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	\$
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- Easter or Christmas editions etc—these notices appear approximately 4 weeks prior to any change.
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In all cases notices are published on page 2 and readers are urged to check accordingly prior to contacting State Law Publisher.

JOHN A. STRIJK,  
Acting Government Printer.

**HOMESWEST**

HM301

**HOUSING ACT 1980****HOUSING AMENDMENT REGULATIONS 1996**

Made by the Lieutenant-Governor and deputy of the Governor.

**Citation**

1. These regulations may be cited as the *Housing Amendment Regulations 1996*.

**Principal regulations**

2. In these regulations the *Housing Regulations 1980\** are referred to as the principal regulations.

[\* *Published in Gazette 24 December 1980, pp. 4361-3.*  
For amendments to 24 May 1996 see 1995 Index to Legislation of Western Australia, Table 4, p. 149.]

**Regulation 8 amended**

3. Regulation 8 of the principal regulations is amended by deleting the table and substituting the following table —

“

**TABLE**  
**CONVEYANCING FEES**

Column 1 Item No.	Column 2 Item	Column 3 Fee \$
<i>Preparation of documents</i>		
1.	Mortgage	116
2.	Contract of Sale	116
3.	Lease	41
4.	Amendment of Mortgage/Lease	41
5.	Amendment of Contract of Sale	36
6.	Discharge of Mortgage	46
7.	Annulment of Contract of Sale	46
8.	Forfeiture of Lease	46
9.	Caveat	41
10.	Withdrawal of Caveat	41
11.	Deed of Covenant	53
12.	Deed of Easement	87
13.	Deed of Trust	53
14.	Transfer of Land	146*
15.	Transfer of Lease	53
16.	Statutory Declaration	34
17.	Deed of Co-ownership	139
18.	Any other Document	53
<i>Miscellaneous</i>		
1.	Application for Assistance	22
2.	Production of Titles and other Documents	22
3.	Search Fees (per item)	6

\* Increasing by \$2 for every \$1 000 above \$10 000

”

**Regulation 10 added**

4. After regulation 9 of the principal regulations the following regulation is added —

“

**Strata management fees**

10. (1) If the Commission provides management or other services to a strata company in connection with the strata company's powers and duties under the *Strata Titles Act 1985*, the Commission may require the proprietor of a lot in relation to which the strata company was constituted to pay an annual management fee of \$50.00 to the Commission.

(2) The proprietor of a lot who is required to pay an annual management fee under subregulation (1) shall pay the fee to the Commission.

(3) In this regulation —

“lot”, “proprietor” and “strata company” have the same respective meanings as they have in the *Strata Titles Act 1985*.

”.

By Command of the Lieutenant-Governor and deputy of the Governor.

J. PRITCHARD, Clerk of the Council.

**HM401****1989 COMMONWEALTH-STATE HOUSING AGREEMENT**

The following statement in respect of the operation of the Rental Capital Account (RCA) for Western Australia for the year ended 30 June 1995 is published in accordance with Clause 38(3) of the Housing Assistance Act 1989.

**FINANCIAL STATEMENT B5  
OPERATION OF RENTAL CAPITAL ACCOUNT (RCA)  
FOR THE YEAR ENDED 30 JUNE 1995**

SOURCE OF RCA FUNDS	\$	
Funds committed in previous years but not expended.....		2 307 525
Commonwealth untied grants (sub-clause 22(a)(i)) .....		74 394 000
State Matching Grants (sub-clause 22(a)(iii)) .....		36 993 000
Sale of dwelling (net of selling cost (sub-clause 22(a)(v)) .....		52 911 190
<b>TOTAL</b> .....		<u>166 605 715</u>
	<b>Expended</b>	<b>Committed</b>
	\$	\$
<b>EXPENDITURE OF RCA FUNDS</b>		
Construction of rental housing (sub-clause 23(1)(a)) .....	80 615 254	
Acquisition of land (sub-clause 23(1)(b)) .....	21 528 432	
Upgrading of rental housing (sub-clause 23(1)(d)) .....	2 022 629	
Purchase of housing (sub-clause 23(1)(e)) .....	27 198 241	
Principal and interest payments to the Commonwealth (sub-clause 23(1)(j)) .....	35 669 329	
General Allowance .....	16 647 000	
Balance of Funds .....	(17 075 170)	
<b>SUB TOTALS</b> .....	<u>166 605 715</u>	
<b>RECONCILIATION OF RCA SOURCES AND APPLICATIONS</b>		
<b>GRAND TOTAL</b> Expenditure plus current commitment of Funds from RCA .....	<u>166 605 715</u>	
<b>TOTAL RCA FUNDS</b> .....	<u>166 605 715</u>	
<b>APPLICATION OF GENERAL ALLOWANCE</b>		
Payments into the Home Purchase Account (Clause 23(2)(f)) .....	<u>16 647 000</u>	

## CERTIFICATION

I certify that the above statement, which is supplied pursuant to Clause 38(2)(a)(i) of 1989 CSHA, is correct and that the funds have been applied in accordance with Clause 23. I also certify that funds identified as State Matching grants were provided in accordance with Clause 13(8).

GREG JOYCE, Executive Director, State Housing Commission.

Dated: 22 November 1995.

## INDEPENDENT AUDITOR'S REPORT

Pursuant to S38(3) of the 1989 Commonwealth State Housing Agreement, the statement in respect of the operations of the Rental Capital Account of the State Housing Commission of Western Australia for the year ended 30 June 1995 has been submitted to us for audit.

The Rental Capital Account, being a notional account created from the accounts and records of the State Housing Commission of Western Australia has been audited in accordance with Australian Auditing Standards.

In our opinion, the Statement of the Operation of the Rental Capital Account for the year ended 30 June 1995—

- (a) Is in agreement with the accounts and records of the State Housing Commission of Western Australia; and
- (b) Fairly presents monies received to and expended from the Account, in accordance with the terms and conditions of the 1989 Commonwealth State Housing Agreement.

Bird Cameron Partners  
Chartered Accountants

S. C. CUBITT, Partner.

Dated: 29 March 1996.

## LAND ADMINISTRATION

## LA101

*PRINTERS CORRECTION***LOCAL GOVERNMENT ACT 1960****DECLARATION OF CLOSURE OF STREETS**

Made by the Minister for Lands

Under Section 288A

An error occurred in the notice published under the above heading on page 3275 of *Government Gazette* No. 95 dated 9 July 1996 and is corrected as follows.

In the signature line delete:

“A. A. SKINNER, Executive Director,”

and insert

“ A. A. SKINNER, Chief Executive, ”

## 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. City of Bunbury (DOLA File No. 2479/995; Closure No. B1377). All that portion of Wollaston Street now contained in Bunbury Lots 807, 808 and 809 as shown on Crown Survey Plan 19169. Public Plan: BG30(2) 1.33.
2. Town of Port Hedland (DOLA File No. 2335/1975; Closure P822). All that portion of Kennedy Street as shown bordered blue on Crown Survey Plan 18387. Public Plan: BL66(2) 25.23.

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

**LOCAL GOVERNMENT****LG401****SHIRE OF COOLGARDIE**

## Application for Revestment of Land in the Crown

Notice of intent is hereby given that Council will make application to the Minister for Local Government in accordance with Section 6.74 of the Local Government Act 1995 to have the following lands revested in the Crown—

1. Title Description: Lot 1568 Ladyloch Road, Coolgardie  
Last Registered Owner: John Albert Bradshaw
2. Title Description: Lot 1569 Ladyloch Road, Coolgardie  
Last Registered Owner: Mary McSheedy
3. Title Description: Lot 1570 Ladyloch Road, Coolgardie  
Last Registered Owner: Eliza Lehrnkühl
4. Title Description: Coolgardie Town Lot 519  
Last Registered Owner: Alfred Edward Morgans

The above mentioned persons to whom this notice of intention is addressed may, within 30 days of the date of the notice lodge an objection to the revestment.

P. J. HUGHSON, Chief Executive Officer.

**LG402****LOCAL GOVERNMENT ACT 1960***Shire of Kondinin***ANNUAL FEE REVIEW****1996/97 Fees and Charges**

At its June 1996 meeting Council reviewed and set its fees and charges for the 1996/97 year in accordance with Section 191A of the Local Government Act 1960.

The fees and charges relate to—

- Hall Hire Fees and Bonds
- Photocopying and Facsimile Charges
- Community Recreation Sports Centre Charges
- Annual Sporting Charges
- Swimming Pool Charges
- Community Bus Hire Fees
- Cemetery Charges
- Saleyard Fees
- Caravan Park Fees

and are available for public inspection at the Shire Office during normal office hours.

M. J. JONES, Shire Clerk.

**LG901****WATER BOARDS ACT 1904**

## Preliminaries to Construction

## Notice of Intention

Notice is hereby given pursuant to Section 41 (c) of the above Act, of the intention to undertake the construction of the following works within the Busselton Water Area.

Description and locality of Proposed Works

- i) The construction of a new Lift Pump Station at the Boards No. 2 Plant (Queen Elizabeth Avenue).

Plans and Specifications may be inspected at the Board's Offices, Unit 1, 8-10 Prince Street, Busselton for one month on and after publication of this notice, between the hours of 10.00 am and 4.00 pm.

F. J. PRITCHARD, Chairman.  
D. G. McCUTCHEON, Executive Officer.

## PLANNING

PD401

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

*Shire of Peppermint Grove*

Town Planning Scheme No. 3—Amendment No. 9

Ref: 853/2/19/5, Pt. 9.

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 Peppermint Grove Town Planning Scheme Amendment on July 7, 1996 for the purpose of—

- (i) Adding an additional part being Part V—Special Controls which deals with Heritage Precincts and Places of Cultural Significance and Control of Advertisements;
- (ii) Re-arranging and re-number the existing parts to conform to the new format;
- (iii) Enlarging Part VIII—Administration to include additional subsections under the headings of Planning Policies, Amendments to the Scheme and Notice for Renewal of Certain Buildings; and
- (iv) Adding interpretations to Schedule 1—Interpretations.

Amend Scheme Text to include following clauses under Part IV Development Requirements (Part V under existing Scheme).

#### 4.3 Residential Planning Codes

Delete existing Scheme clause 5.3.1 and insert clauses 4.3.1 to read—

4.3.1 For the purpose of this Scheme “Residential Planning Codes” means the Residential Planning Codes set out in Appendix 2 to Statement of Planning Policy No. 1, together with any amendments thereto.

Delete existing Scheme clause 5.3.3 and insert clause 4.3.3 to read—

4.3.3 Unless otherwise provided for in the Scheme the development of land for any of the Residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.

Insert clause 4.1.5 to read—

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

Delete Part V—Development Requirements under existing Scheme and insert Part V Special Controls as follows.

#### 5.1 HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE

##### 5.1.1 Purpose and Intent

The purpose and intent of the heritage provisions are—

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

##### 5.1.2 Heritage List

5.1.2.1 The Council shall establish and maintain a Heritage List of buildings, objects, structures and places considered by the Council to be of heritage significance and worth of conservation.

5.1.2.2 For the purposes of this Clause, the Heritage List means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the Heritage of Western Australia Act 1990 (as amended), or such parts thereof as described in the Municipal Inventory.

5.1.2.3 The Council shall keep copies of the Heritage List with the Scheme documents for public inspection during normal office hours.

##### 5.1.3 Designation of Heritage Precincts

5.1.3.1 The Council may designate an area of land to be a heritage precinct where, in the opinion of the Council, special planning control is needed to conserve and enhance the heritage values and character of the area.

5.1.3.2 The Council shall adopt for each heritage precinct a policy statement which shall comprise—

- (a) a map showing the boundaries of the precinct;
- (b) a list of any buildings, objects, structures or places of heritage significance;
- (c) objectives and guidelines for the conservation of the precinct.

5.1.3.3 The Council shall keep a copy of the policy statement for any designated heritage precinct with the Scheme documents for public inspection during normal office hours.

5.1.3.4 The procedure to be followed by the Council in designating a heritage precinct shall be as follows:

- (a) The Council shall notify in writing each owner of land affected by the proposal;
- (b) The Council shall advertise the proposal by way of a notice in a newspaper circulating in the district, by the erection of a sign in a prominent location in the area affected by the designation, and by such other methods as the Council consider necessary to ensure wide-spread notice of the proposal, describing the area subject of the proposed designation and where the policy statement which applies to the precinct may be inspected;
- (c) The Council shall invite submissions on the proposal within 28 days of the date specified in the notice referred to immediately above;
- (d) The Council shall carry out such other consultations as it thinks fit;
- (e) The Council shall consider any submissions made and resolve to designate the heritage precinct with or without modification or reject the proposal after consideration of submissions;
- (f) The Council shall forward notice of its decision to the Heritage Council of WA and the Western Australian Planning Commission.

5.1.3.5 The Council may modify or may cancel a heritage precinct or any policy statement which relates to it by following the procedure set out in sub-clause 5.1.3.4 above.

#### 5.1.4 Applications for Planning Approval

5.1.4.1 In dealing with any matters which may affect a heritage precinct or individual entry on the Heritage list, including any application for planning approval, Council shall have regard to any heritage policy of the Council.

5.1.4.2 The Council may, in considering any application that may affect a heritage precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA, the National Trust of Australia (WA) and those of any other relevant bodies, and take those views into account when determining the application.

5.1.4.3 Notwithstanding any existing assessment on record, Council may require a heritage assessment to be carried out prior to the approval for any development proposed in a heritage precinct or individual entry listed on the Heritage List.

5.1.4.4 For the purposes of the Scheme the term 'development' shall have the meaning as set out in the Town Planning and Development Act (as amended) but shall also include, in relation to any building, object, structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that is likely to significantly change the external character of the building, object, structure or place.

#### 5.1.5 Formalities of Application

5.1.5.1 In addition to the application formalities prescribed in sub-clause 5.1.4 and any formalities or requirements associated with applications for planning approval contained in any other provision of the Scheme the Council may require an applicant for planning approval, where the proposed development may affect a place of cultural heritage significance or a heritage precinct, to provide one or more of the following to assist the Council in its determination of the application—

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land subject of the application, and the location, type and height of all existing structures, and marking any existing structures to be removed; such plan shall be drawn to the same scale as the site plan;
- (c) a detailed schedule of finishes, including materials and colours of the proposed development, and unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot, and
- (d) any other information which the Council indicates that it considers relevant.

#### 5.1.6 Variations to Scheme Provisions

5.1.6.1 Where desirable to facilitate the conservation of a place, area, building object or structure of heritage value, or to enhance or preserve heritage values, the Council may vary any provision of the Scheme provided that where in the Council's opinion the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for variation, the Council shall—

- (a) consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to clause 6.2 Advertising of Applications; and
- (b) have regard to any expressed views prior to making its decision to grant the variation.

5.1.6.2 In granting variations under this clause the Council may enter into a heritage agreement under Part 4 of the Heritage of Western Australia Act 1990 with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

## 5.2 CONTROL OF ADVERTISEMENTS

### 5.2.1 Power to Control Advertisements



5.2.1.1 For the purpose of this scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development with the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Planning approval is required in addition to any licence pursuant to Council's Signs, Hoarding and Bill Posting Bylaws.

5.2.1.2 Applications for Council's planning approval pursuant to this Part shall be submitted in accordance with the provisions of Clause 6.2 of the Scheme and shall be accompanied by a completed additional Information Sheet in the form set out at Schedule 6 giving details of the advertisement(s) to be erected, placed or displayed on the land.

#### 5.2.2 Existing Advertisements

Advertisements which—

- (a) were lawfully erected, placed or displayed prior to the approval of this scheme; or
- (b) may be erected, placed or displayed pursuant to a license or other approval granted by the Council prior to the approval of this scheme:

hereinafter in this Clause referred to as 'existing advertisements', may, except as otherwise provided, continue to be displayed or to be erected and displayed in accordance with the licence or approval as appropriate.

#### 5.2.3 Consideration of Applications

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for planning approval to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

#### 5.2.4 Exemptions from the Requirement to Obtain Planning Approval

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of sub-clause 5.2.1.1, the Council's prior planning approval is not required in respect of those advertisements listed in Schedule 1 which for the purpose of this Clause are referred to as 'exempted advertisements'. The exemptions listed in Schedule 1 do not apply to land, buildings, objects, structures and places included on the Heritage List or within a heritage precinct established or designated under Clause 5.1 of the Scheme.

#### 5.2.5 Discontinuance

Notwithstanding the scheme objectives and sub-clause 5.2.4, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Clause, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

#### 5.2.6 Derelict or Poorly Maintained Signed

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

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

#### 5.2.7 Notices

5.2.7.1 'The advertiser' shall be interpreted as any one person or any group comprised of the landowner, occupier, licensee or other person having an interest in or drawing benefit from the display of the advertisement concerned.

5.2.7.2 Any notice served in exceptional circumstances pursuant to sub-clause 5.2.5 or 5.2.6 shall be served upon the advertiser and shall specify—

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

5.2.7.3 Any person upon whom a notice is served pursuant to this Clause may within a period of 60 days from the date of the notice appeal to the Hon Minister for Planning or the Town Planning Appeal Tribunal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.

#### 5.2.8 Scheme to Prevail

Where the provisions of this Clause are found to be at variance with the provisions of the Council's Signs, Hoardings and Bill Posting Bylaws, the provisions of the Scheme shall prevail.

#### 5.2.9 Enforcement and Penalties

The offences and penalties specified in Clause 8.2 of the Scheme apply to the advertiser in this Clause.

## Part VII Administration

Insert new sections 8.6 Planning Policies and 8.7 Amendments to the Scheme and 8.8 Notice for Removal of Certain Buildings.

### 8.6 Planning Policies

8.6.1 The Council may prepare a planning policy (herein after called "a Policy") which may make a provision for any matter related to the planning or development to the Scheme Area and which may be prepared so as to apply—

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

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

8.6.2 A Policy shall become operative only after the following procedures have been completed—

- (a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.
- (b) Policies which the Council considers may be inconsistent with other provisions of the Scheme or with the State and regional planning policies are to be submitted to the Commission for consideration and advice.
- (c) The Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.
- (d) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.

8.6.3 The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.

8.6.4 An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in sub-clause 8.6.2.

8.6.5 A Policy may be rescinded by—

- (a) preparation or final adoption of a new Policy pursuant to this clause, specifically worded to supersede existing Policy; and
- (b) publication of a formal notice of rescission by the Council twice in a local newspaper circulating in the district.

8.6.6 A Policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision."

8.6.7 Any Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail."

### 8.7 Amendments to the Scheme

8.7.1 The Council shall keep the Scheme under constant review and where appropriate carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means for pursuing community objectives regarding development and land use.

8.7.2 The Council may, from time to time, initiate an amendment to the Scheme in accordance with the Act and Regulations and shall give consideration to any application to have the Scheme amended.

8.7.3 In the case of a proposed amendment to the zoning of land other than requested by the owner, the Council shall, before initiating any amendment to the Scheme, invite comment from the owner of the land concerned.

8.7.4 Council shall take into consideration any comments or submissions received in respect of a proposed amendment to the Scheme and shall only proceed with the amendment where it is satisfied the amendment would be consistent with the objectives of the Scheme and would not be contrary to the public interest.

### 8.8 Notice for Removal of Certain Buildings

8.8.1 Twenty eight (28) days written notice is hereby prescribed as the notice to be give pursuant to section 10 of the Act for the removal of certain buildings.

8.8.2 Council may recover expenses under section 10(2) of the Act in a court of competent jurisdiction.

## Schedule I—Planning Scheme Interpretations

Insert the following interpretation to the existing Schedule I of the Scheme.

Act: means the Town Planning and Development Act 1928 (as amended).

Advertisement: means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements.

Ancillary use: means a use which is incidental to the predominant use of land and buildings.

Authorised Officer: means an officer of the Council, authorised by the Council to exercise all or some of the powers of the Council under this Scheme.

- Battle-axe lot:** means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.
- Building Code of Australia:** means the Building Code of Australia 1988 (as amended).
- Canteen:** means a shop which provides food and refreshments for the workforce of the surrounding area and which has a maximum gross floor area of 75 square metres including any storage and food preparation areas.
- Club premises:** means any land or buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises by license under the provisions of the Liquor Licensing Act 1988 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.
- Commission:** means the Western Australian Planning Commission constituted under the State Planning Commission Act 1985 (as amended).
- Community purpose:** means the use of land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for the community benefit.
- Conservation:** means, in relation any place or heritage precinct, the management of that place or precinct in a manner that will—
- (a) enable the cultural heritage significance of that place or precinct to be retained; and
  - (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting.
- Council:** means the executive body of the Shire of Peppermint Grove.
- Cultural Heritage Significance:** means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.
- Cultural Use:** means any use aimed at the improvement or refinement of people by entertainment and/or education.
- Curtilage:** in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of the Council. The term shall have a like meaning in relation to land around buildings other than dwellings.
- Development:** shall have the same meaning given to it in a for the purposes of the Act but shall also include—
- “in relation to any building, object structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that—
  - (a) is likely to change the character of the place or the external appearance of any building; or
  - (b) would constitute an irreversible alteration to the fabric of any building”.
- Educational establishment:** means a school, college, university, technical institute academy or other educational centre, but does not include a reformatory.
- Facade:** means the exposed faces of a building towards roads or open space or the frontal outward appearance of the building.
- Floor Area:** shall have the same meaning given to it in and for the purposes of the Building Code of Australia 1988 (as amended).
- Gross lessable area:** means, in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use; which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.
- Height:** when used in relation to a building that is used for—
- (a) residential purposes, has the same meaning given to it in and for the purpose of the Residential Planning Codes; or
  - (b) purposes other than the residential purposes, means the measurement taken from the natural ground level immediately in front of the centre of the face of the building to a level of the top of the eaves, parapet or flat roof, whichever is the highest.
- Heritage precinct:** means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.
- Heritage list:** means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the Heritage of Western Australia Act 1990 (as amended), or such parts thereof as described in the Heritage List.
- Home occupation:** means a business or activity carried out within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that—
- (a) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;

- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (c) does not detract from the residential appearance of the dwelling house or domestic out-building;
- (d) does not entail employment of any person not a member of the occupier's household;
- (e) does not occupy an area greater than 20 square metres;
- (f) does not display a sign exceeding 0.2 square metres in area.
- (g) in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put;
- (h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- (i) does not entail the presence, parking and garaging of a vehicle of more than two (2) tonnes tare weight.

**Industry cottage:** means a business, professional service, trade or light industry producing arts and craft goods which cannot be carried out under the provisions relating to a "home occupation" and which, in the opinion of Council—

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

**Kindergarten:** means any land or buildings used as a school for young children.

**Liquor Store:** means any land or buildings the subject of a Store Licence granted under the provision of the Liquor Licensing Act 1988 (as amended).

**Metropolitan Region Scheme:** means the Metropolitan Region Scheme made pursuant to the Metropolitan Region Town Planning Scheme Act 1959 published in the *Government Gazette* of 9 August 1963 and as amended from time to time.

**Minister:** means the Minister for Planning or the Minister of the Western Australian Government responsible for town planning.

**Net lettable:** means the area of all floors confined within the finished surfaces of permanent walls but excludes the following areas—

- (a) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts servicing the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

**Place:** means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes—

- (a) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;
- (b) any works or buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surrounding as may be required for the purposes of the conservation of those works or buildings; and
- (c) as much of the land beneath the place as is required for the purpose of its conservation.

**Plot ratio:** shall have the same meaning given to the term in the Building Code of Australia except for residential dwellings where the term shall have the same meaning given to it in the Residential Planning Codes.

**Recreation Private:** means land used for a public park, public gardens, foreshore reserve, playgrounds, sports arenas, or other grounds for recreation which are not usually open to the public without charge.

**Recreation Public:** means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are usually open to the public without charge.

**Reserve:** means any land reserved for a public purpose.

**Residential Planning Codes:** means the Residential Planning Codes, in appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1.

**Restaurant:** means a building wherein food is prepared for sale and consumption on the premises and the expression shall include a licensed restaurant.

**Retail:** means the sale of hire of products, goods or services to the public generally in small quantities and from a shop, showroom or fast food outlet.

Shop: means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in this part.

Take-away food outlet: means any land or buildings used for the preparation, sale and service of food to customers in a form ready to be eaten without further preparation primarily off the premises.

T.V. Satellite Dish: means electronic equipment attached to a building required to access broadcasting of T.V. satellite dishes.

Veterinary Hospital: means a building used in connection with the treatment of animal injuries and ailments, and includes the care and accommodation of animals during or after such treatment.

Waterway: shall have the same meaning given to it in and for the purposes of the Act.

G. N. CUMPSTON, President.  
A. J. R. DOUST, Shire Clerk.

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**PD402**

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

*City of Melville*

Town Planning Scheme No. 3—Amendment No. 133

Ref: 853/2/17/10 Pt 133

Notice is hereby given that the City of Melville has prepared the abovementioned scheme amendment for the purpose of adding the use "Office" on Lot 168 (85) North Lake Road, Myaree, in Appendix 5—Schedule of Special Uses and Conditions— of the Scheme Text.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Almondbury Road, Ardross and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 27 August 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 27 August 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.

J. McNALLY, Town Clerk.

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**PD403**

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

*Shire of Merredin*

Town Planning Scheme No. 1—Amendment No. 1

Ref: 853/4/18/1 Pt 1

Notice is hereby given that the Shire of Merredin has prepared the abovementioned scheme amendment for the purpose of updating the Scheme, via this Omnibus Amendment, as a result of a review of the operation of the Scheme.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 110 Barrack Street, Merredin 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 16 September 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 16 September 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.

R. LITTLE, Shire Clerk.

**PD404**

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

*Shire of Peppermint Grove*

Town Planning Scheme No. 3—Amendment No. 11

Ref: 853/2/19/5 Pt 11

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

1. Rezoning Pt Lot 3 Stirling Highway from "Private Clubs and Institutions—Bowling Club" to "Residential R40".
2. Rezoning the northern portion of Pt Lot 4 Stirling Highway from "Private Clubs and Institutions—BC" to "Residential R40" and the southern portion of Pt Lot 4 from "Private Clubs and Institutions—BC" to "Parks and Recreation".
3. Zoning of a portion of a right of way between Stirling Highway and Hurstford Close to "Parks and Recreation".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 1 Leake Street, Peppermint Grove and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 27 August 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 27 August 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.

A. J. DOUST, Shire Clerk.

**PUBLIC NOTICES**

**ZZ101**

**PUBLIC TRUSTEE ACT 1941**

Notice is hereby given that pursuant to section 14 of the Public Trustee Act 1941 and amendments the Public Trustee has elected to administer the estates of the undermentioned deceased persons.

Name of Deceased; Address; Date of Death; Date Election Filed.

Pearce, Kenneth James; Rossmoyne; 20th Feb 96; 21st Jun 96.  
 McDougall, Myrtle Linda; Nedlands; 25th May 96; 21st Jun 96.  
 Chapple, Sylvia Miriam; Mt Lawley; 15th May 96; 27th Jun 96.  
 Andrews, Grace Lavina Margaret Mitchell; North Fremantle; 18th Apr 96; 27th Jun 96.  
 Grant, Mavis Bartram; Midland; 11th Oct 95; 27th Jun 96.  
 Bartels, Herbert Edward; Como; 2nd Mar 96; 27th Jun 96.  
 Weall, Linda May; Perth; 6th June 96; 28th Jun 96.  
 Elliman, Herbert Charles; Ardross; 6th May 96; 28th Jun 96.  
 Burton, Veronica Pauline; Perth; 27th Jun 89; 28th Jun 96.  
 Gilson, James; Wickham; 2nd Feb 96; 28th Jun 96.  
 Fayes-Jessop, Lawrence Herbert; Perth; 19th Nov 95; 28th Jun 96.

Dated at Perth the 2nd day of July 1996.

K. E. BRADLEY, Public Trustee,  
 565 Hay Street, Perth WA 6000.

**ZZ401**

**DISSOLUTION OF PARTNERSHIP**

Notice is hereby given that the partnership formerly subsisting between Maludra Pty Ltd, Vier Pty Ltd, Miami Pty Ltd and Nicholas Ioannidis carrying on business under the name "Hollywood Horticulture" at Kalgoorlie has been dissolved from 11 July 1996.

McKENZIE LALOR,  
 Solicitors for and on behalf of Maludra Pty Ltd.

**STILL AVAILABLE**

LEGISLATIVE ASSEMBLY

**SELECT COMMITTEE ON  
COUNTRY HOSPITALS AND  
NURSING POSTS  
VOLUMES 1 AND 2  
1992**

This Committee was established to determine whether health services in small rural areas were being delivered in ways appropriate to meeting present and future needs.

The Committee makes a number of recommendations which *“cover initiatives designed to improve the immediate situation in small country health facilities; to better meet the broader health needs of country residents; and to introduce and promote a number of structural and long term changes for country health services”*.

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