2.  
 Queensland Fruit Fly (*Bactrocera tryoni*) A1, A2.  
 Trogoderma (*Trogoderma* spp.) all exotic forms A1, A5.  
 Warehouse Beetle (*Trogoderma variabile*) A1, A5.

In addition to the above, all other non-native insects not specifically listed in tables A, B, D or E to this notice are declared—A1, A2, A3—for the whole of the State.

#### **AMPHIBIANS**

African Toad (*Xenopus laevis*) A1, A2, A3.  
 Giant Toad (*Bufo marinus*) A1, A2, A3.

In addition to the above, all other non-native amphibians not specifically listed in tables A, B, D or E to this notice are declared—A1, A2, A3—for the whole of the State.

#### **MOLLUSCS**

Green Snail (*Helix aperta*)—A1, A2, A3.

Liver-fluke Snails *Lymnaea* (*Pseudosuccinia*)—(*Lymnaea columella*, *Lymnaea viridis*, *Lymnaea auricularia rubiginosa*, *Lymnaea peregra*, *Lymnaea tomentosa*)—A1, A3, A5.

In addition to the above, all other non-native molluscs not specifically listed in tables A, B, D or E to this notice are declared—A1, A2, A3—for the whole of the State.

#### **REPTILES**

All non-native reptiles not specifically listed in tables A, B, D or E to this notice are declared—A1, A2, A3—for the whole of the State.

**Table D**  
 (Exempt Animals)

Indigenous animals not included in Tables A or B are exempt from declaration. The following species which are domestic pets, aviary birds or livestock are also exempt from declaration.

Of these species some (marked \*) occur in a commensal or feral state and advice may be obtained from the Agriculture Protection Board on control or management of problems which they may occasionally cause.

#### **MAMMALS**

Alpaca (*Lama pacos*)

Black Rat\* (*Rattus rattus*).  
Brown Rat\* (*Rattus norvegicus*).  
Camels (*Camelus spp.*).  
Cat (*Felis catus*). (Feral cat\*)  
Cattle (*Bos taurus* and *Bos indicus*).  
Dog (*Canis familiaris familiaris*) (except as specified in table B).  
Donkey (*Equus asinus*).  
Ferret (*Mustela putorius furo*).  
Goat (*Capra hircus*).  
Guinea Pig (*Cavia porcellus*).  
Horse (*Equus caballus*).  
House Mouse\* (*Mus musculus*).  
Llama (*Lama glama*).  
Ostrich (*Struthio camelus*).  
Pig (*Sus scrofa*).  
Sheep (*Ovis aries*).

#### BIRDS

Blue-black Grassquit, jacarini finch (*Volatinia jacarina*).  
Bobwhite Quail (*Colinus virginianus*).  
Canary (*Serinus canaria*).  
Chicken or domestic fowl, and all bantams (*Gallus gallus*).  
Common Peafowl (*Pavo cristatus*).  
Common Turkey (*Meleagris gallopavo*).  
Copper Pheasant (*Syrnaticus soemmerringii*).  
Cordon-bleu, blue-breasted waxbill (*Uraeginthus angolensis*).  
Crimson-winged Pytilia, aurora finch (*Pytilia phoenicoptera*).  
Cuban Grassquit, Cuban finch (*Tiaris canora*).  
Duck, Domestic Breeds (*Anas spp.*).  
Elliot's Pheasant (*Syrnaticus ellioti*).  
Golden Pheasant (*Chrysolophus pictus*).  
Goldfinch (*Carduelis carduelis*).  
Goose, Domestic (*Anser anser*).  
Green peafowl (*Pavo muticus*).  
Green-winged Pytilia, Melba finch (*Pytilia melba*).  
Helmeted Guineafowl (*Numida meleagris*).  
Himalayan Monal Pheasant, Impeyan pheasant (*Lophophorus impeyanus*).  
Kalij Pheasant (*Lophura leucomelana*).  
Lady Amherst's Pheasant (*Chrysolophus amherstiae*).  
Laughing Turtle-Dove\* (*Streptopelia senegalensis*).  
Lavender Waxbill, lavender finch (*Estrilda caerulea*).  
Luzon Bleeding Heart, bleeding heart pigeon (*Gallicolumba luzonica*).  
Mallard (*Anas platyrhynchos*).  
Muscovy Duck (*Cairina moschata*).  
Mute (or white) Swan (*Cygnus olor*).  
Pigeon\* (*Columba livia*).  
Red-billed Fire Finch, African fire finch (*Lagonosticta senegala*).  
Red-crested Cardinal (*Paroaria coronata*).  
Red-throated Parrot Finch, red-faced parrot finch (*Erythrura psittacea*).  
Reeves' Pheasant (*Syrnaticus reevesii*).  
Siamese Fireback Pheasant (*Lophura diardi*).  
Spotted Turtle-Dove\* (*Streptopelia chinensis*).  
Swinhoe's Pheasant (*Lophura swinhoii*).  
White-breasted Ground Pigeon, Jobi Island dove (*Gallicolumba jobiensis*).  
Yellow-faced Grassquit, olive finch (*Tiaris olivacea*).  
Zebra Waxbill, golden-breasted waxbill (*Amandava subflava*).

**Table E**

(Schedule of animals which do not appear in tables A to D—Categories A2, A4, A6 unless otherwise listed.)

- Agapornis* spp. hybrids (*Agapornis* spp).  
 Alexandrine Parakeet, large Indian parakeet (*Psittacula eupatria*).  
 Black-cheeked Lovebird (*Agapornis nigrigenis*).  
 Black-collared Lovebird (*Agapornis swinderniana*).  
 Black-winged Lovebird, Abyssinian lovebird (*Agapornis taranta*).  
 Blue and Yellow macaw (*Ara ararauna*).  
 Bronze Mannikin, bronze-winged mannikin, hooded weaver (*Lonchura cucullata*).  
 Chestnut Mannikin, black-headed munia, mannikin or nun, tri-coloured mannikin (*Lonchura malacca*) A1,A2,A6.  
 Chukar Partridge, chukar, chukor, chukka partridge (*Alectoris chukar*).  
 Collared Dove, collared turtle-dove, Indian ring dove, Barbary dove (fawn or white variations) (*Streptopelia decaocto*) A1,A2,A6.  
 Common Waxbill, St Helena waxbill, waxbill, red-eared waxbill (*Estrilda astrild*).  
 Cut-throat Weaver, cut-throat finch, ribbon finch (*Amandina fasciata*).  
 Derbyan Parakeet (*Psittacula derbiana*).  
 Egyptian geese (*Alopochen aegyptiacus*).  
 Fischer's Lovebird (*Agapornis fischeri*).  
 Golden-capped Conure (*Aratinga auricapilla*).  
 Greenfinch (*Carduelis chloris*) A1,A2,A6.  
 Green-winged macaw (*Ara chloroptera*).  
 Grey-headed Lovebird, Madagascar lovebird *Agapornis cana*.  
 Hyacinth macaw (*Anodorhynchus hyacinthinus*)  
 Indian Silverbill, white-throated munia, common silverbill, African silverbill (*Lonchura malabarica*).  
 Jandaya Conure (*Aratinga jandaya*).  
 Japanese Quail (*Coturnix japonica*).  
 Java Sparrow, paddy finch (*Padda oryzivora*) A4, A5, A6 for that area South of the 26° South parallel of latitude only.  
 A1, A2, A3 for the remainder of the State.  
 Madagascan Red Fody, Madagascar weaver, cardinal or fody (*Foudia madagascariensis*).  
 Magpie Mannikin (*Lonchura fringilloides*).  
 Malabar Parakeet (*Psittacula columboides*).  
 Mandarin Duck (*Aix galericulata*).  
 Masked Lovebird, yellow-collared or black masked lovebird (*Agapornis personata*).  
 Meyer's Parrot, brown parrot (*Poicephalus meyeri*).  
 Moustached Parakeet, red-breasted parakeet or parrot (*Psittacula alexandri*).  
 Namaqua Dove, Cape or masked dove (*Oena capensis*).  
 New Zealand scaup (*Aythya Novaeseelandiae*).  
 Nutmeg Mannikin, spicefinch, spotted munia, scaly-breasted munia (*Lonchura punctulata*). A1,A2,A6  
 Nyasa Lovebird, Lillian's or Nyasaland lovebird (*Agapornis lilianae*).  
 Orange-cheeked Waxbill, fawn breasted waxbill (*Estrilda melpoda*).  
 Pale-headed Mannikin, white-headed munia, white-headed mannikin, white-headed nun (*Lonchura maja*).  
 Paradise shelduck (*Tadorna tadorna*)  
 Paradise Sparrow, red-headed finch, Aberdeen finch, red-headed amadina (*Amadina erythrocephala*).  
 Peach-faced Lovebird, rosy-faced lovebird (*Agapornis roseicollis*).  
 Peach-fronted Conure (*Aratinga aurea*)  
 Plum-headed Parakeet, blossom-headed parakeet (*Psittacula cyanocephala*).  
 Red-faced Lovebird, red-headed lovebird (*Agapornis pullaria*).  
 Red-fronted Parakeet, red-fronted kakariki (*Cyanoramphus novaezelandiae*).  
 Red Munia, strawberry finch, red or Indian avadavat, tiger finch, red waxbill (*Amandava amandava*).  
 Red Siskin, hooded siskin, Venezuelan siskin (*Carduelis cucullata*).  
 Ring-necked Pheasant (*Phasianus colchicus*).  
 Rock Partridge (*Alectoris graeca*).  
 Rose-ringed Parakeet, Indian or African ringneck parrot or parakeet (*Psittacula krameri*).  
 Ruddy Ground Dove, Talpacoti (*Columbina talpacoti*).  
 Scarlet macaw (*Ara macao*).  
 Silver Pheasant (*Lophura nycthemera*).

Siskin, European siskin (*Carduelis spinus*).

Sun Conure (*Aratinga solstitialis*).

White-backed Munia, white-backed mannikin, sharp-tailed munia or finch, Bengalese mannikin (*Lonchura striata*).

Yellow-fronted Canary (*Serinus mozambicus*)

Yellow-fronted Parakeet (*Cyanoramphus auriceps*).

Note: References used were—

Australian birds—"The Atlas of Australian Birds" by M. Blakers et al. Exotic birds—"A Complete Checklist of the Birds of the World" by R. Howard and A. Moore.

G. A. ROBERTSON, Chairperson,  
Agriculture Protection Board.

#### AG403

##### AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

Agriculture Protection Board,  
South Perth.

Acting pursuant to the powers granted by section 35 and 36 of the Agriculture and Related Resources Protection Act 1976, the Agriculture Protection Board hereby—

- (i) Cancels the assignment of Parkinsonia (*Parkinsonia aculeata*) to categories P1 and P2 within that part of the State defined as Zone 1A under section 13 of the Act, and assigns it to categories P1 and P4 in that Zone.
- (ii) Declares Hydrocotyl (*Hydrocotyle verticillata*) to be a declared plant and assigns it to categories P1 and P2 for the whole of the State.
- (iii) Declares Peach-fronted Conure (*Aratinga aurea*) to be a declared animal, assigned to categories A2, A4 and A6.

Dated 22 November 1995.

G. A. ROBERTSON, Chairman,  
Agriculture Protection Board.

#### AG404

##### AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

Agriculture Protection Board,  
South Perth.

The Agriculture Protection Board, acting pursuant to sections 15 and 16 of the Agriculture and Related Resources Protection Act 1976 hereby—

- (i) cancels the appointment of Mr Brian J. Warren as a member of the Zone 9 Control Authority.
- (ii) appoints persons whose names are listed below to be members of the Authorities for the Zone designated to hold office until 1 August in the years specified—

Name	Zone	Retires
Timothy Croot	1A	1998
Tony Richardson	2	1998
William Edward Johns	3	1998
Michael Thurkle	3	1998
John Walter Kellock	3	1998
Stewart Hockey	4	1996
Robert Rollond	4	1997
Robin Scott	4	1996
Kimberley Walford Keogh	3	1998
Geoffrey Leslie Ludemann	8	1998
John Francis Cotter	9	1998
Peter Carter	9	1998

- (iii) Appoints John Francis Cotter Deputy Chairman for the Zone 9 Control Authority.
- (iv) Appoints Barry Kelly as Deputy Member for the Zone 1A Control Authority.

Dated 22 November 1995.

G. A. ROBERTSON, Chairman,  
Agriculture Protection Board.

## FAIR TRADING

### FT401

#### ASSOCIATIONS INCORPORATION ACT 1987

##### ORDER PURSUANT TO SECTION 34(2)

The Western Australian College of Dental Science Incorporated

Pursuant to the provisions of Section 34 (2) of the Associations Incorporation Act 1987, I order the undertaking of The Western Australian College of Dental Science Incorporated be transferred to The University of Western Australia with effect from the date of publication of this Order.

Dated this 27th day of November 1995.

R. F. MINEIF, Assistant Commissioner for Corporate Affairs.

### FT402

#### RETAIL TRADING HOURS ACT 1987

##### RETAIL TRADING HOURS (WANNEROO) EXEMPTION ORDER 1995

Made by the Minister for Fair Trading under section 5.

#### Citation

1. This Order may be cited as the *Retail Trading Hours (Wanneroo) Exemption Order 1995*.

#### Duration

2. This Order has effect from 1 January 1996.

#### Interpretation

3. In this order—

“Public Holiday” means a public holiday under section 5, section 7 or section 8 of the *Public and Bank Holidays Act 1972* but does not include Anzac Day, Christmas Day or Good Friday.

“School term” means a school term determined by the Minister charged with the administration of the *Education Act 1928* under that Act.

#### Exemption periods

4. (1) During the period commencing on the first-mentioned day in each of the following paragraphs and ending at the close of business on the second-mentioned day in each of those paragraphs, namely—

- (a) 1 January to the second Sunday in February;
- (b) the Saturday preceding Labour Day to the following Monday;
- (c) the Saturday following the end of the first school term to the Sunday preceding the second school term;
- (d) the Saturday following Good Friday to Easter Monday;
- (e) the Saturday preceding Foundation Day to Foundation Day;
- (f) the Saturday following the end of the second school term to the Sunday preceding the third school term;
- (g) the Saturday following the end of the third school term to the Sunday preceding the fourth school term;
- (h) the Saturday preceding the Queen's Birthday public holiday to the Queen's Birthday public holiday;
- (i) the first Sunday in December to Christmas Eve; and
- (j) Boxing Day to the last day of December;

general retail shops other than specified general retail shops in the areas or localities specified in Column 1 of the Schedule are exempted from the *Retail Trading Hours Act 1987* on the days specified in the Schedule subject to the conditions as to hours of closing specified opposite and corresponding to those areas or localities in Column 2 of the Schedule.

- (2) In sub-clause (1)—

“specified general retail shops” means general retail shops—

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

Column 1	Schedule	Column 2
General Retail Shops		Days and Hours of Exemption
1. Localities of Two Rocks and Yanchep.		On Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday, in each week (including Public Holidays)—until 8.00am and from and after 9.00pm.

PETER FOSS, Minister for the Environment;  
Water Resources; The Arts; Fair Trading.

## HERITAGE COUNCIL OF W.A.

### HR401

#### HERITAGE OF WESTERN AUSTRALIA ACT 1990

##### NOTICE OF INTENTION TO ENTER PLACES IN THE REGISTER OF HERITAGE PLACES

The Minister for Heritage, Richard Lewis JP, MLA, has directed pursuant to section 47 (1) of the Heritage of Western Australia Act 1990 that the places described in Schedule 1 be entered in the Register of Heritage Places on a permanent basis.

Schedule 1		
Name	Location	Description of Place
Bovell's Cottage	13 Adelaide Street, Busselton	Part of Busselton Town Lot 58 being the whole of the land comprised in Certificate of Title Volume 937 Folio 145.
The Deanery	St George's Terrace, Perth	Portion of Lot 24 on Diagram 39055 comprised in Certificate of Title Volume 377 Folio 119a, as defined in Heritage Council Drawing number 2100 prepared by Steffanoni Ewing & Cruickshank.
Gledden Building	723 Hay Street, Perth	Lot 1 on Diagram 6874 being the whole of the land comprised in Certificate of Title Volume 980 Folio 116, and Lot 2 on Diagram 6874 being the whole of the land comprised in Certificate of Title Volume 906 Folio 183.
Lawson Flats St Werburgh's Chapel & Cemetery	Sherwood Court, Perth Chapel Road, Mount Barker	The whole of the land in Strata Plan 14674 Plantagenet Location 7581 being the whole of Reserve 41359 comprised in Crown Land Record Volume 3083 Folio 984.
Leederville Post Office	156 Oxford Street, Leederville	Portion of Lot 3 on Diagram 62323, being part of the land in Certificate of Title Volume 1650 Folio 432, as defined in Heritage Council drawing number 2203 prepared by Brook Marsh Pty Ltd.

Dated this 1st day of December 1995.

IAN BAXTER, Director,  
Office of the Heritage Council.

## JUSTICE

### JM401

#### CHILDREN'S COURT OF WESTERN AUSTRALIA ACT 1988

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

Alfred Gerard Williams of 1 Korralling Street, Wongan Hills

RICHARD FOSTER, Executive Director, Courts Division.

### JM402

#### EX OFFICIO JUSTICE OF THE PEACE

It is hereby notified for public information that Ellis George Robbins of 370 Poinsettia Street, Tom Price and Shire of Ashburton, PO Box 567, Tom Price has been appointed under section 9 of the Justices Act 1902 to be a Justice of the Peace for the Magisterial District of Roebourne during his term of office as Shire President for the Shire of Ashburton.

RICHARD FOSTER, Executive Director, Courts Division.

#### EX OFFICIO JUSTICE OF THE PEACE

It is hereby notified for public information that Peter Richard Taylor of Jarring North Road, Lake Grace and Shire of Lake Grace, PO Box 50, Lake Grace has been appointed under section 9 of the Justices Act 1902 to be a Justice of the Peace for the Magisterial District of Williams during his term of office as Shire President of Shire of Lake Grace.

RICHARD FOSTER, Executive Director, Courts Division.

**EX OFFICIO JUSTICE OF THE PEACE**

It is hereby notified for public information that Victor Francis Orchard of "Albourn Farm", Burakin-Wialki Road, Koorda and Koorda Shire Council, PO Box 20, Koorda has been appointed under section 9 of the Justices Act 1902 to be a Justice of the Peace for the Magisterial District of Avon during his term of office as Shire President for the Koorda Shire Council

RICHARD FOSTER, Executive Director, Courts Division.

**JM403****JUSTICES ACT 1902**

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the following appointments to the Office of Justice of the Peace for the State of Western Australia—

Elizabeth Anne Lowrie of 13 Coronilla Way, Forrestfield

Roy Wells of 36 Pether Road, Manning and Unit 15, Stage 2, Welshpool Trade Centre, Corner Leach Highway and Welshpool Road, Welshpool

Alfred Gerard Williams of 1 Korralling Street, Wongan Hills

RICHARD FOSTER, Executive Director, Courts Division.

**LAND ADMINISTRATION****LA401****LOCAL GOVERNMENT ACT 1960****DECLARATION OF CLOSURE OF STREETS**

Made by the Minister for Lands  
Under Section 288A

At the request of the local governments nominated, the streets described in the Schedule are now declared to be closed.

**SCHEDULE**

1. Shire of Carnarvon (DOLA File No. 400/987; Closure No. C1304).  
All those portions of Lewer, Williams and Finnerty Streets as shown bordered blue on Crown Survey Plan 17030.  
Public Plan: AN54(2) 9.07 and 9.08.
2. Shire of Manjimup (DOLA File No. 2557/1994; Closure No. M1371).  
All that portion of Road Number 7318 starting from the prolongation southwesterly of the northwestern boundary of the northwestern severance of Nelson Location 7948 and extending generally northeasterly along the northwestern boundaries of the southeastern severance of that location and generally northeasterly along the northwestern boundaries of the eastern severance of Location 11940 to the prolongation southeasterly of the southern most southwestern boundary of the eastern severance of Location 11980.  
Public Plan: Pemberton SW (25).

A. A. SKINNER, Chief Executive,  
Department of Land Administration

**LOCAL GOVERNMENT****LG401****DOG ACT 1976**

*Shire of Sandstone*

Appointment of Officers

It is hereby notified for public information that the following persons have been appointed to administer the provisions of the Dog Act 1976 and Dog Regulations 1976.

Registration Officers

G. M. Ripepi

J. R. Moloney

D. J. Humphries

Authorised Officers

G. M. Ripepi

J. R. Moloney

J. Seaborn

All previous appointments are hereby cancelled.

G. M. RIPEPI, Shire Clerk.

**LG402****SHIRE OF BUSSELTON****Rating Exemptions**

It is hereby notified for public information that at its meeting held on 22nd November 1995, Council resolved that under section 532(12) of the Local Government Act, the following properties be exempt from the payment of rates—

1. Busselton Arts Council (Inc.)—Reserve 35361 and Portion Lot 388 Queen Street.
2. Busselton Pottery Group (Inc.)—Portion Lot 227 Peel Terrace, Busselton.
3. Busselton Historical Society (Inc.)—Portion Lot 227 Peel Terrace, Busselton.
4. The Scout Association of Australia—Portion Lot 2 Peel Terrace, Busselton.
5. The Girl Guides Association Western Australia (Inc.)—Portion Lot 2 Peel Terrace.
6. Busselton Kart Club (Inc.)—Reserve 37775 Gordon Street, Busselton.
7. Busselton Fitness Club (Inc.)—Portion Reserve 17319 Dorset and King Street, Busselton.

IAN STUBBS, Chief Executive Officer.

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

Pursuant to the powers vested in Council under section 17 and 18 of the Bush Fires Act 1954, the Chittering Shire Council declares the extension of the Restricted Burning Period to midnight on Friday December 15, 1995.

This extension applies only to the section of the gazetted Muchea Townsite area which is on the west side of the railway reserve.

PETER FITZGERALD, CEO/Shire Clerk.

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**LG404****LOCAL GOVERNMENT ACT 1960***Shire of Carnarvon*

Pursuant to the provisions of the Local Government Act 1960, the Shire of Carnarvon being a local authority within the meaning of the Local Government Act 1960 hereby appoints Mr Keith Bramald as Acting Principal Building Surveyor for the Shire of Carnarvon effective 4 December 1995 until the 23 February 1996.

B. G. WALKER, Shire Clerk.

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**LG405****BUSH FIRES ACT 1954***Town of Narrogin***Appointment of Fire Control Officers**

It is hereby notified for public information that, pursuant to section 38 of the above Act, the following persons have been appointed Fire Control Officers for the Town of Narrogin district—

Craig Steven Fitzgerald—Chief Bush Fire Control Officer  
Frank Roberts—Deputy Chief Bush Fire Control Officer  
Stephen David Tindale—Bush Fire Control Officer

All previous appointments are hereby cancelled.

S. D. TINDALE, Town Clerk/Chief Executive.



**LG406****LOCAL GOVERNMENT ACT 1960***Town of Port Hedland***Aquatic Centre Fees**

It is hereby notified for public information that in accordance with section 191A of the Local Government Act the Fees for the Town of Port Hedland Aquatic Centres are—

**ENTRY FEES**

Adults .....	\$2.20
Children .....	\$1.10
Spectators .....	\$1.10

**Concession Tickets**

Adult book of 20 .....	\$32.00
Child book of 20 .....	\$16.00
Spectators book of 20 .....	\$16.00

**Season Tickets**

Full Season		Half Season	
Family .....	\$250.00	Family .....	\$130.00
Adult .....	\$200.00	Adult .....	\$110.00
Child .....	\$100.00	Child .....	\$60.00

**Fees**

Pool User Groups .....	\$55.00 per hour
General up to 100 people .....	\$65.00 per hour
Over 100 people .....	\$100.00 per hour

JOAN ROBERTS, Chief Executive Officer/Town Clerk.

**LG407****BUSH FIRES ACT 1954***Shire of West Arthur***Bushfire Control Officers**

It is hereby notified for public information that the following persons have been appointed as authorised officers pursuant to section 38 of the Bush Fires Act 1954—

Fire Control Officer: Boolading Brigade—R. Harrington

Fire Weather Officer: West Arthur Shire—R. Harrington

The previous appointments of R. Curnow are hereby cancelled.

K. T. O'CONNOR, Shire Clerk.

**LG408****BUSH FIRES ACT 1954***Shire of Brookton***Dual Fire Control Officers**

It is hereby notified for public information that the person mentioned hereunder has been authorised as a Dual Fire Control Officer with the Shire of Brookton—

Graeme Anderson—Shire of Quairading

IAN CURLEY, Shire Clerk.

**LG409****LOCAL GOVERNMENT ACT 1960***Shire of Pingelly*

It is hereby notified for public information that the following charges have been set by resolution of Council, adopted at a meeting held on 16 November 1995, in accordance with the Local Government Act s. 191A.

**CATEGORY F—Other Charges**

—Moving/Shifting of furniture ..... \$30/Clerk's discretion

Dated this 29th day of November 1995.

M. HOOK, Shire Clerk.

**LG901****LOCAL GOVERNMENT ACT 1960***Shire of Albany***NOTICE OF INTENTION TO BORROW**

Proposed Loan No. 141—\$90 000.00

Pursuant to section 610 of the Local Government Act 1960, the Council of the Shire of Albany hereby gives notice that it proposes to borrow money by the sale of a single debenture on the following terms for the following purpose—

\$90 000.00 for a term of five (5) years repayable at the office of the Council by ten (10) half yearly instalments of the principal and interest.

Purpose: Asphalt re-sealing at Albany Airport (runway and apron).

Specifications as required by section 609 of the Act are available for inspection at the office of the Council during working hours for a period of thirty five (35) days after the publication of this notice.

Dated this 28th day of November, 1995.

K. G. BEECK, President.  
WAYNE F. SCHEGGIA, Chief Executive Officer.  
PO Box 809, Albany WA 6330.

**LG902****LOCAL GOVERNMENT ACT 1960***City of Cockburn***NOTICE OF INTENTION TO BORROW**

Proposed Loan No. 113 of \$135 000

Pursuant to section 610 of the Local Government Act 1960, the City of Cockburn gives notice that it proposes to borrow by the sale of a debenture on the following terms and for the following purpose—

\$135 000 for a period of five years at ruling interest rates, repayable by half-yearly instalments of principal and interest for the purpose of funding the construction of a Home Respite Building.

Estimates and plans as required by section 609 are open for inspection at the Office of Council during office hours for a period of thirty-five days after publication of this notice.

R. A. LEES, Mayor.  
R. W. BROWN, City Manager/Town Clerk.

**MAIN ROADS****MA401**

MRWA 42-77-C

**MAIN ROADS ACT 1930****PUBLIC WORKS ACT 1902****NOTICE OF INTENTION TO TAKE OR RESUME LAND**

The Minister for Works hereby gives notice, in accordance with the provisions of section 17 (2) of the Public Works Act 1902, that it is intended to take or resume under section 17 (1) of that Act the pieces or parcels of land described in the Schedule hereto and being all in the York District, for the purpose of the following public works namely, reconstruction of the Quairading York Road (York-Merredin Road, M41) (SLK 2.45) and that the said pieces or parcels of land are marked off on MRWA Drawing 9410-240 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

**Schedule**

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (Approx.)
1.	Kuringai Nominees Pty Ltd	Commissioner of Main Roads vide Caveat F896052	Portion of Cold Harbour Estate Lot 57 and being part of the land contained in Plan 20731 and comprised in Certificate of Title Volume 1587 Folio 658.	1.8778 ha
2.	Alwyn Barnesby as Executor of the Will of David Robert William Blackadder	A Barnesby and The Registrar of Titles Cavcator vide Caveat D914338	Portion of Cold Harbour Estate Lot 57 and being Lot 1 and being part of the land contained in Plan 20731 and comprised in Certificate of Title Volume 1718 Folio 981.	8 082 m <sup>2</sup>

Dated this 23rd day of November 1995.

D. R. WARNER, Director Corporate Services.

**MINERALS AND ENERGY****MN401****MINING ACT 1978****INSTRUMENT OF EXEMPTION OF LAND**

The Minister for Mines pursuant to the powers conferred on him by Section 19 of the Mining Act 1978, hereby exempts that area described hereunder (not being private land or land that is the subject of a mining tenement or an application therefore) from Divisions 1 to 5 of Part IV of the Mining Act 1978:

Description of Land:

Part of State Forest No. 65

Starting point from the NE corner of Midland Lot 1688

—Thence west at bearing 270° at 3.9 kilometres (km) to SE corner of Loc 9757

—Thence north at bearing 360° at 1.5 km to NE corner of Loc 9757

—Thence west at bearing 270° at 1.8 km to SE corner of Loc 9756

—Thence north at bearing 360° at 4.7 km to NE corner of Loc 9756

—Thence west at bearing 270° at 600 metres to SE corner of Loc 8185

—Thence north at bearing 360° at 3.25 km to the intersection of Caraban Road

—Thence south east along Caraban Road for approx 8.2 km back to Starting Point

Area: 2205 hectares approximately

Public Plan: Moore River 1:50 000

Dated at Perth this 24th day of November 1995.

GEORGE CASH, Minister for Mines.

**OCCUPATIONAL HEALTH SAFETY AND WELFARE****OA301****OCCUPATIONAL SAFETY AND HEALTH ACT 1984****OCCUPATIONAL SAFETY AND HEALTH (CODE OF PRACTICE) NOTICE (No. 2) 1995**

Published under section 57(4) of the *Occupational Safety and Health Act 1984*.

**Citation**

1. This notice may be cited as the Occupational Safety and Health (Code of Practice) Notice (No 2) 1995.

**Approval of code of practice**

2. Notice is hereby given that on 11 November 1995, the Minister for Labour Relations, on the recommendation of the WorkSafe Western Australia Commission, approved the code of practice *Prevention of Falls at Workplaces October 1995* published by the WorkSafe Western Australia Commission, as in force on 11 November 1995.

Minister for Labour Relations

NOTE: Copies of the code of practice referred to in this notice are available, without charge, for inspection at the WorkSafe Western Australia library, 3rd Floor, 1260 Hay Street, West Perth.

**PLANNING****PD101****CORRECTION****TOWN PLANNING AND DEVELOPMENT ACT 1928****ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME***Town of Narrogin***Town Planning Scheme No. 2—District Scheme**

Ref: 853/4/2/10.

It is hereby notified for public information that the notice under the above Scheme No. 2 published at pages 2545-2621 of the *Government Gazette* No. 82 dated 17 June 1994, contained errors which are now corrected as follows—

1. Delete the words "Landscaping to side and rear boundary setbacks" from the Other Remarks column of the Single Residential Development Table and insert in the Minimum Landscaping column.
2. Substitute the attached Other Residential Development Table for Permitted Uses 1-8 for that published.
3. Substitute the attached Other Commercial Development Table for Permitted Uses 9-15 for that published.
4. Delete the comments against the Permitted Use "Motor Vehicle Repair Station" in the Light Industry Development Table under the headings "Minimum Boundary Setbacks" and "Other Remarks".

## Policy Statement

### OTHER RESIDENTIAL

#### EXPLANATION OF SYMBOLS

See Clause 2.2.2

- P Use permitted subject to compliance with Development Standards  
 PS Use not permitted unless special approval given by Council and conditions complied with.  
 AP Not permitted unless special approval given by Council after advertising.  
 IP Use not permitted unless it is incidental to a predominant use as determined by Council.

Primarily for Group, Attached and Multiple housing. Council will only support development following consideration of availability of sewer, convenience to recreation, shopping and other facilities, or the scale of development proposed in relation to the character of the location. Primarily for higher density residential dwellings.

compliance with Development Standards

PS Use not permitted unless special approval given by Council and conditions complied with.

AP Not permitted unless special approval given by Council after advertising.

IP Use not permitted unless it is incidental to a predominant use as determined by Council.

DEVELOPMENT STANDARDS											
MINIMUM LOT AREA	MINIMUM EFFECTIVE FRONTAGE	MAXIMUM PLOT RATIO	MINIMUM BOUNDARY SETBACKS			MINIMUM CAR PARKING SPACES	MINIMUM LANDSCAPING	OTHER REMARKS			
			FRONT	REAR	SIDES						
1000sqm	20m	As per R.25	7.5m	7.5m	2m	2 per dwelling unit	40% of site	Reticulated sewer connection to be available to site.			
PERMITTED USES		NOTE - UNLESS OTHERWISE SPECIFIED AGAINST A PARTICULAR USE BELOW THE STANDARD ABOVE WILL APPLY TO THIS ZONE									
1	Grouped Dwelling	P	1200sqm	20m	As per R.25			As per R.12.5	1 visitor space per 2 units plus 2 per unit, one to be contiguous to the unit and roofed	80sqm per unit in appurtenant courtyard with min. dimensions of 4m x 10m. Access to courtyards required not through a habitable room. No setback between attached units or 3m setback between building on the same lot.	
2	Aged Persons' Dwelling Units	P	1200sqm	20m	As per R.35				0.5 per unit Min of 2 spaces	as per R.35	40 sqm per unit appurtenant courtyard(s) with min dimensions of 4m x 10m
3	Aged Persons' Home	P	1600sqm	30m	As per R.40				1 per 3 beds	as per R.40	
4	Aged Persons' Village	P	3000sqm	30m	As per R.40				1 per 3 beds & 0.5 per unit.	as per R.40	
5	Nursing Home	P	2000sqm	40m	As per R.40				1 per 5 beds	as per R.40	
6	Convalescent Home	P	2000sqm	40m	As per R.40				1 per 5 beds	as per R.40	
7	Residential Building	PS	1600sqm	30m	As per R.40				1 per 2 beds	As per R.40	
8	Single House	PS	As per R.12.5	As per R.12.5	As per R.12.5			As per R.12.5	2 per dwelling unit	As per R.12.5	

## Policy Statement

### OTHER COMMERCIAL

#### EXPLANATION OF SYMBOLS

See Clause 2.2.2

- P Use permitted subject to compliance with Development Standards
- PS Use not permitted unless special approval given by Council and conditions complied with.
- AP Not permitted unless special approval given by Council after advertising.
- IP Use not permitted unless it is incidental to a predominant use as determined by Council.

Primarily for showroom and warehouse uses. Where such uses do not involve direct sales to the public, eg. uses other than motor vehicles and marine sales premises, car parks, storage of bulky furniture and the like, the parking standard may be reduced at the discretion of the Council.

compliance with Development

			DEVELOPMENT STANDARDS								
PS	Standards	Use not permitted unless special approval given by Council and conditions complied with.	MINIMUM LOT AREA	MINIMUM EFFECTIVE FRONTAGE	MAXIMUM PLOT RATIO	MINIMUM BOUNDARY SETBACKS			MINIMUM CAR PARKING SPACES	MINIMUM LANDSCAPING	OTHER REMARKS
AP		Not permitted unless special approval given by Council after advertising.				FRONT	REAR	SIDES			
IP		Use not permitted unless it is incidental to a predominant use as determined by Council.	1000sqm	20m	0.5	11m	7.5m	5m one side	1 per 45sqm gross floor area or display area	20% of site	1.Min 20% of front setback to be dev. as landscaping 2.See Clause 3.2. 3.The Council may relax the parking standard for uses which do not involve retail sales to not less than 1 per 100sqm gross floor area. 4. Fencing to the satisf. & specifications of Council
PERMITTED USES			NOTE - UNLESS OTHERWISE SPECIFIED AGAINST A PARTICULAR USE BELOW THE STANDARD ABOVE WILL APPLY TO THIS ZONE								
9	Nursery	P									
10	Showroom Premises	PS									
11	Public Amusement	PS							As determined by Council		
12	Restricted Premises	AP									The Council shall have regard to the proximity of the site to schools, aged persons' accommodation or other similar establishments which may not be consistent with the proposed use.
13	Office	IP									
14	Caretaker's Dwelling	IP									
15	Carpark	IP				2m	2m	1m		Landscaping to boundary setbacks	

**PD401**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*City of Bayswater*

Town Planning Scheme No. 21—Amendment No. 57

Ref: 853/2/14/25, Pt 57.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Bayswater Town Planning Scheme Amendment on 26 November 1995 for the purposes of zoning the portion of closed road adjoining Lot 119 Raymond Avenue and Lot 501 Collier Road, Bayswater, to "General Industry".

J. B. D'ORAZIO, Mayor.  
M. J. CAROSELLA, Town Clerk.

**PD402**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION**  
*City of Belmont*

Town Planning Scheme No. 11—Amendment No. 84

Ref: 853/2/15/10, Pt 84.

Notice is hereby given that the City of Belmont has prepared the abovementioned scheme amendment for the purpose of rezoning Lots 10, 11, Pt 16 and Location 5253 Klem and Epsom Avenues from "Industrial" and "Parks & Recreation" to "Residential A R20/R40".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 215 Wright Street, Cloverdale and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 12 January 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 12 January 1996.

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

B. R. GENONI, Town Clerk.

**PD403**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*City of Bunbury*

Town Planning Scheme No. 6—Amendment No. 159

Ref: 853/6/2/9, Pt 159.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Bunbury Town Planning Scheme Amendment on 26 November 1995 for the purpose of—

1. Inserting the following Policy Area, No. 26 Bunbury Harbour City, to Part IV—Policies and Zones, Clause 4.3 Policies and modifying Figure 1—Policies Map of the Scheme Text to include Policy Area No. 26 (as shown on the attached diagram):

**26. Bunbury Harbour City**

Whereas the area adjoins Koombana Bay and is currently used for railway marshalling yards and recreational purposes, the following planning policy shall apply:

- (a) the foreshore area shall be upgraded for recreational use and to improve visual amenity;
- (b) the predominant uses shall be for commercial and tourist purposes with associated car parking areas and landscaping as Council considers appropriate;
- (c) a Development Guide Plan shall be required by Council for development proposals in this area.

- (d) Casuarina Drive to be appropriately constructed to minimise noise generated by vehicles.
2. Modifying Policy Area No. 4—Central Business District, Part IV Policies and Zones, Clause 4.3 Policies, to include:
    - (f) a “Mainstreet” type of development shall be encouraged as an extension of Victoria Street, with office and commercial uses which Council regards as compatible under the Scheme.
  3. Amending Figure 1—Policies Map, to include Marlston Hill Precinct within Policy Area No. 3—Clifton Beach and to include the Victoria Street Extension Precinct within Policy Area No. 4 Central Business District, as shown on the attached diagram.
  4. Rezoning land north of Apex Drive, east of Ocean Drive and west of Henry Street, Reserve 10343, Lot 420, Lot 421, Ptn. Lot 525 and Ptn. Reserve 28921 Apex Drive, Ptn. Reserve 16891 and Ptn. Lot 391 Henry Street, Reserve 28172 Ocean Drive, Lot 423, Reserves 14761, 22575, 28260, 30889, 37497, Ptn. Reserve 22450, Ptn. of Pt. Reserve 18574, Pt. 28172, Ptn. Reserve 28260, Portion of Apex Drive and Henry Street from “Industrial” Zone (General Industry) and “Park, Recreation and Drainage” Reserve to “Residential” and “Special Use” Zones with R15, R20 and R60/100 Codings and “Park, Recreation and Drainage” Reserve as depicted on the Scheme Amendment Map.
  5. Rezoning various portions of land adjacent to Koombana Bay, including portions of The Strand, Lot 393 Henry Street, Lot 673, Ptn. Lot 526, Reserve 27300, Ptn. Lots 4, 5 The Strand, Ptn. Reserve 41557, Portion of Koombana Drive Reserve, Ptn. Reserve 7878, from “Industrial” Zone (General Industry and Port Industry), “Communications Reserve” (Railway) and (Arterial-Road), “Central Business District” Zone, “Park, Recreation and Drainage” Reserve to “Special Use” Zone (Bunbury Harbour City) as depicted on the Scheme Amendment Map.
  6. Rezoning portion of Bunbury Outer Harbour from “Industrial” Zone (Port Industry) to “Special Use” Zone (Marina Use), as depicted on the Scheme Amendment Map.
  7. Including the land zoned “Special Use” (Mixed Development), (R15), (Bunbury Harbour City) and (Marina Use) in Appendix IV—F. Schedule: Special Uses as follows:

## Appendix IV First Schedule; Special Uses

Description of Land (Lot, Street, etc)	Permitted Uses	Development Conditions
Land contained within the Special Use Zoning—M.D.	All permitted uses as detailed within the CBD zone, subject to the “AA” provisions of the Scheme and the provisions of Policy Area No.4— CBD as listed under Part 4, Clause 4.3 of the Scheme Text.	As determined by Council.
Land contained within the Special Use Zoning—R15 adjacent to the Casuarina Drive extension.	Residential Buildings to the standards prescribed by the R15 Code.	All residential buildings within this zone are to be constructed in accordance with the following conditions to achieve an internal noise standard of 35dB <sub>(A) Leq</sub> at night and instantaneous noise level of 45dB <sub>(A)</sub> maxi- mum between 2200 and 0700 hours.  Some or all of the following Develop- ment Conditions shall be used to achieve the above standards. <ul style="list-style-type: none"> <li>• bedrooms shall preferably be placed in the part of the house furthest away from the road;</li> <li>• all walls should be constructed of double brick;</li> <li>• all roof materials should be either clay or concrete tiles;</li> <li>• all glazing should be 10mm thick lami- nated;</li> </ul>

		<ul style="list-style-type: none"> <li>• all external doors should be of solid core construction with seals;</li> <li>• all ceilings should be insulated;</li> <li>• all plasterboard in the ceilings should be 19mm thick;</li> <li>• mechanical ventilation in the bedrooms.</li> </ul> <p>Should it be necessary to have the windows shut to achieve the internal noise standard, then the air quality in the bedrooms must meet the standards specified in Australian Standard 1668.2 -1991, when the windows are shut.</p>
Land contained within the Special Use Zoning—BHC	Museum, Railway Station, Hotel.	As determined by Council.
Portion of the Outer Harbour adjoining Casuarina Harbour	Boat Launching facilities, carparking, trailer parking, marina related facilities.	As determined by Council.

8. Rezoning various portions of land east of Victoria Street and west of Henry Street, including portions of Ommaney Street, Henry Street, Wollaston Street and The Strand, Ptn. Reserve 16891, Ptn. Lot 400 and Ptn. 27300 Henry Street, lot 13 Victoria Street, Lots 14 and 15 Henry Street Lots 7, 8, 9 Wollaston Street, Lots 3, 4, 5 The Strand, Reserve 7891, Lot 341 Victoria Street and remaining land including Lots 6, 1, 2, 3, 4, 5, 6, 7, from "Communications Reserve" (Railway) and "Park, Recreation & Drainage" Reserve to "Special Use "Mixed Development Zone as depicted on the Scheme Amendment Map.
9. Rezoning various remaining portions of land, from "Industrial" Zone (General Industry and Port Industry), "Communications Reserve" (Railway), "Special Use" Zone (Caravan Park) to "Park, Recreation and Drainage" Reserve and "Communications Reserve" (Sub Arterial Road) and (Arterial Road) as depicted on the Scheme Amendment Map.
10. Rezoning portions of land north of Koombana Drive, Ptn. Reserve 41557, Ptn. Lot 526 and Closed Road from "Park, Recreation and Drainage" Reserve and "Communications Reserve" (Arterial Road) to "Communications Reserve" (Railway), as depicted on the Scheme Amendment Map.
11. Development is to be in accordance with the Scheme provisions and the Marlston Hill Structure Plan No. 93/40/2 dated January endorsed by the Mayor and Town Clerk and any approved variation thereto.

E. MANEA, Mayor.  
G. BRENNAN, City Manager.

#### PD404

#### TOWN PLANNING AND DEVELOPMENT ACT 1928 SCHEME AMENDMENT AVAILABLE FOR INSPECTION *City of Canning*

Town Planning Scheme No. 40—Amendment No. 32

Ref: 853/2/16/44, Pt 32.

Notice is hereby given that the City of Canning has prepared the abovementioned scheme amendment for the purpose of rezoning Reserve 34707, Canning Location 2909 on the corner of Willeri Drive, Nicol Road and Heron Place, Parkwood, to "Residential" with a density code of R17.5.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 1317 Albany Highway, Cannington and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 12 January 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 12 January 1996.

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

I. F. KINNER, Town Clerk.



**PD405****TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENT***City of Mandurah*

Town Planning Scheme No. 1A—Amendment No. 242

Ref: 853/6/13/9, Pt 242.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Mandurah Town Planning Scheme Amendment on 26 November 1995 for the purpose of—

1. rezoning Lots 43, 44, 45, 46 & 47 Dower Street, Mandurah from “Residential 1 (R12.5)” to “Service Commercial”.
2. amending the Scheme Map accordingly.

K. A. HOLMES, Mayor  
M. R. NEWMAN, A/Town Clerk.

**PD406****TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION***City of Mandurah*

Town Planning Scheme No. 1A—Amendment No. 260

Ref: 853/6/13/9, Pt 260.

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

1. rezoning Part Lot 673 Bortolo Drive, Greenfields from “Residential 1” to “Residential 3”.
2. amending the Residential Planning Code Map with the inclusion of the “Residential 3” land within the R40 Code.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Mandurah Terrace, Mandurah and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 12 January 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 12 January 1996.

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

S. K. GOODE, Chief Executive Officer.

**PD407****TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENT***City of Rockingham*

Town Planning Scheme No. 1—Amendment No. 241

Ref: 853/2/28/1, Pt 241.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Rockingham Town Planning Scheme Amendment on 20 November 1995 for the purpose of—

Rezoning part of Crown Grant 1490 from “General Industry Zone” and land reserved for “Public Purposes”, to “Service Commercial Zone” and “Public Open Space” reserve and including the specific provisions which will apply thereto by adding “Table VI—East Rockingham Industrial Park (IP 14)” to the Scheme Text.

Table VI: East Rockingham Industrial Park (IP 14)  
Specific Provisions Relating to Service Commercial Zones Therein

Column (a) Locality	Column (b) Provisions
Land Comprising the following—  Part of Crown Grant 1490, Patterson Road, East Rockingham.	<ol style="list-style-type: none"> <li>1. The subdivision for the area described in Column (a) shall generally be in accordance with the Subdivision Guide Plan (92/05/12) as signed by the Town Clerk.</li> <li>2. In considering an application for town planning approval in the Service Commercial area described in Service Commercial area described in Column (a), the Council, in addition to any other aim or objective of the Scheme and to any other matter it is required or permitted to consider, shall have regard to the following objectives— <ol style="list-style-type: none"> <li>(a) the promotion of a high standard of building development, landscaping and working environment;</li> <li>(b) the protection of the amenity of nearby residential areas.</li> </ol> </li> <li>3. In the instance where there is an inconsistency between the following specific provisions and provisions relating to Service Commercial Zones listed elsewhere in the Scheme Text, the following shall prevail. <ol style="list-style-type: none"> <li>3.1 Carparking Showroom: One car bay to every 46 square metres of gross floor area, or part thereof.</li> <li>3.2 Building and Setback Area No use of the area between the street alignment and building setback lines shall be permitted, other than for planting or for pedestrian and vehicular circulation and parking, except that not more than 20 per cent of the setback area may be used for trade display purposes approved by Council.</li> <li>3.3 Landscaping Minimum area equivalent to 10 per cent of the site, comprising a minimum 5 metre wide planting strip adjacent to the street boundary, plus the street verge to be landscaped and maintained to the satisfaction of Council.</li> </ol> </li> </ol>

F. W. GARDINER, Mayor.  
G. G. HOLLAND, Town Clerk.

## PD408

### TOWN PLANNING AND DEVELOPMENT ACT 1928 APPROVED TOWN PLANNING SCHEME AMENDMENT

*City of Rockingham*

Town Planning Scheme No. 1—Amendment No. 258

Ref: 853/2/28/1, Pt 258.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Rockingham Town Planning Scheme Amendment on 26 November 1995 for the purpose of—

1. (i) Zoning part of the southern portion of the Port Kennedy Business Park, previously a Metropolitan Region Scheme Road and Public Purpose Reserve to "Service Commercial" as shown on the Scheme Amendment map;
- (ii) Rezoning part of the southern portion of the Port Kennedy Business Park from "Rural" to "Service Commercial" as shown on the Scheme Amendment map;
- (iii) Rezoning portion of the Port Kennedy Business Park from "Light Industrial" to "Service Commercial" as shown on the Scheme Amendment Map.
2. Deleting Clause 1 from Table V and replacing it with the following Clause—

"The subdivision shall generally be in accordance with the subdivision guide plan adopted as part of Amendment No. 258 and certified by the Town Clerk as the subdivision plan relating to the area as described in Column (a) and shall form part of the Scheme."

M. McGOWAN, D/Mayor.  
J. S. GREEN, A/Town Clerk.

PD409

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*City of Stirling*

District Planning Scheme No. 2—Amendment No. 219

Ref: 853/2/20/34, Pt 219.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Stirling Town Planning Scheme Amendment on 26 November 1995 for the purpose of rezoning portions of the existing residential zones in the area broadly bounded by Swan River, Mitchell Street, Stanley Street, Guildford Road, Whatley Crescent, Kenilworth Street and Darby Street in the suburbs of Maylands and Mount Lawley, as shown on the District Planning Scheme No. 2—Amendment No. 219 plans.

A. A. SPAGNOLO, Mayor.  
R. A. CONSTANTINE, A/Town Clerk.

PD410

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENTS**  
*Shire of Dundas*

Town Planning Scheme No. 2—Amendment Nos. 2 & 3

Ref: 853/11/5/3, Pts 2 &amp; 3.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Dundas Town Planning Scheme Amendments on 26 November 1995 for the purpose of—

Amendment No. 2

inserting the following clause in the Scheme Text—

8.7 Delegation

8.7.1 The Council may, either generally or in a particular case or cases, by resolution passed by an absolute majority of the Council, delegate to the following eligible persons the authority to deal with an application for Planning Approval made under this Scheme—

- (a) a member of the Council being the Chairman of the committee required at the direction of Council to consider and report upon all applications for planning approval within its municipal district, and being qualified by experience with the work of any such committee; and/or
- (b) that officer of the Council, holding or eligible to hold a Municipal Town Planners Certificate, appointed to the position of Town Planner for the purpose of the Local Government Act with overall responsibility for the planning functions of the Council or appointed by the Council to supervise the development control functions of the Council,

or those persons who from time to time occupy the positions referred to in (a) and (b) above.

8.7.2 Any delegation made under sub-clause 8.7.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.

8.7.3 A delegation of authority pursuant to the provisions of this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power.

8.7.4 The performance of the function by a delegate under subclause 8.7.1 shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.

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

8.7.6 A resolution to revoke or amend a delegation under this clause may be passed by a simple majority.

8.7.7 An officer or member exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.

8.7.8 A person who is or has been a delegate of the Council is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any powers conferred, or the carrying out of any duty imposed on the Council by this Scheme.

**Amendment No. 3**

inserting the following clause in the Scheme Text—

**7.5 Approval of Existing Developments**

- (a) The Council may give its approval to a development which was commenced or completed or undertaken without prior approval of the Council or where the development is not in accordance with an issued approval, providing such development complies with the provisions as to all matters other than the provisions requiring Council's approval prior to the commencement of the Development.
- (b) The application to the Council for approval under paragraph 7.5 (a) shall be made in the form prescribed in Appendix 2 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.
- (c) The approval by the Council of an existing development shall not affect the power of the Council to take appropriate action for a breach of the Scheme and the Act in respect of the commencement of the development without approval.

P. W. BROWN, President.  
E. A. GILBERT, Shire Clerk.

**PD411**

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

District Planning Scheme No. 2—Amendment No. 158

Ref: 853/2/24/16, Pt 158.

Notice is hereby given that the Shire of Kalamunda has prepared the abovementioned scheme amendment for the purpose of allowing for the construction of a second dwelling (additional accommodation) and ancillary outbuildings on Lot 32 (10) Kiev Court, Lesmurdie as an additional use, and providing for a minimum lot size of 7 000 square metres.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 2 Railway Road, Kalamunda and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 12 January 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 12 January 1996.

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

D. E. VAUGHAN, Shire Clerk.

**PD412**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*Shire of Manjimup*

Town Planning Scheme No. 2—Amendment No. 58

Ref: 853/6/14/20, Pt 58.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Manjimup Town Planning Scheme Amendment on 26 November 1995 for the purpose of—

Amending the Scheme Map by—

1. Removing Portion of Nelson Location 7333, surrounding Vacant Crown Land, portion of Railway Reserve, Lots 6, 17, 19, 20, 23, 25, and Part Lot 1 from the "Rural" zone and including the land within the "Rural Industry" zone;
2. Removing portion of Nelson Location 7333, Nelson Location 12274, 8453, 7784, Lots 21 and 24 from the "Rural" zone and including the land within the "Park and Recreation Area" Reserve;
3. Removing Lot 1 and Location 12269 Churches Road and portion of Nelson Location 7333 and the Railway Reserve from the "Rural" zone and including the land within the "Residential R10" and "Residential R12.5" zone;
4. Including within the legend to the Scheme Map, a new designation of "Rural Industry";

Amending the Scheme Text by—

1. Amending Clause 3.1 to include “Rural Industry” as an additional zone type within the Scheme Area;
2. Amending Table 1 of the Use Class Table by the insertion of the “Rural Industry” zone and appropriate symbols;
3. Amending Clause 5.2.7 (Industry Zone) by the inclusion of a further notation which contains development standards and provisions as they relate to the “Rural Industry” zone.

T. THOMPSON, President.  
G. FITZGERALD, Shire Clerk.

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**PD413**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENT**

*Shire of Northam*

Town Planning Scheme No. 2—Amendment No. 23

Ref: 853/4/23/2 Pt 23

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Northam Town Planning Scheme Amendment on 26 November, 1995 for the purpose of—

1. rezoning part of Lot 332 Primrose Way, Coral Way and Grevillia Street, from Recreation to Residential and Rural 2.
2. rezoning part of Vacant Crown Land, North of Grevillia Street, between Jarrah Road and Kuringal Road, from Residential and Rural 2 to Recreation and Rural 2.

D. R. ANTONIO, President.  
A. J. MIDDLETON, Shire Clerk.

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**PD414**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

*Shire of Swan*

Town Planning Scheme No. 9—Amendment No. 263

Ref: 853/2/21/10 Pt 263

Notice is hereby given that the Shire of Swan has prepared the abovementioned scheme amendment for the purpose of—

1. including in Appendix 6B “Additional or Restricted Uses” the additional uses of “Studio-Fine Art Furniture and Craft” and “Restaurant” on portion of Pt Lot 18 Toodyay Road, Middle Swan.
2. excluding land from the Regional Reserve “Other Major Highways” and including it in the “Rural Living” zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, corner Great Northern Highway and Bishop Road, Middle Swan and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 12 January 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 12 January 1996.

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

E. W. LUMSDEN, Shire Clerk.

**PD415**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION**  
*Town of Albany*

Town Planning Scheme No. 1A—Amendment No. 94

Ref: 853/5/2/15 Pt 94

Notice is hereby given that the Town of Albany has prepared the abovementioned scheme amendment for the purpose of including Lots 15, 16 & 17 and Part Location 305 Middleton Road, Albany within a Special Site, with the additional permitted use, "Holiday Accommodation".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 221 York Street, Albany and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 12 January 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 12 January 1996.

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

M. A. JORGENSEN, Town Clerk.

**PD416**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION**  
*Town of Bassendean*

Town Planning Scheme No. 3—Amendment No. 51

Ref: 853/2/13/3 Pt 51

Notice is hereby given that the Town of Bassendean has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 728, 16 Broadway, Bassendean from "Residential R20" to "Community".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 48 Old Perth Road, Bassendean and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 12 January 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 12 January 1996.

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

S. SMITH, General Manager/Town Clerk.

**PD417**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*Town of Northam*

Town Planning Scheme No. 4—Amendment No. 4

Ref: 853/4/3/4 Pt 4

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Town of Northam Town Planning Scheme Amendment on 26 November, 1995 for the purpose of—

Modifying Clause 5.2 in section Part 5—Development Requirements of the Scheme Text—"Discretion to Modify Development Standards" to read as follows—

5.2 Discretion to Modify Development Standards

If a development, other than a residential development, the subject of an application for planning consent does not comply with a standard or requirement prescribed by this Part of the Scheme with respect to that development, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

J. E. SMITH, Mayor.  
D. S. BURNETT, A/Town Clerk.

PD501

**WESTERN AUSTRALIAN PLANNING COMMISSION**  
**METROPOLITAN REGION SCHEME (SEC. 33 AMENDMENT)**

Call For Public Submissions  
"Eastern Corridor (1995) Omnibus"

File No: 809-2-1-33

Amendment No: 974/33

The Metropolitan Region Scheme (the Scheme) is proposed to be amended for various portions of land in the localities of the Cities of Bayswater and Belmont, Town of Bassendean and the Shires of Kalamunda, Mundaring and Swan of the Perth metropolitan region.

The procedure for amending the Scheme, as set out in section 33 of the Metropolitan Region Town Planning Scheme Act, is to be used to advertise this proposal. Public submissions are invited and the amendment will eventually be put to Parliament for final approval. In accordance with the procedure in section 33, the Hon Minister for Planning has approved the amendment for public display and for the calling of submissions.

Copies of the maps showing the proposed changes to the zones and reservations of the Scheme and the Commission's Report on the amendment proposals are available for the public inspection at each of the places listed below.

The amending plans 1.3388, 1.3389 and 1.3390 and detail plans are available for inspection from Monday November 27, 1995 to Friday February 23, 1996 at each of the following places—

- (a) Ministry for Planning  
1st Floor  
Albert Facey House  
469-489 Wellington Street  
Perth WA 6000

Council Offices of the municipalities of—

- (b) City of Perth  
Westralia Square  
141 St Georges Terrace  
Perth WA 6000  
City of Fremantle  
Corner Newman and William Streets  
Fremantle WA 6160  
City of Bayswater  
61 Broun Avenue  
Embleton WA 6062  
City of Belmont  
215 Wright Avenue  
Belmont WA 6104  
Town of Bassendean  
48 Old Perth Road  
Bassendean WA 6054  
Shire of Kalamunda  
Administration Centre  
2 Railway Road  
Kalamunda WA 6076  
Shire of Mundaring  
7000 Great Eastern Highway  
Mundaring WA 6073  
Shire of Swan  
Great Northern Highway  
Midland WA 6056
- (c) JS Battye Library  
Alexander Library Building  
Cultural Centre  
Francis Street  
Northbridge WA 6003

Any person who desires to make a submission either supporting or objecting to any provisions of the proposed amendment may do so on the Form 6A. Submission forms are available on request from the display locations and must be lodged with the—

Western Australian Planning Commission  
Albert Facey House  
469-489 Wellington Street (cnr Forrest Place)  
Perth WA 6000

on or before 4.30 pm Friday February 23, 1996.

PETER MELBIN, Secretary, Western Australian  
Planning Commission.

**PD706****TOWN PLANNING AND DEVELOPMENT ACT 1928****APPROVED TOWN PLANNING SCHEME***City of Mandurah***Town Planning Scheme No. 4—Port Bouvard Waterway Management Scheme**

Ref: 853/6/13/13

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Mandurah Town Planning Scheme No. 4—Port Bouvard Waterway Management Scheme on November 2, 1995—the Scheme Text of which is published as a Schedule annexed hereto.

K. A. HOLMES, Mayor.  
S. K. GOODE, Town Clerk.

## Schedule

**CITY OF MANDURAH TOWN PLANNING SCHEME No. 4  
PORT BOUVARD WATERWAY MANAGEMENT SCHEME****TABLE OF CONTENTS****PART I—PRELIMINARY**

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- 1.3 Responsible Authority
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- 1.7 Interpretations
- 1.8 Relationship of Scheme to By-laws

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**TOWN PLANNING AND DEVELOPMENT ACT 1928**

Approved Town Planning Scheme

**CITY OF MANDURAH TOWN PLANNING SCHEME No. 4  
PORT BOUVARD WATERWAY MANAGEMENT SCHEME**

The City of Mandurah, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 1928 and all other powers enabling it, hereby makes the following Town Planning Scheme.

**SCHEME TEXT****PART I—PRELIMINARY****1.1 CITATION**

This Town Planning Scheme may be cited as City of Mandurah Town Planning Scheme No. 4, Port Bouvard Waterway Management Scheme (hereinafter referred to as “the Scheme”).

**1.2 ARRANGEMENT OF SCHEME TEXT**

The Scheme Text is divided into Parts as follows:

- Part I—Preliminary
- Part II—Subdivision
- Part III—Development
- Part IV—Initial Management by Developer
- Part V—Community Association
- Part VI—Maintenance Fund
- Part VII—General

**1.3 RESPONSIBLE AUTHORITY**

The authority responsible for enforcing the observance of the Scheme is the City of Mandurah (hereinafter referred to as “the Council”).

**1.4 MAP**

The following maps are attached to and form part of the Scheme:

- (a) Scheme Map;
- (b) Waterway Areas Maps;
  - Sheet 1—Northport Canals Plan;
  - Sheet 2—Southport Lagoon Plan;
  - Sheet 3—Eastport Canals Plan.

**1.5 SCHEME AREA**

The Scheme shall apply to the whole of the land contained within the inner edge of the broken black line on the Scheme Map (hereinafter referred to as “the Scheme Area”).

**1.6 OBJECT**

The object of the Scheme is to provide for the short and long term management of the Waterways contained within the Port Bouvard Estate.

**1.7 INTERPRETATIONS**

In the Scheme, unless the context otherwise requires the terms and expressions used shall have the meanings assigned to them in and for the purpose of the City of Mandurah Town Planning Scheme No. 1A and additionally the following terms shall have the meanings assigned to them hereunder:

- (a) “Act” means the Town Planning and Development Act 1928;
- (b) “Commission” means the Western Australian Planning Commission or such other body as from time to time is responsible under the Act for approving the subdivision of land within the district of the Council;
- (c) “Construction Standards” means the specifications and standards referred to in paragraph 3.3.1;
- (d) “Community Association” means the Port Bouvard Waterway Management Association (Inc), or an Association under a different name but having the responsibilities of the Community Association provided for in this Scheme;
- (e) “Council” means the City of Mandurah (as provided in clause 1.3), but where the context requires or permits also means the Council as the executive body of the City of Mandurah;
- (f) “Department” means the Department of Transport or such other department instrumentality or authority of the State of Western Australia from time to time having responsibility for the approval of the design of artificial Waterways, placement and maintenance of navigational aids and policy of Waterways.
- (g) “Design Guidelines” means a set of provisions or code prescribing standards and requirements for development within the Scheme Area other than the standards and requirements contained in the Construction Standards and the Monitoring and Management Plan;
- (h) “Developer” means Wannunup Development Nominees Pty Ltd or the transferee, assignee or successor of that company which has undertaken the responsibility of developing the Port Bouvard Estate;
- (i) “development” has the same meaning as is given to the term in Section 2 of the Act;

- (j) "district zoning scheme" means the City's Town Planning Scheme No. 1A or such other scheme as from time to time in place of that scheme zones the land within the district of the City;
- (k) "Eastport" means the Waterway depicted in the Water Areas Map - Sheet 3;
- (l) "Lot" means a lot within the meaning of that term in section 2 of the Act and includes an individual strata lot;
- (m) "Maintenance Fund" means the fund established by the Developer and referred to in Part V hereof;
- (n) "Monitoring and Management Plan" means the Technical Specification Monitoring and Management Plan approved by the Council and the Department;
- (o) "mooring" means any jetty, pontoon, anchor or other method of tying up or restraining a vessel within the water or against or near any wall or bank of the Waterway;
- (p) "mooring envelope" means an area within a Waterway within the Scheme Area where, subject to the approval of the Minister for Transport, a jetty or pen may be constructed or a mooring may be laid;
- (q) "Northport" means the Waterway depicted in the Waterway Areas Map - Sheet 1;
- (r) "Owner" means an owner of an estate in fee simple in possession in any land or of a strata lot within the Scheme Area;
- (s) "Southport" means the Waterway depicted in the Waterway Areas Map - Sheet 2;
- (t) "Trust Account" means the Trust account in the name of the Port Bouvard Community Association referred to in subclause 5.1.1;
- (u) "Waterway" means any artificial channel, lake, harbour, or embayment within the Scheme Area which is used or intended for use for navigational, ornamental and recreation purposes, or for any of those purposes. The term includes any access channel or connecting channel or sea wall and any addition to or alteration of a Waterway within the meaning of this definition and any system of Waterways within the meaning of this definition in any development of the Scheme Area. The term also includes any other waterway designed for other purposes such as drainage but which is capable of use as a canal as herein defined. The term more specifically includes the areas depicted in the Scheme Map as the Port Bouvard Canal;
- (v) "Waterways Commission" means the Waterways Commission as established pursuant to the Waterways Conservation Act 1976;
- (w) "Waterways Development" means all of the work required to produce subdivisional lots fronting any Waterway or directly related to the Waterways and depicted in the Waterway Areas Maps.

## 1.8 RELATIONSHIP OF SCHEME TO BY-LAWS

The provisions of the Scheme shall have effect notwithstanding any by-law or regulation for the time being in force in the district of the City of Mandurah; where the provisions of the Scheme are inconsistent with the provisions of any by-law or regulation, the provisions of the Scheme shall prevail.

## PART II—SUBDIVISION

### 2.1 DEVELOPER'S RESPONSIBILITY

The subdivision of the Scheme Area will be carried out by the Developer and shall in the ordinary way be subject to the approval of the Commission.

### 2.2 LAYOUT OF SUBDIVISION

The subdivision pattern shown on the Scheme Map is indicative of the form of subdivisional development proposed.

### 2.3 VARIATIONS

Variations to the subdivision pattern may be made at the request of the Developer subject to the approval of the Commission on the recommendation of the Council.

### 2.4 SUBDIVISION PRIOR TO SCHEME

It is consistent with the Scheme that the subdivision of the Scheme Area in accordance with the Scheme Map, or the map as varied, may be undertaken prior to the gazettal of the Scheme, subject only to the Developer obtaining the approval of the Commission.

## PART III—DEVELOPMENT

### 3.1 DEVELOPMENT BY DEVELOPER

#### 3.1.1 Developer Responsible

All development work within the Scheme Area shall be carried out by and at the expense of the Developer who shall be solely responsible for making application for and securing any approval, licence or consent required under any written law in respect thereof.

#### 3.1.2 Indemnity to Council

The Council shall not be responsible in any way for the carrying out or cost of the development work in any part of the Scheme Area and the Council shall be indemnified by the Developer against any cost or liability it may incur in connection with the development work and in connection with the implementation of the Scheme generally or in respect of the making of the Scheme including any claim for compensation for injurious affection. Notwithstanding the generality of the foregoing the Developer shall not be liable to indemnify the Council for normal administrative costs it would have incurred in connection with the subdivision of land within the Scheme Area, and the carrying out of the development had this Scheme not been adopted.

### 3.1.3 Staging

The Developer may construct the Waterways in stages subject to the agreement of the Department, Peel Inlet Management Authority, and the Council.

## 3.2 DEVELOPMENT PRIOR TO SCHEME

### 3.2.1 Planning Consent

To the extent that it is necessary to obtain planning consent for any development within the Scheme Area, it is not contemplated that the gazettal of the Scheme must precede the granting of planning consent.

### 3.2.2 Carrying out of Work

It is consistent with the Scheme that the carrying out of work in respect of any part of the Waterways Development may be undertaken prior to the gazettal of the Scheme, subject only to the Developer obtaining any planning consent required under the Council's district zoning scheme and any other licence approval or consent required under any written law.

## 3.3 STANDARDS APPLICABLE

### 3.3.1 Construction Standards

The Waterways shall be constructed in accordance with the specifications and standards in the Waterway Construction Plans and Specifications approved by the Council and the Department and amendments as approved from time to time.

## PART IV—INITIAL MANAGEMENT BY DEVELOPER

## 4.1 MANAGEMENT BY DEVELOPER

### 4.1.1 First Five Years

Subject to the provisions of subclause 4.1.3, for a period of 5 years from the date of practical completion of the construction of the Waterways the Developer shall be and remain responsible for the monitoring, maintenance and repair of:

- (a) the bed and walls and any other structure or work of or associated with the Waterways;
- (b) the water quality within the Waterways;
- (c) sedimentation control within the Waterways;
- (d) removal of rubbish and algal wrack; and
- (e) storm and flood damage

### 4.1.2 Development in Stages

If a Waterway is developed in stages the Developer's responsibility for maintenance:

- (a) of the bed and of the water quality and prevention of siltation in that Waterway shall continue until 5 years have expired after the date of practical completion of the construction of the most recent stage of the Waterways; and
- (b) of the walls of that Waterway shall continue for 5 years after the date of practical completion of that stage.

### 4.1.3 Management After First Five Years

After the expiration of the 5 years period or periods of the Developer's responsibility for monitoring, maintenance, and repair in accordance with provisions of this subclause the Developer's liability for maintenance shall continue until:

- (a) 25 per cent of lots within the Scheme Area have been sold by the Developer;
- (b) the construction of residences has been commenced on 10 per cent of the lots within the Scheme Area; and
- (c) the Association has been formed and incorporated and the levy funds have been placed in the control of the Association.

### 4.1.4 Environmental Management Programme

The obligations in regard to the maintenance of water quality and in regard to the prevention and control of siltation require compliance with the standards in the Environmental Management Programme required pursuant to the approval granted under the Environmental Protection Act 1986.

### 4.1.5 Developer's Liability for Cost of Maintenance Work

The Developer shall not use or call upon the Community Association to use the Maintenance Fund or moneys in the Trust Account or any funds of the Association to pay for any of the maintenance work referred to in subclause 4.1.1 until after the expiration of the period of the Developer's liability as referred to in subclause 4.1.3.

### 4.1.6 Environmental and Waterways (Ongoing) Management Programme

The Developer shall prepare an Environmental and Waterways (Ongoing) Management Programme to the satisfaction of the Environmental Protection Authority, the Peel Inlet Management Authority and the Department before the expiration of the Developer's responsibilities and notwithstanding the provisions of subclauses 4.1.1 to 4.1.3 inclusive, the Developer shall continue to be responsible for management of the Waterways until the Environmental and Waterways (Ongoing) Management Programme is completed to the satisfaction of those public authorities.

## 4.2 DESIGN GUIDELINES

### 4.2.1 Developer to Prepare Design Guidelines

The Developer shall prepare and within 60 days from the gazettal of this Scheme shall submit for the approval of the Council and the Peel Inlet Management Authority, design guidelines to guide development on lots within the Scheme Area in regard to the following matters:

- (a) the placement of buildings, outbuildings, retaining walls, fences, other structures, and excavations on any lot within the Scheme Area;
- (b) the construction of any jetty, mooring or other structure projecting from a lot into the Waterway;
- (c) materials and finishes of buildings;
- (d) the structure and placement of driveways, carports and garages;
- (e) plantings on any lots;
- (f) onsite stormwater disposal;
- (g) the heights of buildings and other structures on lots; and
- (h) any other matter pertaining to development on lots as the Developer considers appropriate.

### 4.2.2 Developer to Ensure Compliance in Design

The Developer shall be responsible to ensure that any dwelling or other development proposed to be carried out on any lot within the Scheme Area is designed in accordance with the design guidelines before any application for planning approval (if applicable) or a building licence is submitted to the Council. The Council shall not be required to issue any planning approval (if applicable) or any building licence for a dwelling or any other building or development proposed within the Scheme Area unless the application for the approval or licence is accompanied by a letter or certificate from the Developer or the Association in accordance with the provisions of this subclause confirming that the Developer or the Association as the case may be is satisfied that the proposal is in accordance with the design guidelines. Provided that the Council receives such a certificate or letter the Council shall not be required to make any further enquiry to ascertain whether the proposal is in accordance with the design guidelines.

### 4.2.3 Duration of Developer's Responsibility for Design

The Developer shall remain responsible for the implementation of the design guidelines until:

- (a) 25 per cent of the lots within the Scheme Area have been sold;
- (b) construction of a residence has been commenced on 10 per cent of the lots within the Scheme Area; and
- (c) the Association has been formed and incorporated.

### 4.2.4 Responsibility Passing to Association

After the termination of the Developer's liability for the implementation of the design guidelines in accordance with the preceding paragraph the responsibility for the implementation of the design guidelines shall be undertaken by the Association.

## PART V—COMMUNITY ASSOCIATION

### 5.1 ESTABLISHMENT OF COMMUNITY ASSOCIATION

#### 5.1.1 Time Limited for Formation

The Developer shall not develop more than 50 per centum in number of the lots proposed to be created in the Scheme Area until the Community Association has been formed and is able to take and hold a lease of the bed of the Waterways.

#### 5.1.2 Incorporation

The Community Association is to be incorporated under the Association's Incorporation Act 1987 with a Constitution satisfactory to the Council.

### 5.2 OBJECTS OF THE COMMUNITY ASSOCIATION

In addition to any other objects considered appropriate by the members of the Community Association and acceptable to the Council, the objects of the Community Association shall include the following:

- (a) maintaining the structures of the Waterways in accordance with the Construction Standards;
- (b) maintaining the water depth in the Waterways against the effects of siltation in accordance with the Construction Standards;
- (c) maintaining water quality within the Waterways;
- (d) application of the Design Guidelines;
- (e) administering the Maintenance Fund;
- (f) collecting contributions to the Maintenance Fund from Owners; and
- (g) removal of algal wrack from the Waterways.

### 5.3 RESPONSIBILITIES OF THE COMMUNITY ASSOCIATION

#### 5.3.1 Passing of Responsibility for Management

Upon completion of the Developer's responsibilities set out in the Scheme regarding construction, maintenance and preparation of the Environmental and Waterways (Ongoing) Management Programme and the provision of written evidence to the Council that these responsibilities have been discharged to the satisfaction of the Department, the Department of Environmental Protection and the Peel Inlet Management Authority, the Community Association shall become and shall remain responsible for

the ongoing management of the Waterways in accordance with the Environmental and Waterways (Ongoing) Management Programme.

#### 5.3.2 Financial Responsibility

Upon the Community Association becoming responsible for the maintenance of the Waterways, the Community Association shall have the full financial responsibility to maintain the Waterways and after taking account of contributions which the Developer is required by this Scheme to make to the Maintenance Fund, shall fulfil its financial responsibilities by imposing levies upon its members and by such other means as the Association from time to time considers proper but without recourse to the City's funds.

The financial responsibility of the Community Association to maintain the Waterways shall continue until:

- (a) the Community Association is dissolved; or
- (b) the Council undertakes the management of the Waterways as provided for in Clause 5.7.

### 5.4 MEMBERSHIP OF ASSOCIATION

#### 5.4.1 Eligibility

The Constitution and/or Rules of the Community Association shall provide inter alia that the membership of the Community Association shall be open to every person who is an Owner of a Lot within the Scheme Area, and shall provide that a person who has contracted to purchase a Lot shall be entitled to membership of the Community Association either of the same class, grade or status as an Owner or otherwise.

#### 5.4.2 Rights

The Constitution and/or Rules of the Community Association shall subject to any necessary approval of the Department ensure that any financial member and that the members of the family and any servant or agent or invitee or licensee of a financial member enjoys the following rights amongst any others which the Community Association is able and considers proper to confer:

- (a) the right to use any mooring as specified by the Community Association;
- (b) the exclusive right to the use of any mooring within the mooring envelope of that member's Lot; and
- (c) the right of access to and use of any part of the Waterways subject to any by-law or direction of the Community Association.

#### 5.4.3 Establishment of Moorings

The Community Association shall subject to any necessary approval of the Department have the right and may by its Constitution and/or Rules or by a by-law or otherwise provide for the establishment of a mooring adjacent to or within the mooring envelope of any Waterway fronting a Lot the Owner of which is not a financial member of the Association.

#### 5.4.4 Persons not Financial Members

Any Owner who is not a financial member of the Community Association shall in that part of any Waterway adjacent to any part of the Owner's Lot:

- (a) maintain the structure of the bed of the Waterway in accordance with the Construction Standards;
- (b) monitor and maintain water quality in accordance with the Construction Standards;
- (c) maintain the water depth of the Waterway against the effects of siltation; and
- (d) establish and maintain a liaison with the Waterways Commission and the Department in relation to the aforesaid and any other matters touching upon the water quality and the structure of the Waterway adjacent to the Owner's Lot,

PROVIDED THAT the Owner may make such financial or other arrangements acceptable to the Community Association for the Community Association to carry out all or any of those obligations on behalf of the Owner.

#### 5.4.5 Responsibility for Cost of Maintenance

Without affecting the generality of any of the preceding provisions of this clause every Owner of a Lot within the Scheme Area has a responsibility to contribute to the cost of maintaining the Waterways and the water quality and depth of the Waterways.

#### 5.4.6 Obligations on Becoming Registered Proprietor

Any Owner who is not a member of the Community Association shall within 60 days of becoming the registered proprietor or one of two or more joint tenants or tenants in common of any Lot, apply to the Community Association either:

- (a) to become a member of the Community Association; or
- (b) for the Community Association to fix the contribution of that Owner to the cost of maintaining the Waterways and the water quality and depth of the water in the Waterways, or to advise as an alternative the basis upon which an annual contribution to the cost of that maintenance shall be assessed for payment by the Owner.

#### 5.4.7 Time for Payment of Contributions

Any contribution to the cost of maintaining the Waterways or the quality and depth of the water within the Waterways or any membership fee or levy on members imposed for the purpose of paying the costs of maintaining Waterways and the quality and depth of water within the Waterways shall be paid within 60 days of the Community Association making demand for the same by posting a demand to the address of the Owner's Lot in the Scheme Area, or to the Owner's last known place of residence.

Interest at the rate applied from time to time by the Commonwealth Trading Bank on overdrafts of a comparable amount shall be payable by any Owner whose contribution is not paid within the 60 days' notice period and such interest may be claimed and recovered by the Community Association from the date the 60 days' notice expires.

#### 5.4.8 Recovery of Contributions

The Community Association may take action in a civil court of competent jurisdiction to recover from any Owner within the Scheme Area:

- (a) any membership fee or levy on members imposed for the purpose of paying the cost of maintaining the Waterway and the quality and depth within the Waterway within the Scheme Area; or
- (b) any contribution to the cost of maintaining the Waterway which the Community Association has demanded of an Owner who is not a member of the Community Association;
- (c) any interest payable on any overdue contribution; and
- (d) the cost of recovering the funds referred to in this subclause.

#### 5.4.9 Advice to Prospective Owners

The Developer and/or the Community Association shall make arrangements satisfactory to the Council to ensure that all prospective Owners in the Scheme Area are advised of their rights and responsibilities under the Scheme and the Constitution and Rules of the Community Association.

#### 5.4.10 Council Representatives on Association Committee

5.4.10.1 The Council may from time to time nominate a member of the Council to be an ex officio member of the Committee of the Community Association and that representative shall in all ways be and be treated by the Community Association as a member of its Committee.

5.4.10.2 The Constitution and/or Rules of the Community Association shall provide that a representative of the Council appointed in accordance with the provisions of this subclause shall be ex officio a member of the Committee of the Association and shall make such provisions as are necessary to reflect the provisions and requirements of this subclause.

5.4.10.3 The Council representative on the Committee of the Community Association shall have the power to require the delay or suspension of the implementation of any resolution of the Community Association for the expenditure of any funds received, collected or held for the purpose of management of the Waterways pending the referral of the item to the Council for consideration. Where the Council representative makes such a requirement the Community Association shall not act upon the resolution nor expend funds as proposed in the resolution until the matter has been considered by the Council and the Council has approved the expenditure.

5.4.10.4 If a resolution of the Committee of the Community Association or any other proposal to expend funds of the Community Association is referred to the Council pursuant to the provisions of this subclause, and if the Council resolves that the expenditure should not be made then the Community Association shall not expend the funds as resolved or as proposed and shall only expend funds in connection with that proposal to the extent and in the manner directed by the Council.

### 5.5 USE OF WATERWAYS

#### 5.5.1 Use of Waterways by Contributors

The Waterways shall be maintained for use only by those persons who are paid up financial members of the Community Association or by persons who, not being members, have made the contribution required by the Community Association or have made up to date the annual contributions towards the cost of maintaining the Waterways.

#### 5.5.2 Use by Invitees and Licensees of Contributors

Any member of the family, or any tenant or member of the family of any tenant, and any other invitee or licensee of a member of the Community Association, or other Owner within the Scheme Area who is an up to date contributor to the cost of maintaining the Waterways may use the Waterways in common with all other persons so entitled in a manner consistent with the Constitution and rules and any by-laws from time to time of the Community Association, and any relevant regulations or by-laws administered by the Council.

#### 5.5.3 Use by Officials and Persons Authorized by Council

No person may use the Waterways or any part thereof other than:

- (a) persons permitted under subclauses 5.5.1 and 5.5.2;
- (b) any person or class of persons expressly authorized in writing by the Council; or
- (c) any person performing an official function under this or any other written law applying within the Scheme Area,

and use of the Waterways by any other person shall be a contravention of this Scheme.

The Council may withdraw its authorization under item (b) for any person or class of person to use the Waterways or any part thereof.

### 5.6 COSTS OF ENFORCEMENT

#### 5.6.1 Reimbursement and Indemnity by Community Association

The Community Association as from the date of the transfer of the Trust Account to its control shall reimburse the Council from the Trust Account and shall further indemnify the Council to the extent of its separate funds, in respect of any cost or liability the Council might incur in enforcing or attempting to enforce any obligation of the Community Association or any Owner in regard to the maintenance of the bed of the Waterways, or the walls, or the water quality or depth of water in the Waterways.

#### 5.6.2 Reimbursement to Council of Costs and Liabilities

If the Council incurs any cost or liability in connection with the maintenance of the beds of the Waterways or the water quality or the depth of the Waterways which the Community Association on reasonable notice fails to make good from the moneys in the Trust Account or from its own funds, the Council may draw upon the moneys on the Trust Account, and additionally or alternatively may take action in a competent Court of civil jurisdiction to recover the moneys as a debt due by the Community Association and may likewise take action against the Community Association or any responsible Owner to recover any cost or liability incurred in respect of the maintenance of the walls of the Waterways.

#### 5.7 COUNCIL CONTROL OF WATERWAYS

##### 5.7.1 Dissolution of Community Association

In the event that the Community Association fails to discharge its responsibilities to manage the Waterways in accordance with the Environmental and Waterways (Ongoing) Management Programme to the satisfaction of the Peel Inlet Management Authority, Minister for the Environment or the Minister for Transport, or in the event that the Community Association is dissolved, the Council shall undertake the responsibility for the care, control and management of the Waterways under this Scheme and enforce the provisions of this Scheme in relation to the Waterways and the maintenance and use of the Waterways as if it was the Community Association and to the extent that they are applicable, all other provisions of this Scheme relating to the Community Association management of the Waterways shall apply mutatis mutandis as if the Council was the Community Association, but without in any way limiting the power of the Council under any other written law to manage and control the Waterways and to secure contributions to the cost of maintaining the Waterways from Owners.

##### 5.7.2 Council Approval

The Community Association shall make provision in its Constitution and Rules that before a resolution can be passed to dissolve the Community Association the approval of the Council must first be obtained. The outstanding term of any lease of the Waterways shall be vested in or transferred or assigned to the Council upon the dissolution of the Community Association, or may at the direction of the Council be transferred or assigned to a body or person responsible for the carrying out of the duties and function of the Community Association under the Scheme.

##### 5.7.3 Funds in Trust Account

The funds in the Trust Account shall be held and maintained by the Community Association to the use of the Council, but exclusively for the purpose of funding the maintenance of the Waterways. Upon the dissolution of the Community Association, or upon the Council resolving to undertake direct responsibility for the maintenance of the Waterways, the Council shall take direct control of the funds in the Trust Account and shall use the same for the exclusive purpose of funding the maintenance of the Waterways. While the Community Association retains the responsibility for maintenance of the Waterways, the Council shall provide all necessary authorities to ensure that the Community Association is able to draw upon the funds in the Trust Account but the Community Association shall provide a full accounting to the Council as to the funds expended from the Trust Account within 28 days of receiving written notification from the Council to do so.

### PART VI—MAINTENANCE FUND

#### 6.1 DEVELOPER CONTRIBUTIONS

##### 6.1.1 Developer's Payments to Trust Account

The Developer shall pay a sum of \$300.00 upon the completion of the first sale of each Lot within the Scheme Area and shall pay that sum within 14 days of the settlement of that sale into an interest bearing account, designated as a "Trust Account" in the name of the Port Bouvard Community Association, in a branch of the National Australia Bank within the district of the City. On June 30 of each year until all lots within the Scheme Area have been sold, the Council may review the sum required and may increase the sum required by not more than the Consumer Price Index for the financial year which expires on that date.

##### 6.1.2 Developer as Trustee

The Developer shall maintain the funds in the Trust Account as a trustee for the benefit of the Council and upon the formation and incorporation of the Community Association to be administered by the Community Association.

##### 6.1.3 Transfer to Control of Community Association

As soon as possible after the incorporation of the Community Association the Developer shall do all things within the power of the Developer to transfer the funds in the Trust Account to the control of the Community Association as trustee for the Council, and the Community Association shall thereafter hold the funds in the Trust Account and all further funds deposited in the account by the Developer in accordance with the preceding provisions of this clause to the use of the Council but with power and authority to apply the funds for the purpose of discharging the obligations of the Community Association in regard to the maintenance of the Waterways and the quality and depth of the waters within the Waterways.

##### 6.1.4 Moneys to be Added by Community Association

The Community Association shall add to the Maintenance Fund such moneys as it recovers by way of levies upon or other contributions from its members and other Owners within the Scheme Area, where those levies or contributions are imposed in relation to the maintenance of the Waterways and the quality and depth of the waters within the Waterways. The funds so raised shall be merged with the funds paid by the Developer as herein provided, and shall be held by the Community Association as trustee to the use of the Council.

#### 6.1.5 Level of Contributions by Non-Members

The Community Association shall ensure that the levies upon members and other contributions payable by Owners within the Scheme Area who are not members of the Community Association are imposed at a level sufficient to ensure that the Maintenance Fund is adequate from year to year to meet all likely expenditure associated with the maintenance of the Waterways and meeting its other lawful commitments.

#### 6.1.6 Payment of Administrative Expenses

The Community Association may apply the Maintenance Fund to pay for any administrative expenses incurred by the Community Association provided that before any administrative expenses are paid the Community Association shall ensure that there are adequate moneys in the Maintenance Fund to pay for all liabilities associated with the maintenance of the Waterways likely to arise before the Community Association is able to impose and recover further levies from its members or contributions from other Owners.

#### 6.2 CONTRIBUTION BY SUBSEQUENT DEVELOPER

Where any Lot developed and sold by the Developer is capable of further subdivision or development so as to produce a further Lot or Lots, any person subdividing or otherwise developing the original Lot shall pay to the Maintenance Fund a sum of \$150.00 for each additional Lot produced. The contribution of \$150.00 shall be paid within 14 days of the settlement of the sale of each additional Lot produced or upon the issuing of a building licence in respect of the Lot, whichever is the earlier.

A like contribution shall be paid by the Developer if the Developer carries out further development of any subdivisional Lot resulting in the creation of any extra Lot.

#### 6.3 CONDITIONS ON DEVELOPMENT APPROVAL

The Council or the Commission may impose as a condition of development or subdivision approval respectively a requirement that the Developer or a subsequent Developer producing a Lot by the subdivision or other development of land within the Scheme Area shall make the contributions hereinbefore referred to in the manner hereinbefore provided.

### PART VII—GENERAL

#### 7.1 STAGING

Without affecting the generality of any previous provision dealing with staging, the Developer may carry out the development of the Waterways by stages and may transfer or assign the lease to the bed of the Waterways to the Community Association by stages.

#### 7.2 CLAIMS FOR COMPENSATION

The time limit for the making of any claim for compensation pursuant to section 11 of the Act is 6 months after the date when notice of the approval of the Scheme is published in the manner prescribed by the Regulations made under the Act but the Developer having requested the Council to adopt the Scheme shall not be entitled to claim compensation arising out of the making of the Scheme or otherwise.

#### 7.3 POWERS

The Council in implementing the Scheme has, in addition to all other powers vested in it the following powers:

- (a) the power to enter into an agreement with the Developer or any Owner or any other person having an interest in land within the Scheme Area affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme but only consistently with the provisions of the Scheme;
- (b) an officer of the Council authorized by the Council or by the Chief Executive Officer of the Council for the purpose, may at all reasonable times enter any part of the land in the Scheme Area for the purpose of ascertaining whether the provisions of the Scheme are being observed.

#### 7.4 OFFENCES

##### 7.4.1 Prohibition

A person shall not erect, alter or add to or commence to erect, alter or add to a building or part of a building and shall not except for the purpose of repairing to its former condition damage alter or remove any part of the wall or the bed of the Waterways and shall not interfere with any mooring established or approved by the Community Association:

- (a) otherwise than in accordance with the provisions of the Scheme;
- (b) unless all consents required by the Scheme and the district zoning scheme including any necessary approval of the Developer, the Community Association or the Council have been granted and issued;
- (c) unless any conditions imposed upon the grant or issue of any consent has been and continues to be complied with; and
- (d) unless all standards and provisions of the Construction Standards and the Design Guidelines and any other standard or requirement imposed by the Council pursuant to the Scheme in respect of any building development or other work carried out in the Scheme Area has been and continues to be complied with.

##### 7.4.2 Penalty Under Act for Breach

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



**7.5 DISTRICT ZONING SCHEME**

The obligations contained in this Scheme are additional to and do not detract from or derogate from the provisions relating to development control and the obligations, requirements and standards contained in the district zoning scheme.

**7.6 LICENSING OR APPROVAL OF MOORINGS**

The requirement of the Community Association to approve of the establishment of any mooring in the Waterways is additional to any other obligation arising under any other written law in relation to the licensing or approval of any jetty or other structure in, over or adjacent to the Waterways.

**7.7 SECTION 10 NOTICE**

Twenty-eight (28) days' written notice is hereby prescribed as the period of notice to be given pursuant to section 10 of the Act. Any expenses incurred by the Council under the said section may be recovered from the person in default as a simple contract debt in such court of civil jurisdiction as is competent to deal with the amount of the claim.

Any materials or works removed by the Council from land may be stored by the Council and disposed of by the most convenient and inexpensive means available to the Council and all expenses of doing so may be recovered from the person or persons in default as a simple contract debt in a civil court of competent jurisdiction.

**7.8 ARBITRATION**

In the event that any difference arises between any person and the Council under this Scheme, or between the Developer and any other Owner within the Scheme Area, or between an Owner and the Community Association, out of the provisions or the implementation of this Scheme, if no other provision has been made by the Scheme for the resolution of the difference, and if the difference is not a matter which is capable of being dealt with by appeal to the Minister or to the Town Planning Appeal Tribunal upon notice being given within the specified period, then the difference may be determined by Arbitration in the manner provided by the Commercial Arbitration Act 1985, or by such other means as the parties agree upon.

**7.9 APPEALS**

Any Owner aggrieved by a decision of the Council exercising a discretionary power under this Scheme may appeal against the determination of the Council to the Minister or Town Planning Appeal Tribunal in accordance with the provisions of Part V of the Act.

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**ADOPTION**

Adopted by resolution of the Council of the City of Mandurah at the Ordinary meeting of Council held on the 23rd day of November 1993.

K. A. HOLMES, Mayor.  
S. K. GOODE, Town Clerk.

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**FINAL APPROVAL**

Adopted for final approval by resolution of the City of Mandurah at the Ordinary Meeting of Council held on the 20th day of September 1994, and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of—

K. A. HOLMES, Mayor.  
S. K. GOODE, Town Clerk.

Recommended/Submitted for final approval—  
Dated 30 October 1995.

EUGENE FERRARO, for Chairperson,  
Western Australian Planning Commission.

Final approval granted—  
Dated 2 November 1995.

RICHARD LEWIS, Hon. Minister for Planning.

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**POLICE****PE501****POLICE AUCTION**

Under the provisions of the Police Act 1892-1982 unclaimed and stolen property will be sold by Public Auction at Karratha Police Station, Welcome Road, Karratha at approximately 10.00 a.m. on December 9th, 1995.

Auction to be conducted by Judith Wright, Auctioneer.

R. FALCONER, Commissioner of Police.

## RACING AND GAMING

### RA401

#### LIQUOR LICENSING ACT 1988

##### SUMMARY OF LIQUOR LICENSING APPLICATIONS

The following is a summary of applications received under the Liquor Licensing Act 1988 and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Liquor Licensing Division, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth (Telephone: 425 1888), or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>TRANSFER OF LICENCE</b>			
1186/95	Goldfields Radiator Specialists Pty Ltd	Application for the transfer of a Restaurant Licence in respect of premises situated in Fremantle and known as Port Freo Cafe Resto, from Alain Jean Pierre Kuhl.	7/12/95
1187/95	Vietche Pty Ltd	Application for the transfer of a Liquor Store Licence in respect of premises situated in Pingrup and known as Pingrup Traders, from Michael Ernest Hobley.	7/12/95
1188/95	Goldwest Hotels Pty Ltd	Application for the transfer of a Hotel Licence in respect of premises situated in Northam and known as Grand Hotel, from Daryl Robert Dall & Walter Hinton Yip.	7/12/95
1189/95	Gary Allen Hebbermann	Application for the transfer of a Restaurant Licence in respect of premises situated in Kalbarri and known as Echos Restaurant, from Matthew Morris & Wendy Ann Morris.	8/12/95
1190/95	John Bradley Masel	Application for the transfer of a Cabaret Licence in respect of premises situated in Subiaco and known as Texas Night Club, from Michael Henry Wilson & Suzanne Louise Wilson.	10/12/95
1191/95	Denmark Holdings Pty Ltd	Application for the transfer of a Hotel Licence in respect of premises situated in Denmark and known as Denmark Unit Hotel, from System Holdings Pty Ltd.	10/12/95
<b>GRANT OF A LICENCE</b>			
731/95	Southern Caterers Pty Ltd	Application for the grant of a Special Facility Licence in respect of premises situated in Safety Bay and known as Southern Caterers WA.	24/12/95
732/95	Lets Do Lunch (Australia) Pty Ltd	Application for the grant of a Restaurant Licence in respect of premises situated in South Perth and known as Plantation Estate.	25/12/95

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

G. B. AVES, Director of Liquor Licensing.

## TENDERS

### ZT201

#### MAIN ROADS WESTERN AUSTRALIA *Tenders*

Tenders are invited for the following projects.

Tender documents are available from the Contracts Officer, Supply Services Branch, Ground Floor, Waterloo Crescent, East Perth.

Tender No.	Description	Closing Date
		1995
356/95	Install kerbing and concrete footpaths, Great Eastern Highway Kalgoorlie-Boulder, Goldfields-Esperance Region.....	28 November

MAIN ROADS—continued  
Tenders—continued

Tender No.	Description	Closing Date
		1995
321/95	Provision of temporary and casual road construction and maintenance wages and salaried personnel, South West Region .....	4 December
346/95	Provision of services, agency personnel, Goldfields-Esperance Region	30 November
312/95	Routine maintenance contract for various bridges in Wheatbelt North Region .....	7 December
347/95	Cleaning services for two year period, Wheatbelt North Region .....	7 December
361/95	Installation of driven and socketed piles on Bridge 890, King River, Great Southern Region .....	29 November
349/95	Commission for contract management for roadworks Contract No. 28/95 .....	28 November
28/95	Road reconstruction, Armadale-Ravensthorpe Road, various sections	12 December
294/95	Lawn and verge mowing, Carnarvon environment, Gascoyne Region .	13 December
177/95	Road reconstruction on Albany-Lake Grace Road, Kamballup Section, Great Southern Region .....	15 December
159/95	Lighting of five intersections on the Perth-Bunbury Highway, City of Mandurah, South West Region .....	12 December
358/95	Superintendent for Contract 58/95, Great Eastern Highway, Wheatbelt North Region .....	19 December
368/95	Provision of Autocad drafting services, Wheatbelt North Region.....	8 December
256/95	Roadmarking, various roads, metropolitan north area .....	22 December
257/95	Roadmarking, various roads, metropolitan south area .....	22 December
380/95	Provision of contract staff for updating and presentation of Local Road Statistics .....	8 December

**ZT202**

*Acceptance of Tenders*

Contract No.	Description	Successful Tenderer	Amount
			\$
265/95	Provision of catering and cleaning services at Main Roads construction camp, Stewart Road, South West Region.	Quality Statewide Pty .....	\$310 262.00
267/95	Load, cart and tip sub base and base course material, Albany Highway, Mt Barker section, Great Southern Region.	A. D. Contractors .....	\$120 545.00
252/95	Supply and delivery of one (1) only crew cab flat top truck with hydraulic crane.	Skipper Trucks Belmont ....	\$80 563.00
166/95	Supply and delivery of pavement material and select fill, South Western Highway, Trotts Hill section, South West Region.	Carbone Bros Pty Ltd .....	\$347 625.00
301/95	Material testing services during construction of sections of Scott River Road, Stewart Road and Brockman Highway, South West Region.	SRC Laboratories .....	\$67 807.00

D. R. WARNER, Director, Corporate Services.

## PUBLIC NOTICES

**ZZ101****TRUSTEES ACT 1962**

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 1st January 1996, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bennett, Leonard Noel, late of Hillview Nursing Home, 21 Angelo Street, Armadale, died 6/11/95. (DEC 288666 DD2)

Blew, Reginald Alexander, late of Mandurah Nursing Home, Hungerford Avenue, Halls Head, Mandurah, died 11/9/95. (DEC 287568 DC2)

Colmer, Gladys Irene, late of 61 State Street, Victoria Park, died 5/11/95. (DEC 288796 DS4)  
Cook, Annie Irene, late of Braille Nursing Home, Kitchener Avenue, Victoria Park, died 25/8/95. (DEC 287190 DS4)  
Craddock, Anthony Roy, late of 15/40 Cambridge Street, Leederville, died on or before 28/9/95. (DEC 287725 DS4)  
Dolan, Joseph, late of Unit 3 "Donovan Village", 138 Lewis Road, Forrestfield, died 4/11/95. (DEC 288564 DA2)  
Green, Ernest Keith, late of 2 Wellard Street, Serpentine, died 20/10/95. (DEC 288479 DL4)  
Halliday, Dorothy Ellen, late of Sandstrom Nursing Home, 44 Whatley Crescent, Mount Lawley, died 26/10/95. (DEC 288456 DA4)  
Hamann, Josephine, late of Craigville Nursing Home, 1 French Road, Melville, died 13/10/95. (DEC 288623 DG4)  
Hands, Ivy, late of 8 Bath Road, Embleton, died 1/11/95. (DEC 288708 DC4)  
Herdsman, Winifred Jane, late of Homes of Peace, Subiaco, died 13/11/95. (DEC 288763 DG2)  
Hogben, Phyllis May, late of Hostel 1, Joondanna Village, 5 Osborne Street, Joondanna, died 30/9/95. (DEC 287864 DC4).  
Jones, Paul Charles, late of 15 Blacksmith Avenue, Leda, died 8/10/95. (DEC 288451 DE3).  
Luce, Wesley Arnold, late of Franciscan House, 16 Hampton Street, Victoria Park, died 31/10/95. (DEC 288563 DD2).  
McCarthy, Charles, late of 2/4 Jersey Street, Jolimont, died 10/11/95. (DEC 288721 DA2).  
Newman, Sherbourne, late of Selby Lodge, Lemnos Street, Shenton Park, died 1/9/95. (DEC 287145 DA1).  
Peachey, Robert Duncan, late of 56 O'Berthur Street, Kalgoorlie, died 24/10/95. (DEC 288574 DC2).  
Sewell, Ruth Estelle, late of 33 Kensington Avenue, Dianella, died 4/10/95. (DEC 288452 DS4).  
Vivian, Clarence Thomas, formerly of 135 Spencer Road, Langford, late of Bentley Lodge Nursing Home, Mills Street, Bentley, died 2/11/95. (DEC 288940 DA2).  
Ward, Geoffrey James, late of 3 Balranald Street, Mandurah, died 28/10/95. (DEC 288671 DS4).  
Williams, Grace Evelyn, late of RSL War Veterans Home, 51 Alexander Drive, Mount Lawley, died 29/10/95. (DEC 288565 DA4).

K. E. BRADLEY, Public Trustee,  
Public Trust Office, 565 Hay Street,  
Perth WA 6000.  
Telephone: 222 6777.

**ZZ201****TRUSTEES ACT 1962**

In the Estate of Desmond Roy Williams late of Gateacre Street, Kalgoorlie in the State of Western Australia, Pensioner, Deceased Intestate.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the estate of the abovenamed deceased who died on 18th day of August 1994 are required by the Administrator Donald Stephen McManus to send the particulars of their claims to him c/- Messrs D. S. McManus & Associates Solicitors, 42 Maritana Street, Kalgoorlie in the said State by the 30th day of December 1995 after which date the Administrator may convey or distribute the assets having regard to the claims for which he then has notice.

D. S. McMANUS & ASSOCIATES,  
Solicitors for the Administrator.

**ZZ202****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Roma Joyce Milner, late of 413 Charles Street, North Perth in the State of Western Australia, Home Duties, deceased.

Creditors and other persons having a claim (to which Section 63 of the Trustees Act 1952 of WA relates) in respect of the estate of the said deceased who died on the 18th day of April 1995 are required by the Administratrix Lynette Ann Bastick of care of Messrs Rattigan Kearney & Bochat, Barristers and Solicitors of PO Box 300 Rockingham in the said State, to send particulars of their claim to her by the 1st day of January 1996, after which date the Administratrix may convey and distribute the assets having regard only to the claims of which she then has notice.

Dated the 1st day of December 1995.

Signed MESSRS RATTIGAN KEARNEY & BOCHAT,  
Solicitors of PO Box 300 Rockingham 6168.

**ZZ203****TRUSTEES ACT 1962**

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

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

Dated this 29th day of November 1995.

D. R. CLARK, State General Manager.

Allen, Marjorie Kathleen, late of Concorde Nursing Home, 25 Anstey Street, South Perth WA 6151, Widow, died 3/11/95.

Bateman, Bessie Avis, late of Braemar Nursing Home, 214 Canning Highway, East Fremantle WA 6153, Spinster, died 23/10/95.

Crawshaw, Reginald Bertram, late of 20 Camberley Street, Thornlie WA 6108, Retired, died 19/11/95.

Gibson, Alexander Joseph, late of 23 Matlock Street, Mount Hawthorn WA 6016, Retired, died 24/11/95.

Hines, Jean Calthorpe, late of Hollywood Senior Citizens Village, 31 Williams Road, Nedlands WA 6009, Married Woman, died 11/11/95.

Leckie, Olive Amy, late of Concorde Nursing Home, 25 Anstey Street, South Perth WA 6151, Widow, died 27/7/95.

Sharp, Ernest Ivan, late of 56 Canning Highway, Kensington WA 6151, Technican, died 4/11/95.

York, Neil Vernon, late of 48 Wanliss Street, Jarrahdale WA 6203, Retired, died 2/11/95.

**WESTERN AUSTRALIA****TAXI ACT 1994**

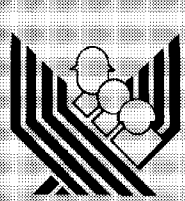
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