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Gazette**

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

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JOHN A. STRIJK, Government Printer.

# — PART 1 —

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## ENVIRONMENTAL PROTECTION

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EP301\*

Environmental Protection Act 1986

### Environmental Protection Amendment Regulations (No. 3) 2000

Made by the Administrator in Executive Council on the recommendation of the Environmental Protection Authority.

**1. Citation**

These regulations may be cited as the *Environmental Protection Amendment Regulations (No. 3) 2000*.

**2. The regulations amended**

The amendments in these regulations are to the *Environmental Protection Regulations 1987\**.

[\* Reprinted as at 2 April 1999.

*For amendments to 10 July 2000 see 1999 Index to Legislation of Western Australia, Table 4, p. 70 and Gazette 7 July 2000.]*

**3. Regulation 5A amended**

After regulation 5A(3) the following subregulations are inserted —

“

(4) If premises specified in Schedule 1 Part 2 are registered under regulation 5B and the Chief Executive Officer is satisfied that the occupier of the premises —

(a) has been convicted in any court of an offence —

(i) against the Act or regulations made under the Act; and

(ii) that relates to the premises;

or

- (b) has operated, conducted, managed, or controlled the premises in a manner which is detrimental to the environment,

the Chief Executive Officer may, by notice in writing served on the occupier of the premises, cancel the registration of the premises.

- (5) If the registration of premises is cancelled under subregulation (4), the occupier of the premises may apply to the Chief Executive Officer in writing in a form approved by the Chief Executive Officer for reinstatement of the registration.
- (6) The Chief Executive Officer may reinstate the registration if the occupier satisfies the Chief Executive Officer that the occupier will not —
  - (a) contravene a provision of the Act or regulations made under the Act that relate to the premises; or
  - (b) operate, conduct, manage, or control the premises in a manner which is detrimental to the environment.
- (7) If the registration of the premises is reinstated under subregulation (6), section 56 of the Act does not apply to the occupier of those premises.

”.

#### 4. Regulation 5B amended

Regulation 5B(2) is amended as follows:

- (a) after paragraph (a) by inserting the following paragraph —
  - “ (ab) made by the occupier of the premises; ”;
- (b) in paragraph (c) after “units” by inserting —

“

unless the occupier of the premises holds a license in respect of the premises

”.

#### 5. Regulation 5C amended

After regulation 5C(2) the following subregulation is inserted —

“

- (3) For the purpose of section 64(1)(b) of the Act the fee prescribed for the transfer of a works approval is 2 units.

”.

**6. Regulation 5CA inserted**

After regulation 5C the following regulation is inserted —

“

**5CA. Waiver of fee for works approval where best practice criteria met**

If, in respect of an application for a works approval under section 54 of the Act, the Chief Executive Officer is satisfied that the environmental performance and management of the premises to which the application relates conform to best practice criteria, the Chief Executive Officer may waive any amount otherwise payable under regulation 5C(1) in respect of the works approval.

”.

**7. Regulation 5D amended**

(1) Regulation 5D(1) is amended as follows:

- (a) by deleting “subregulation (3)” and inserting instead —  
“ subregulations (3) and (4) ”;
- (b) in paragraph (b) after “bitterns” by inserting —  
“ , water to allow mining of ore ”.

(2) After regulation 5D(3) the following subregulations are inserted —

“

- (4) No amount is payable under subregulation (1)(c) in respect of water discharge from category 6 premises.
- (5) For the purpose of section 64(1)(b) of the Act the fee prescribed for the transfer of a licence is 2 units.

”.

**8. Regulation 5EB inserted**

After regulation 5EA the following regulation is inserted —

“

**5EB. Waiver of fee where it would be unreasonable to impose it**

If in respect of an application for a licence, the Chief Executive Officer is satisfied that the production or design capacity of the premises is so small that it would be unreasonable to impose a fee, the Chief Executive Officer is to waive any amount otherwise payable under regulation 5D in respect of the licence.

”.

**9. Regulation 5H amended**

Regulation 5H(2) is amended as follows:

- (a) after paragraph (a) by deleting “and”;

- (b) after paragraph (b) by deleting the comma and inserting instead —
- “
- ; and
- (c) an application for a refund is made in writing in a form approved by the Chief Executive Officer by the person who is the licensee at the end of the term of the licence —
- (i) on an application for another licence in respect of the same premises made within 3 months of the end of the term of the expired licence; or
- (ii) within 3 months of the end of the term of the licence,
- ”.

**10. Regulations 5M, 5N, and 5O inserted**

After regulation 5L the following regulations are inserted —

“

**5M. Notification of changes in information provided for registration or the grant of a works approval or a licence**

- (1) If the occupier of premises registered under regulation 5B becomes aware —
- (a) of a change in a material particular in the information provided in the application for the registration; or
- (b) that the operation of the registered premises has changed in a material manner after the registration was granted,
- the occupier must promptly notify the Department of the change in a form approved by the Chief Executive Officer.
- (2) If a person to whom a works approval has been granted under section 54 of the Act becomes aware of a change in a material particular in the information provided to the Department in the application for the works approval, or in the course of the processing of the application for the works approval, then the occupier must promptly notify the Department of the change in a form approved by the Chief Executive Officer.
- (3) If a person to whom a licence has been granted under section 57 of the Act becomes aware of a change in a material particular in the information provided to the Department in the application for the licence, or in the course of the processing of the application for the licence, then the occupier must promptly notify the Department of the change in a form approved by the Chief Executive Officer.

- (4) A person who contravenes subregulation (1), (2), or (3) commits an offence.

Penalty: \$5 000.

**5N. Transitional provision (reduced fees)**

If a fee prescribed under this Part is paid by a person (“the payer”) on or after 1 October 1998 but before the *Environmental Protection Amendment Regulations (No. 3) 2000* come into force, the Chief Executive Officer may refund to the payer the portion of the fee that exceeds the fee payable under this Part had those regulations come into force on 1 October 1998.

**5O. Reduction, waiver, or refund of fees**

The Chief Executive Officer may reduce, waive, or refund, in whole or part, any fee referred to in these regulations relating to a works approval, licence, or registration.

”.

**11. Schedule 1 amended**

- (1) Schedule 1 Part 1 is amended as follows:

- (a) in category 25 by deleting “50” and inserting instead —  
“ 350 ”;
- (b) in category 26(a) after “carpet” by inserting —  
“ or yarn ”;
- (c) in category 48 by deleting “(other than premises within category 44)”;
- (d) after category 48 by inserting —

“

- 48A Metal finishing: premises on which iron Not applicable  
or steel is galvanized.

”;

- (e) in category 54 by deleting “treatment”;
- (f) in category 54 after paragraph (a) by deleting “and” and inserting instead —  
“ or ”;
- (g) by deleting the item “Category 61” and inserting the following categories instead —

“

- 61 Liquid waste facility: premises on which 100 tonnes or  
liquid waste produced on other more per  
premises (other than sewerage year  
waste) is stored, reprocessed,  
treated or irrigated.

61A Solid waste facility: premises (other than premises within category 67A) on which solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land. 1000 tonnes or more per year

”;

(h) in category 62 by deleting “Waste” and inserting instead —

“ Solid waste ”;

(i) by deleting items “Category 63”, “Category 64”, “Category 65”, and “Category 66” and inserting the following categories instead —

“

63 Class I inert landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled “Landfill Waste Classification and Waste Definitions 1996” published by the Chief Executive Officer and as amended from time to time) is accepted for burial. 500 tonnes or more per year

64 Class II or III putrescible landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled “Landfill Waste Classification and Waste Definitions 1996” published by the Chief Executive Officer and as amended from time to time) is accepted for burial. Not applicable

65 Class IV secure landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled “Landfill Waste Classification and Waste Definitions 1996” published by the Chief Executive Officer and as amended from time to time) is accepted for burial. Not applicable

66 Class V intractable landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled “Landfill Waste Classification and Waste Definitions 1996” published by the Chief Executive Officer and as amended from time to time) is accepted for burial. Not applicable

”.

(2) Schedule 1 Part 2 is amended as follows:

(a) in category 85 by deleting “treatment”;



(b) after category 85 by inserting —

“

85A	Sewage pumping station: premises on which sewage is pumped (other than to or from septic tanks) and where a discharge of waste from the station may enter the Swan River or the Canning River.	Not applicable
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”;

(c) after category 87 by inserting —

“

88	Metal finishing: premises on which —	Not applicable
(a)	metals are chemically cleaned or metals, plastics or metal or plastic products are plated, electroplated, anodised, coloured or otherwise coated or finished; and	
(b)	from which liquid waste is discharged into a sewer.	

”.

## 12. Schedule 4 amended

(1) Schedule 4 Part 1 is amended as follows:

(a) by deleting the item “Categories 1 and 2” and inserting instead —

“

Categories 1 and 2	Not more than 2 000 animals	25
	More than 2 000 animals but not more than 5 000 animals	50
	More than 5 000 animals	100

”;

(b) in “Categories 33, 35, 36, 37, 38 and 39” by deleting “, 38 and 39” and inserting instead —

“ and 38 ”;

(c) after the item “Categories 33, 35, 36, 37, 38 and 39” by inserting —

“

Category 39	Not more than 500 tonnes per year	20
	More than 500 tonnes but not more than 2 000 tonnes per year	50
	More than 2 000 but not more than 10 000 tonnes per year	100
	More than 10 000 but not more than 50 000 tonnes per year	200
	More than 50 000 tonnes per year	300

”;

- (d) by deleting the item “Category 48” and inserting instead —

“

Category 48	Not more than 100 tonnes per year	25
	More than 100 tonnes but not more than 1 000 tonnes per year	50
	More than 1 000 tonnes but not more than 20 000 tonnes per year	100
	More than 20 000 tonnes per year	200
Category 48A	Not more than 1 000 tonnes per year	50
	More than 1 000 tonnes but not more than 10 000 tonnes per year	100
	More than 10 000 tonnes per year	200

”;

- (e) by deleting the item “Category 55” and inserting instead —

“

Category 55	Not more than 50 000 animals per year	20
	More than 50 000 animals per year	50

”;

- (f) in category 61 by deleting “Category 61” and inserting instead —

“ Categories 61 and 61A ”;

- (g) in “Categories 68 to 87” by deleting “87” and inserting instead —

“ 88 ”.

- (2) The heading to Schedule 4 Part 2 is amended after “bitterns” by inserting —

“ , **water to allow mining of ore,** ”.

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

- (a) Item 4(a) is amended by deleting “manganese,”;

- (b) after Item 4(c) the following paragraph is inserted —

“ (d) manganese 10 ”.

### 13. Schedule 6 amended

Schedule 6 under the heading “*Environmental Protection Regulations 1987*” is amended after item 1 by inserting the following item —

“

1A. regulation 5M(4)	250	500
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”.

Recommended by the Environmental Protection Authority,

B. BOWEN, Chairman.

By Command of the Administrator,

ROD SPENCER, Clerk of the Executive Council.

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## JUSTICE

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JM301\*

Guardianship and Administration Act 1990

### **Guardianship and Administration Amendment Regulations 2000**

Made by the Administrator in Executive Council.

**1. Citation**

These regulations may be cited as the *Guardianship and Administration Amendment Regulations 2000*.

**2. Regulation 2 amended**

The Table to regulation 2 of the *Guardianship and Administration Regulations 1995\** is amended as follows:

- (a) in item 1, by deleting “\$20.00” and inserting instead —  
“ \$22 ”;
- (b) in item 2, by deleting “\$50.00” and inserting instead —  
“ \$55 ”;
- (c) in item 3 by deleting “\$60.00” and inserting instead —  
“ \$66 ”.

[\* *Published in Gazette 24 February 1995, p. 640.*  
*For amendments to 18 July 2000 see 1999 Index to*  
*Legislation of Western Australia, Table 4, p. 119.*]

By Command of the Administrator,

ROD SPENCER, Clerk of the Executive Council.

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## LOCAL GOVERNMENT

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LG301\*

### LOCAL GOVERNMENT ACT 1995

*SHIRE OF MANJIMUP*

SIGN LOCAL LAW 2000

#### 1. Title

This local law may be referred to as the Shire of Manjimup Sign Local Law 2000.

#### 2. Repeal

The Local Government Model By-Laws (Signs, Hoardings and Billposting) No. 13 published in the Gazette on 11 June 1968 and the Shire of Manjimup Signs Local Law 1999 gazetted 17 December 1999 are repealed.

#### 3. Commencement

By virtue of section 3.14 of the Act, this local law comes into operation on the 14<sup>th</sup> day after the day on which it is published in the Gazette.

#### 4. Interpretation

In this local law, unless the contrary intention appears—

“Act” means the Local Government Act 1995;

“advertising device” means any object on which words or numbers or figures are written placed, affixed or painted for the purpose of advertising any business, function, operation or other activity and includes any vehicle or trailer or other similar stationary object placed or located so as to serve the purpose of advertising any business, function, event, product or undertaking;

“authorised person” means a person authorised by the Council for the purpose of performing any function or exercising any power conferred upon an authorised person by these local laws;

“bill posting” means the sticking of any bill or painting, stencilling or affixing any advertisement on any building, structure, fence, wall, signpost, pole, blind or awning, so as to be visible to any person in a street, public place, reserve or other land;

“Council” means the Council of the Shire of Manjimup;

“direction sign” means a sign erected in a street or public place to indicate the direction to another place but does not include any such sign erected or affixed by the Council or the Commissioner of Main Roads or a road direction sign erected or affixed by a duly incorporated association or union of motorists authorised in that regard by the Minister for the time being administering the Road Traffic Act 1974.

“electoral sign” means a sign containing an electoral advertisement relating to an election or a prospective or forthcoming election of the Parliament of the Commonwealth or the State, a municipal election and to a referendum;

“fly posting” means advertising by means of posters placed on fences, walls, trees or any other structure;

“hoarding” means a detached or detachable structure other than a pylon sign, that is erected for the sole purpose of displaying a sign or signs and includes a poster panel, a wall panel and or illuminated panel;

“horizontal sign” means a sign fixed parallel to the wall of a building to which it is attached and with its largest dimensions horizontal;

“illuminated sign” means a sign that is so arranged as to be capable of being lighted either from within or without the sign by artificial light provided, or mainly, provided for that purpose and which does not emit a flashing, intermittent or sequential light;

“institutional sign” means a sign erected or placed on any land or building used for or in connection with a surgery, clinic, hospital, rest home, home for the aged, or other institution or place of a similar nature;

“offices” means a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services and services of a similar nature;

“premises” means any building, structure and land;

“projection sign” means a sign that is made by the projection of light on a wall or similar structure;

“pylon sign” means a sign supported by one or more supports and not attached to a building and includes a detached sign framework supported by one or more supports to which sign infills may be added;

“residential area” means land within a residential zone referred to in a town planning scheme of the Shire;

“Shire” means the Shire of Manjimup;

“shop” means any building wherein goods are kept, exposed or offered for sale by retail and includes a receiving depot, but does not include a bank, fuel depot, a market, service station, milk depot, marine store, timber yard, or land and buildings used for the sale of motor and other vehicles or for any industrial purpose;

“sign” includes a signboard, a portable sign or a bunting sign and a clock other than a clock which is built into a wall does not project beyond the face of the wall, or flags and bunting which carry no written message;

“sign infill” means a panel which can be fitted into a pylon sign framework;

“tower sign” means a sign affixed to or placed on a chimney stack or an open structural mast or tower;

“verandah” includes cantilever verandahs but excludes balconies whether over public streets and ways or over private land;

“verandah sign: includes a sign on a verandah fascia or below a verandah;

“wall panel” means a panel used for displaying a posted or painted advertisement, which is affixed to or adjoining the wall of business premises or erected on the forecourt of such business premises;

### **5. Application**

This local law shall apply to all land within the district of the Shire.

### **6. Licence Required**

(1) A person shall not erect or maintain a sign, and the owner or occupier of premises shall not suffer or permit a sign to remain on those premises, so as to be visible from a street, reserve, or other public place, except pursuant to a licence issued under this local law, unless the sign is exempt under clause 11.

(2) A licence issued under this local law remains valid until an alteration is made to the sign in respect of which it is issued and in that event the licensee shall apply for a new licence.

(3) A licence shall be in the form set out in the Schedule 1.

(4) A licence referred to in these local laws may be issued subject to such conditions as are specified in it including any condition limiting the time within which the licence is valid.

### **7. Applications for Licences**

(1) An application for a licence under this local law shall be made in the form of application set out in the Schedule 1.

(2) An application for a licence in respect of a sign shall be accompanied by 2 copies of a plan drawn to a scale of not less than 1:50 showing, the position, design, method of construction colours to be used in painting and the method of illumination, if any, of the sign for which the licence is sought.

(3) An applicant for a licence shall furnish, in writing, any further particulars required by the authorised person.

### **8. Revocation of Licence**

Where anything purporting to be done pursuant to a licence issued under this local law is not done in conformity with this local law or where the licensee is guilty of an offence under this local law, the Council may, without derogating from any penalty to which that person may be liable, by notice in writing, revoke the licence.

### **9. Licence Fees**

The fees payable for the issue of a licence shall be as determined by Council from time to time and payable at time of application in accordance with Section 6.16 of the Local Government Act 1995.

### **10. Exempt Signs**

(1) Nothing, in this local law applies to a sign erected or maintained pursuant to an Act or to a sign that is—

- (a) a sale sign or property sale sign not exceeding 1 square metre which is located within the property;
- (b) a direction sign erected or affixed by Council in a street or public place to indicate the direction to another place;
- (c) used solely for the direction and control of people, animals and vehicles or to indicate the name and street number of a premises, providing the area of any such sign does not exceed 2 square metres;
- (d) a building name sign on residential flats or home units where it is of a single line of letters not exceeding 300 millimetres in height, fixed to the facade of the building;

- (e) newspaper and magazine posters attached to a building;
  - (f) a sign erected on land zoned rural with the property name, owner's name and telephone number, subject to—
    - (i) overall height, inclusive of supporting structure, not to exceed 2 metres;
    - (ii) overall length of sign, inclusive of supporting structure, not to exceed 3 metres;
    - (iii) the area of the sign not to exceed 1.2 square metres.
  - (g) In a residential zone a plate not exceeding 600mm<sup>2</sup> in area, erected, or fixed, on the street alignment or between the alignment and the building line, to indicate the name and occupation or profession of the occupier of the premises.
  - (h) A verandah sign painted on or fixed to the fascia or facade or with lettering not exceeding 300mm.
    - (i) any National or State flag.
    - (j) any election sign not exceeding 1 square metre and located on private property.
  - (k) any public notice or sign advertising an event displayed no more than 30 days prior to the event not exceeding 1 square metre and located on private property.
- (2) Notwithstanding that a sign would otherwise comply with the provisions of this local law, and without limiting those provisions, the Council may refuse a license if the sign is in its opinion, injurious to the amenity of natural beauty of the area.

### 11. Prohibited or Restricted Signs

- (1) A person shall not erect, maintain or display a sign—
- (a) so as to obstruct the view from a street or public place, of traffic in the same, or any other street, or public place;
  - (b) so as to be likely to be confused with, or mistaken for, an official traffic light or sign, or so as to contravene the Road Traffic Act 1974, or Regulations made under that Act;
  - (c) on a tower, mast, chimneystack, spire, dome or similar architectural feature or on a lift machinery room, bulk-head over stairs or other superstructure over the main roof of a building;
  - (d) on a building where the stability of the building is, in the opinion of the authorised person, likely to be affected by the sign;
  - (e) in a position where it unduly obstructs or obscures a person's view from a dwelling, a river, the sea or any other natural feature;
  - (f) on land or a roof of a building or verandah other than that on which is conducted a business or profession and to which the sign relates;
  - (g) on a light pole, power pole or verandah post;
  - (h) as a free standing sign above a roof;
  - (i) on any land that is used for residential purposes unless specifically permitted in this local law;
- (2) A person shall not erect maintain or display—
- (a) advertising flags other than Corporation and Franchise or as may be approved by Council;
  - (b) any bunting;
  - (c) any flashing, intermittent or sequential lights used for the purpose of advertising or are a traffic hazard;
  - (d) any sign on a roof of a building or the roof of a verandah;
  - (e) any sandwich-board signs, except on private property;
  - (f) any sign which rotates or tumbles;
  - (g) any sign which incorporates a mirrored surface and is visible from the street;
  - (h) any hoarding;
- (3) Notwithstanding any of the provisions in subclauses 1 & 2 of Clause 11 of this local law, Council may approve any sign in the interest of the community.

### 12. Special Permits for Signs

- (1) Notwithstanding any other provision of this local law, the Council may, by permit under the hand of an officer of Council, allow the placement of temporary signs for the purpose of advertising whether for commercial gain or not.
- (2) Any such permit may be subject to any such conditions as Council sees fit and shall be in accordance with Council Policy relating to temporary signs.
- (3) Notwithstanding any other provision of this local law, a person shall not nail or otherwise affix a sign to a tree.
- (4) Upon the expiration or revocation of a permit issued under this local law the person to whom it was issued shall forthwith remove the advertisement to which it relates and failure so to remove the advertisement is an offence.

**13. Fly Posting**

(1) No person shall fly post at any place or location within the district of the Shire.

**14. Illuminated Signs**

Every illuminated sign shall—

- (a) have any boxing or casing in which it is enclosed constructed of incombustible material;
- (b) where comprising glass (other than fluorescent tubing) have the glass so protected as to prevent its falling into a public place in the event of breakage;
- (c) have its electrical installation constructed and maintained to the satisfaction of Western Power or the appropriate electrical supply authority and in accordance with the relevant Australian Standard;
- (d) be maintained to operate as an illuminated sign;
- (e) not have a light of such intensity as to cause annoyance to the public or be a traffic hazard; and
- (f) not emit a flashing, intermittent or sequential light.

**15. Information Panels**

The Council may provide information panels or bays of varying sizes and charge fees for the inclusion of advertisements in such panels or bays.

**16. Institutional Signs**

Institutional signs shall not exceed 2 square metres in area.

**17. Pylon Signs**

(1) A pylon sign shall—

- (a) not have any part thereof less than 2.4 metres or more than 6 metres above the level of the ground immediately below it;
- (b) not exceed 4 square metres in area;
- (c) be supported on one or more piers or columns of brick, stone, concrete, timber or steel of sufficient size and strength to support the sign under all conditions;
- (d) not be within 2 metres of the side boundaries of the lot on which it is erected. If the lot on which the pylon sign is erected abuts an intersecting street or right-of-way, Council may authorise the erection of the sign at a lesser distance than 2 metres;
- (e) not be erected so that it projects over any pedestrian access way or street more than 900mm.

(2) Pylon signs shall be restricted to 1 per lot.

(3) Where a pylon sign is to be erected on a lot on which a factory tenement building or small shops are erected or are to be erected, Council may require the pylon sign to be incorporated into one sign complying with the following—

- (a) initial approval is to be given to the pylon sign framework together with one or more sign infill;
- (b) a license is not required for each additional infill;
- (c) all infills are to be of an equal size and space is to be provided for one infill for each shop or unit on the lot.

**18. Verandah Signs**

(1) Signs on Verandah Fascias: A sign fixed to the outer or return fascia of a verandah—

- (a) shall not exceed 300 millimetres in depth;
- (b) shall not project beyond the outer metal frame or surround of the fascia.

(2) Signs Under Verandahs: A sign under a verandah shall –

- (a) afford a headway of not less than 2.4 metres;
- (b) not exceed 2.5 metres in length or 400 millimetres in depth or 1 square metre in area;
- (c) not weigh more than 55 kilograms;
- (d) not be within 3 metres of another sign under that verandah or within .5 of a metre of the side wall of the shop or office;
- (e) be fixed at right angles to the front wall of the building before which it is erected except on a corner of a building at a street intersection where the sign may be placed at an angle with the wall so as to be visible from both streets;
- (f) be so placed that the centre of its base longitudinally is equidistant from the outer edge of the verandah and the vertical plane of the shop front directly opposite the end of the sign.

**19. Direction Signs**

Where a business or amenity is decided by the Council to be of sufficient interest and importance to the travelling public then the Council will allow erection of business or amenity signs which indicate the nature of the business or amenity that may be located by following the direction indicated by the sign. Such signs shall be in accordance with Council's Policy relating to directional signs.

**20. Bill Posting**

(1) Subject to subclause (2) a person shall not post a bill or paint, stencil, place or affix an advertisement on a street or on a building, structure, fence wall, footpath, sign post, blind or awning.

(2) This clause does not apply to—

- (a) advertisements affixed to, or painted on, a shop window by the occupier and relating to the business carried on therein;
- (b) signs within a building;
- (c) the words stating the name and occupation of any occupier of business premises painted on a window or wall of those premises.

**21. Requirements—Signs**

(1) A sign shall—

- (a) afford a minimum headway of not less than 2.4 metres;
- (b) not be within 300 millimetres of either end of the wall to which it is attached; and
- (c) not be placed on a corner of a building, except at a street intersection where it may be placed at an angle with the walls so as to be visible from both streets.

(2) A sign or signs shall not exceed, in total area, 25% of the area of the external elevation of the premises on which the sign or signs are displayed and shall only be permitted on the ground floor storey of a building.

**22. Signs**

Subject to the provisions of division 1 of part 9 of the Act—

(1) Where an approved sign fails to conform to the requirements of this local law, it shall be removed immediately upon receipt of a written direction from an authorised person.

**23. Obstruction by Signs**

A person shall not erect a sign so as to obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods.

**24. Signs to be Maintained**

The holder of a licence in respect of a sign shall keep the sign clean and free from unsightly matter and in good condition and presentation.

**25. Savings**

(1) Subject to subclause (2), no provision of this local law other than clause 24, shall prevent the continued erection and maintenance of a sign for which, immediately prior to this local law coming into operation, all licences and approvals required to authorise the erection of the sign, were duly obtained and current.

(2) This clause shall cease to apply to a sign which is removed, dismantled, altered, added to or amended after this local law comes into operation.

**26. Offences**

(1) Any person who erects a sign which does not comply with or erects a sign in a manner contrary to a provision of this local law commits an offence.

(2) Where under this local law a person is required to obtain a licence to erect or maintain a sign, every person who maintains a sign without a licence or in respect of which the licence has expired or been cancelled commits an offence.

(3) No owner or occupier of any land or premises shall permit a sign to remain on the land or premises unless such sign complies with this local law.

**27. Appeal Rights**

This local law is subject to the appeal provisions in Division 1 Part 9 of the Local Government Act 1995.

**28. Penalties**

Any person who is convicted of an offence against this local law is liable to—

- (a) a penalty not exceeding \$1000;
- (b) and further penalty of \$100 a day for every day the offence continues after conviction for the same.





- (b) each part so determined shall be treated separately; and
- (c) dividends shall be calculated by dividing each part amongst the investors on each backed combination.

**Countbacks**

- (2) In the event of there being no investor on the appropriate selections for the Trifecta the alternative combinations in order of precedence for the distribution of the pool shall be—
  - (a) the winner, the second placing and the third placing irrespective of order;
  - (b) any two of the selections placed first, second or third with any other starter in the event irrespective of order;

and the pool shall be refunded to the investors if these alternative combinations have also not be selected.

**Declarations of less than three placings**

- (3) (a) If any two placings are declared, the pool shall be divided amongst the investors on the combination of any two of the placed selections with any other selection in the event irrespective of order;
- (b) If only a winner is declared, the pool shall be divided amongst the investors on the combination of the winner and any other selection in the event irrespective of order;

And the pool shall be refunded to the investors if these alternative combinations have also not been selected.

G. PAPADOPOULOS, President.

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# — PART 2 —

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## CENSORSHIP

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**CS401\*****CENSORSHIP ACT 1996**

I, CHERYL LYNN EDWARDES, being the Minister administering the Censorship Act 1996, acting in the exercise of the powers conferred by Section 15 of that Act, do hereby determine that the publications specified in the schedule below shall be classified as refused publications for the purposes of that Act. Dated this 7<sup>th</sup> day of August 2000.

CHERYL LYNN EDWARDES, Minister for Labour Relations.

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Schedule

1 August 2000

Refused Classification

Title or Description	Publisher
150 Bound Beauties Jun 1997 No 2	London Enterprises Limited
Dirty Teens Vol 21	Bookpress BV
Hustler Dec 1997 Vol 24 No 6	LFP Inc
Hustler (Gold Label Edition) Mar 1999	JT Publishing Pty Ltd
Hustler (Gold Label Edition) Apr 1999	JT Publishing Pty Ltd
Hustler (Canadian Edition) Jun 1999 Vol 2 No 6	BRZ Publications Inc
Hustler's Taboo Jul 1999 Vol 2 No 1	LFP Inc
Teenage Gang Bang No 28	WS City
Teenage Masturbation (Teen World) No 51	Bookpress BV

**CS402\*****CENSORSHIP ACT 1996**

I, CHERYL LYNN EDWARDES, being the Minister administering the Censorship Act 1996, acting in the exercise of the powers conferred by Section 15 of that Act, do hereby determine that the publications specified in the schedule below shall be classified as restricted publications for the purposes of that Act.

Dated this 7<sup>th</sup> day of August 2000

CHERYL LYNN EDWARDES, Minister for Labour Relations.

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Schedule

1 August 2000

Restricted Classification

Title or Description	Publisher
40 Plus Guide to Secretaries, The Vol 2 No 2	Fantasy Publications Ltd
Asian Babes Vol 8 No 11	Fantasy Publications Ltd
Australian Flesh Iss 91	Adult Media Group Pty Ltd
Australian Link Iss 21	In Touch Publications
Australian Penthouse (Limited Edition) Aug 2000 Vol 21 No 8	Gemkilt Publishing Pty Ltd
Australian Penthouse (Plus) Aug 2000 Vol 21 No 8	Gemkilt Publishing Pty Ltd
Australian Rosie, The (Aussie Couples) Aug 2000 Iss 9	Clean Culture Int Pty Ltd
Australian Rosie, The Aug 2000 No 132	Clean Culture Int Pty Ltd
Babyface (Score Special) No 16	The Score Group
Best of Escort, The No 36	Paul Raymond Publications Ltd
Best of Razzle, No 24	Paul Raymond Publications Ltd
Best of Real Wives, The Vol 2 Iss 1	Fantasy Publications Ltd
Big Ones (International) Vol 11 No 5	Fantasy Publications Ltd
Candy No 24	Candy Publications (Australia) Pty Ltd
Club International Vol 29 No 6	Paul Raymond Publications Ltd

Restricted Classification—*continued*

Title or Description	Publisher
Color Climax No 161	Color-Climax Corporation
Encounters Iss 51	Pleasures Pty Ltd
Escort (XXX-Rated) No 2	Paul Raymond Publications Ltd
Escort Vol 20 No 7	Paul Raymond Publications Ltd
Eve Vorley's Playbirds Iss 220	Gold Star Publications Ltd
For Women Vol 7 No 8	Fantasy Publications Ltd
Hustler (Australia—Gold Edition) Vol 5 No 9	JT Publishing Pty Ltd
Hustler (Gold Label Edition) Holiday 1997	JT Publishing Pty Ltd
Hustler (Gold Edition) Mar 1997 Vol 5 No 3	JT Publishing Pty Ltd
Hustler (Gold Edition) Apr 1997 Vol 5 No 4	JT Publishing Pty Ltd
Hustler (Gold Edition) May 1997 Vol 5 No 5	JT Publishing Pty Ltd
Hustler (Gold Label Edition) Jun 1997 Vol 5 No 6	JT Publishing Pty Ltd
Hustler (Gold Edition) Jul 1997 Vol 5 No 6	JT Publishing Pty Ltd
Hustler (Gold Edition) Aug 1997 Vol 5 No 8	JT Publishing Pty Ltd
Hustler (Gold Label Edition) Sep 1997	JT Publishing Pty Ltd
Hustler (Gold Label Edition) Oct 1997	JT Publishing Pty Ltd
Hustler (Gold Label Edition) Nov 1997	JT Publishing Pty Ltd
Hustler (Gold Label Edition) Dec 1997	JT Publishing Pty Ltd
Hustler (Gold Label Edition) Holiday 1998	JT Publishing Pty Ltd
Hustler (Gold Label Edition) Jan 1998	JT Publishing Pty Ltd
Hustler (Gold Label Edition) Feb 1998	JT Publishing Pty Ltd
Hustler (Gold Label Edition) Mar 1998	JT Publishing Pty Ltd
Hustler (Gold Label) Apr 1998	JT Publishing Pty Ltd
Hustler (Gold Label Edition) May 1998	JT Publishing Pty Ltd
Hustler (Gold Label Edition) Jun 1998	JT Publishing Pty Ltd
Hustler (Gold Label Edition) Jul 1998	JT Publishing Pty Ltd
Hustler (Gold Label Edition) Aug 1998	JT Publishing Pty Ltd
Hustler (Gold Label Edition) Sep 1998	JT Publishing Pty Ltd
Hustler (Gold Label Edition) Oct 1998	JT Publishing Pty Ltd
Hustler Erotic Video Guide Jan 1997 Vol 12 No 1	LFP Inc
Hustler's Hometown Girls Nov 1997 Vol 1 No 4	LFP Inc
Jock May 1998 Vol 7 No 5	Princeton Publishing Inc
Jock Oct 1999 Vol 9 No 10	Global Media Group Ltd
Kinky Babes Vol 7 No 5	Image Magazine Group Inc
Mayfair Vol 35 No 6	Paul Raymond Publications Ltd
Men Only Vol 65 No 7	Paul Raymond Publications Ltd
Mens World Vol 12 No 7	Paul Raymond Publications Ltd
Model Directory Vol 18 No 6	Paul Raymond Publications Ltd
Naughty Neighbors (Newcummers #42) Vol 1 No 10	The Score Group
New Rave Sep 1997 Vol 2 No 6	Hemisphere Publishing
New Talent Special (Summer Scorchers)	Fantasy Publications Ltd
Nude Readers' Wives No 157	Fantasy Publications Ltd
Only 18 Vol 3 No 3	Fantasy Publications Ltd
Parade Iss 255	Gold Star Publications Ltd
Penthouse Jul 2000 Vol 31 No 11	General Media Communications Inc
Raider Iss 154	Gold Star Publications Ltd
Razzle Vol 18 No 6	Paul Raymond Publications Ltd
Readers' Wives Vol 8 No 3	Fantasy Publications Ltd
Real Wives Vol 7 No 4	Fantasy Publications Ltd
Red Hot People No 5	ACP Extra
Sex Next Door No 5	Genre Publications Ltd
Sextasy Vol 8 No 4	Image Magazine Group Inc
Sextasy Vol 8 No 6	Image Magazine Group Inc
Shaved Teeners (Teen World) No 44	Bookpress BV
Tail Ends Oct 1997	Leisure Plus Publications Inc
Teenage Sex No 95	Color-Climax Corporation
Teeners From Holland No 56	Bookpress BV
Teeze No 115	Jakel Corp
Velvet Dec 1997	SuperComix Pty Ltd
Video World Vol 1 No 9	Fantasy Publications Ltd

CS403\*

**CENSORSHIP ACT 1996**

I, CHERYL LYNN EDWARDES, being the Minister administering the Censorship Act 1996, acting in the exercise of the powers conferred by Section 15 of that Act, do hereby determine that the publications specified in the schedule below shall be classified as unrestricted publications for the purposes of that Act.

Dated this 7<sup>th</sup> day of August 2000.

CHERYL LYNN EDWARDES, Minister for Labour Relations.

Schedule  
1 August 2000  
Unrestricted Classification

Title or Description	Publisher
Australian Penthouse (National) Sep 2000 Vol 21 No 9	Gemkilt Publishing Pty Ltd
Australian Penthouse Forum Vol 8 No 3	Forum International Ltd
Hustler (Australia) Vol 5 No 9	JT Publishing Pty Ltd
Playboy Sep 2000 Vol 47 No 9	Playboy
Playboy's Asian Beauties Aug 2000	Special Editions
Playboy's Playmate Review Aug 2000	Special Editions

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## EAST PERTH REDEVELOPMENT

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**EC401**

**EAST PERTH REDEVELOPMENT ACT 1991**  
EAST PERTH REDEVELOPMENT AUTHORITY  
EAST PERTH REDEVELOPMENT SCHEME  
Amendment No. 9 and Amendment No. 12

Available for Inspection

It is hereby notified for public information that the Hon Minister for Planning has granted consent for Amendments No. 9 and No. 12 to the East Perth Redevelopment Scheme to be advertised for public inspection.

The purpose of Amendment No. 9 is to correct the wording of clause 2.17A and clause 2.28 of the Scheme text.

The purpose of Amendment No. 12 is to amend clause 5.15.4 of the Scheme text such that Lot 773 (Main Roads WA office) is excluded from the 12m height plane.

Details of the proposed amendments are available for inspection at the offices of the East Perth Redevelopment Authority, 184 Bennett Street, East Perth, during business hours of 8.30am and 5.30pm, Monday to Friday.

Written submissions on the proposed amendments may be made by any person and must be received at the Authority's offices by no later than Tuesday, 26 September 2000.

Submissions should be addressed to—

A/Chief Executive Officer  
East Perth Redevelopment Authority  
PO Box 6828  
East Perth 6892

The Authority may modify the proposed amendments to give effect to any submission/s it may receive.

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## FIRE AND RESCUE

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**FB401\***

**BUSH FIRES ACT 1954**

PROHIBITED BURNING PERIOD (Section 17)

RESTRICTED BURNING PERIOD (Section 18)

Fire and Emergency Services Authority,

Correspondence No. 00111

Perth.

**PROHIBITED BURNING PERIODS**

I, Kevin Prince, the Minister administering the Bush Fires Act 1954, hereby declare under Section 17 of that Act that it shall be unlawful to set fire to the bush in the Local Government districts of the City of Cockburn and the Shire of Greenough during the periods indicated in the schedule below. The declarations made under Section 17(1) of that Act, as published in the *Government Gazette* of 27 October 1995, are hereby revoked.

<i>Local Government</i>	<i>Zone</i>	<i>Prohibited Burning Period</i>	<i>Special Comm. Date</i>
City of Cockburn	1	15 December – 31 March	1 December
Shire of Greenough	8	15 December – 14 March	21 October

**RESTRICTED BURNING PERIODS**

It is hereby notified that pursuant to the powers contained in Section 18 of the Bush Fires Act 1954 the Fire and Emergency Services Authority of Western Australia has declared the Restricted Burning Periods for the Local Government districts of the City of Cockburn, the Shire of Greenough and the Shire of Chapman Valley, as specified in the schedule below. The respective declarations made under Section 18 of that Act, as published in the *Government Gazette* of 27 October 1995 and 8 November 1996, are hereby revoked.

<i>Local Government</i>	Schedule	<i>Restricted Burning Period</i>
City of Cockburn		1 October – 31 May
Shire of Greenough		7 September – 7 April
Shire of Chapman Valley (that portion of the Shire lying generally south-westerly of the dividing line as described in Schedule 11 published in the <i>Government Gazette</i> of 16 September 1982).		7 September – 29 March
Shire of Chapman Valley (that portion of the Shire lying generally northeast of the dividing line as described in Schedule 11 published in the <i>Government Gazette</i> of 16 September 1982).		14 August – 14 March

KEVIN PRINCE, Minister For Emergency Services.

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**LOCAL GOVERNMENT**


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**LG401\*****SHIRE OF EAST PILBARA****Commercial Tip Disposal Fees—Newman**

It is hereby notified for public information that in accordance with the provisions of section 344C of the Health Act 1911 (as amended) the Council of the Shire of East Pilbara resolved to set the following Tip Disposal Fees for the Newman Refuse Site. The resolution will take effect from 1 September 2000.

**COMMERCIAL TIP DISPOSAL FEES—NEWMAN**

DESCRIPTION	PROPOSED CHARGES	COMMENTS
General Waste, putrescibles, foodstuffs, cans, paper, cardboard, animal carcasses and non-recyclable steel products.	\$8.00	per cubic metre; \$8.00 minimum charge.
Clean bricks and clean soil suitable for re-use. ....	\$5.00	per cubic metre; \$5.00 minimum charge.
Green waste (sorted). ....	\$8.00	per cubic metre; \$8.00 minimum charge.
Vehicle bodies—Car .....	\$75.00	each
Vehicle bodies—Light Truck .....	\$150.00	each
Vehicle bodies—Large Truck .....	\$200.00	each
Steel products (recyclable) .....	\$5.00	per cubic metre
Air conditioners, fridges, .....	\$10.00	per item.
Tyres—Car .....	\$3.00	each.
Tyres—Light truck .....	\$5.00	each
Tyres—Truck .....	\$10.00	each
Tyres—Haulpack or similar .....	\$200.00	each
Building Waste, concrete, rubble, non-recyclable building materials. ....	\$10.00	per cubic metre.
Hazardous waste—Asbestos .....	\$25.00	per m <sup>3</sup>
Hazardous waste—Medical .....	\$25.00	per m <sup>3</sup>
Liquid waste. ....	\$40.00	per truck
Extra large, bulk and unclassified waste. ....		Price on application.
<b>Domestic Tip Disposal Fees—Newman</b>		
Vehicle bodies—Light Truck .....	\$150.00	each
Vehicle bodies—Large Truck .....	\$200.00	each
Air conditioners & fridges .....	\$10.00	per item.
Tyres—Light truck .....	\$5.00	each
Tyres—Truck .....	\$10.00	each
Tyres—Haulpack or similar .....	\$200.00	each

Note: Oils not accepted, toxic liquids only accepted upon approval of Manager Health and Regulatory Services.

**LG501\*****BUSH FIRES ACT 1954***Shire of Gingin***FIREBREAK ORDER 2000/2001**

(As Amended) Section 33

Notice is hereby given to landowners/occupiers within the Shire of Gingin that firebreaks must be installed by 1 November 2000 and maintained clear of flammable material up to and including 15 May 2001.

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

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

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

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

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

**ALL OTHER NON URBAN LAND**

(If you are unsure of the size of your property, please contact the Shire Office) .2023 m<sup>2</sup> (half an acre) to 8 ha (20 acres)

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

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

On heavily grassed blocks slash all dry grass.

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

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

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

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

20 ha (50 acres) and over

Same as for Rural (Farm) Firebreaks as above.

**URBAN LAND—ALL TOWNSITES**

Land 2023m<sup>2</sup> (Half acre) or less

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

Land larger than 2023m<sup>2</sup> (Half acre)

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

**ALTERNATIVE ALIGNMENTS OR METHODS**

If it is impractical to plough, or place a firebreak along your boundary, for environmental or other reason(s), you are required to notify the Shire of Gingin, in writing, before the 11 October 2000, to obtain permission for firebreaks to be installed in an alternative position, or by an alternative method.

**PLANTATIONS**

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

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

Plantations larger than ten hectares (10ha)

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

**APPROVED METHODS OF SUPPLEMENTARY FUEL REDUCTION****SLASHING/MOWING**

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

**CHEMICAL SPRAYING**

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

**BURNING**

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

**BURNING PERIODS****RESTRICTED BURNING PERIOD**

12 October to 21 November 2000

1 March to 15 May 2001

**PROHIBITED BURNING PERIOD**

22 November 2000 to 28 February 2001

**NO BURNING WITHOUT EXCEPTION****HARVEST/MOVEMENT OF VEHICLES BANS**

A ban on harvesting and the movement of vehicles in paddocks is likely to be imposed when the temperature exceeds thirty six degrees (36°) Celsius. Phone the Gingin Fire Weather Hotline on 9575 1330 for details and updates, or contact your local Fire Control Officer.

**ADDITIONAL RESPONSIBILITIES AND PENALTIES**

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

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

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

Prior to any burning, please notify your local Fire Control Officer. A Permit to Burn must be obtained during the Restricted Burning Period.

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

S. D. FRASER, Chief Executive Officer.

**LG402****BUSH FIRES ACT 1954***Shire of Mt Marshall***BUSH FIRE CONTROL OFFICERS**

The following people have been appointed as Bush Fire Control Officers under the Bush Fires Act 1954 within the Shire of Mt Marshall.

**Chief Bush Fire Control Officer**

A J Gracie 9685 1202

**Deputy Chief Bush Fire Control Officer**

B Ingleton 9686 1044

**Fire Control Officers**

T J Gobbart	9684 8042	Gabbin
W E Clark	9048 6012	North Wialki
M J Hegarty	9048 4015	South Wialki
A Hele	9667 1039	North of Fence
J F Dunne	9685 1045	Beacon
J King	9686 4041	Tampu
B R Whyte	9686 6006	Cleary
B G Walker	9686 2030	Welbungin
K R Donohoe	9685 1202	Shire
J A Walker	9685 1202	Shire
D R Gobbart	9685 1202	Shire

**Fire Weather Officers**

A J Gracie South

B Ingleton North

Each Fire Weather Officer is Deputy to the other.

All previous appointments are cancelled.

K. R. DONOHOE, Chief Executive Officer.

**LG403****DOG ACT 1976***Shire of Brookton*

It is hereby notified for general information that the following persons have been appointed under the provisions for the Dog Act 1976 as Registration Officers for the Municipality of the Shire of Brookton—

Mrs Roslyn Wright  
Miss Alyssa McGuire  
Miss Kathleen Sweeney  
Ms Kristy Dewson-Hall  
Mr Rob Madson

The previous appointments of all other Registration Officers under the above Act are hereby cancelled.

IAN CURLEY, Chief Executive Officer.



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**MEDICAL BOARD**

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**MH401****MEDICAL ACT 1894**IN THE MATTER OF AN INQUIRY WITH REFERENCE TO THE CONDUCT OF  
DR FRANK MACRI DOB: 27/5/55

BY ORDER OF THE MEDICAL BOARD OF WESTERN AUSTRALIA

An inquiry was convened 9 June 2000 by the Medical Board of Western Australia pursuant to Section 13 (1) (a) of the Medical Act 1894. The Board reserved its decision.

At a subsequent meeting of the Board held 28 July 2000 based on its findings, having heard a plea of mitigation and being mindful of psychological difficulties, the Board found Dr Macri guilty of infamous and improper conduct in a professional respect.

1. The Board has determined that the maximum penalty permitted under the Act should apply and ordered that Dr Macri's name be removed from the Medical Register with immediate effect.

In accordance with the provisions of the Medical Act, Dr Macri may apply for restoration to the Register in 12 months and at subsequent twelve monthly intervals.

2. Costs were awarded against Dr Macri.

Dated: 2 August 2000.

SIMON M. HOOD, Registrar.

**MH402****MEDICAL ACT 1894**IN THE MATTER OF AN INQUIRY WITH REFERENCE TO THE CONDUCT OF  
DR IVOR FRANCIS DE SOUZA DOB: 31/10/47

BY ORDER OF THE MEDICAL BOARD OF WESTERN AUSTRALIA

At an inquiry held on 6 June 2000 the Board having had the benefit of evidence available, accepted the plea of guilty to infamous conduct in a professional respect pursuant to section 13 (1) (a) of the Medical Act, and by reason of Dr De Souza's conviction in the Perth Court of Petty Sessions on 11 October 1999 of 11 counts of knowingly making false statements capable of being used in connection with a claim for a benefit or payment, contrary to section 128B(1) of the Health Insurance Act 1973.

In view of the gravity of these charges the Board orders that Dr De Souza be suspended from medical practice for a period of 4 calendar months from 6 June 2000.

SIMON M. HOOD, Registrar.

**MH403****MEDICAL ACT 1894**IN THE MATTER OF AN INQUIRY WITH REFERENCE TO THE CONDUCT OF  
MR JOHN SCHULZ DOB: 12/10/35

BY ORDER OF THE MEDICAL BOARD OF WESTERN AUSTRALIA

At an inquiry was convened 7 June 2000 by the Medical Board of Western Australia pursuant to Section 13 (1) (a), subsequently amended to include Section 13 (1) (c) of the Medical Act 1894. The Board reserved its decision.

The Board subsequently found Mr John Schulz guilty of gross carelessness in the treatment of one named patient, and grossly careless and negligent in the treatment of another named patient. The Board found that in a third case, guilt removed unproven.

Mr Schulz having rejected the opportunity to enter a plea of mitigation, the Board has issued the following conditions on practice—

1. Mr Schulz to be excluded from all forms of medical practice other than that undertaken as part of a comprehensive training programme in a teaching hospital. Such a programme to be acceptable to the Board and following the advice of the Australian Orthopaedic Association, and completed to the satisfaction of the Board.
2. Costs were awarded against Mr Schulz.

Dated: 2 August 2000.

SIMON M. HOOD, Registrar.

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**PLANNING**


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**PD401\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF KALAMUNDA*

## DISTRICT PLANNING SCHEME NO 2—AMENDMENT NO 177

Ref: 853/2/24/16 Pt 177

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Kalamunda Town Planning Scheme Amendment on 5 August 2000 for the purpose of—

1. In respect of the land typically known as the Forrestfield Marshalling Yard and generally bounded by the Perth Airport, Dundas Road and Tonkin Highway—
  - (a) excluding most of the land from the “Regional Reservation—Railways”;
  - (b) zoning most of the land to “General Industry”;
  - (c) zoning portions of the land to “Light Industry” and to “Mixed Use” with Restricted Uses applying;
  - (d) including portions of the land in the “Local Reservations—Recreation / Open Space”;
  - (e) granting Additional Use Permits over portion of the land and being that area generally identified as “Office Park” on the Forrestfield Concept Plan contained within the Scheme Report accompanying this Amendment; and
  - (f) amending the Scheme Text by the insertion in “Appendix D—Schedule of Additional Uses” of the following—

## PARTICULARS OF LAND

“Portion of Forrestfield Marshalling Yard and being the Office Park as generally delineated in the Forrestfield Concept Plan within the Scheme Report accompanying Scheme Amendment 177.

## ADDITIONAL USE (CLAUSE 3.9)

The additional uses permitted are:

Child Care Centre;  
Fast Food Outlet;  
Medical Centre;  
Office;  
Restaurant;  
Service Station;  
Shop;  
Showroom; and  
Tavern;

provided that the Gross Leaseable Area set aside for the purposes of Shop other than Fast Food does not exceed 500m<sup>2</sup> in total.”

- (g) in respect of that portion zoned “Mixed Use” amending, the Scheme Text by the insertion in “Appendix H—Schedule of Restricted Uses” of the following:

## PARTICULARS OF LAND

“Forrestfield Marshalling Yard generally bounded by the Perth Airport, Dundas Road and Tonkin Highway and specifically that portion zoned Mixed Use

## RESTRICTED USE (CLAUSE 3.10)

Car Park  
Child Care Centre  
Consulting Rooms  
Consulting Rooms—Group  
Cottage Industry  
Education Establishment  
Kindergarten  
Medical Centre  
Office  
Public Utility  
Reception Centre  
Restaurant  
Veterinary Clinic or Surgery  
Worship—Place of ”

2. In respect of portion of the land typically known as the Kewdale Freight Terminal and generally bounded by the Shire Boundary, Tonkin Highway and Tomah Street;
  - (a) excluding portion of the land from the “Regional Reservation—Railways”; and
  - (b) zoning that portion of the land to “General Industry”.
3. Removing the “Regional Reservation—Important Regional Road” on that portion of Dundas Road generally between the Tonkin Highway and Wittenoom Road;
4. Zoning portion of the land on the east side of Dundas Road and generally south of Wittenoom Road to “Rural, Special Rural, Light Industry and General Industry”;
5. Reserving portion of the land on the east side of Dundas Road and generally north of Tonkin Highway to “Regional Reservation—Special Use”;
6. Modifying the “Regional Reservation—Important Regional Road” on that portion of Dundas Road generally between Wittenoom Road and Kalamunda Road;

7. Reserving portion of the land comprising the extension of Abernethy Road as "Regional Reservation—Important Regional Road";
8. Amending the Legend to the Scheme Map to introduce a bright green broken border encircling the black letters "EC" together with the notation "Land subject to Environmental Conditions—Refer Appendix M" and to amend the Scheme Map to border and annotate the land the subject of the Amendment accordingly;  
all as depicted on the Scheme Amendment Map; and
9. Amending the Scheme Text by modifying "Table 1—Zoning Table" by inserting the symbol "AA" in the Zone "General Industry" against the Use Class of "Office".
10. Amending the Scheme Text by inserting the Use Class "Freight Terminal" in Appendix A—Interpretations as follows—

"freight terminal—means the use of any land or building for and incidental to the transmission of goods for transport by road or rail, the unloading and loading of such goods and the interchange of goods between road and rail vehicles, and may include the short term storage of goods and the parking, servicing and repair of road or rail vehicles used to transfer such goods."

and inserting the Use Class "Freight Terminal" into Table 1—Zoning Table as an "AA" use in the "General Industry" Zone and an "X" use in all other Zones;

11. Amending the Scheme Text by inserting, the Use Class "Railway Installation" in Appendix A—Interpretations as follows—

"railway installation—means the use of any land or building for and incidental to the conduct of a passenger or freight railway and includes the shunting, marshalling, storage, maintenance and repair of locomotives and rolling stock."

and inserting the Use Class "Railway Installation" into Table 1—Zoning Table as an "AA" use in the "General Industry" Zone and an "X" use in all other Zones;

12. Amending the Scheme Text by—

- 12.1 Inserting a new Clause as follows—

**6.33—ENVIRONMENTAL CONDITIONS**

The portions of the Scheme Area identified on the Scheme Map as being "Land subject to Environmental Conditions—Refer Appendix M" are the subject of Environmental Conditions imposed under the Environmental Protection Act. The use and development of such land is subject to the Environmental Conditions set against that land in Appendix M.

- 12.2 Inserting a new Appendix "Appendix M—Environmental Conditions"

- 12.3 Inserting in Appendix M the Environmental Conditions set under the Environmental Protection Act for this Amendment as follows—

**APPENDIX M—ENVIRONMENTAL CONDITIONS**

**1. FORRESTFIELD MARSHALLING YARD**

The Forrestfield Marshalling Yard, being, all of the land generally bounded by the Perth Airport, Dundas Road and Tonkin Highway is subject to the Environmental Conditions contained in Statement No 000511 setout hereunder—

Statement No. 000511

MINISTER FOR THE ENVIRONMENT; LABOUR RELATIONS

**STATEMENT THAT A SCHEME MAY BE IMPLEMENTED (PURSUANT TO THE PROVISIONS OF DIVISION 3 OF PART IV OF THE ENVIRONMENTAL PROTECTION ACT 1986)**

SHIRE OF KALAMUNDA DISTRICT PLANNING SCHEME No. 2  
AMENDMENT No. 177 (FORRESTFIELD MARSHALLING YARDS)

Scheme Purpose—

- (a) to exclude the Amendment area from the "Railways" reservation;
- (b) to include land within the Amendment area in the "General Industry", "Mixed Use" and "Light Industry" zones with Additional Use Permit over portion of the land, and the "Public Open Space" and "Important Regional Road" reservations;
- (c) to remove the "Important Regional Road" reservation on that portion of the existing Dundas Road generally south of Wittenoom Road and amend the reservation on that portion of the road generally north of Wittenoom Road;
- (d) to variously zone and reserve the land on the east side of Dundas Road and generally south of Wittenoom Road to "Rural", "Special Rural", "Light Industry", "General Industry" and "Regional Reservation—Special Use"; and
- (e) to amend the Scheme Text such that the Use Class "Office" is an "AA" use in the "General Industry" zone.

Responsible Authority: Shire of Kalamunda

Responsible Authority Address: 2 Railway Road, Kalamunda WA 6076

Assessment Number: 1143

Report of the Environmental Protection Authority: Bulletin 927

Subject to the following conditions, there is no known environmental reason why the Scheme Amendment to which the above report of the Environmental Protection Authority relates should not be implemented—

### **1 Drainage and Nutrient Management Plans**

1-1 Prior to submission of an application for subdivision approval (other than an application for consolidation or minor modification to existing boundaries) or development, whichever occurs first, the Responsible Authority shall require the preparation of a Drainage and Nutrient Management Plan for that portion of the drainage catchment within the Forrestfield Marshalling Yards and the widened portion of the "Important Regional Road" between Wittenoom and Kalamunda Roads which contains the application site, to meet the following objective—

- to maintain or enhance the quality of surface water so that existing and potential uses, including ecosystem maintenance, are protected consistent with the Environmental Protection (Swan and Canning Rivers) Policy 1997, and the Environmental Protection Authority "Draft Western Australian Water Quality Guidelines for Fresh and Marine Waters" Bulletin 711 (1993).

The Drainage and Nutrient Management Plan shall be prepared to the requirements of the Responsible Authority with the concurrence of the Department of Environmental Protection and the Water and Rivers Commission.

The Plan shall include—

- 1 management actions and objectives consistent with the Environmental Protection (Swan and Canning Rivers) Policy, relevant subregional drainage and catchment management plans, and water sensitive urban design principles and best management practices;
- 2 mechanisms to minimise erosion during and after the development phase;
- 3 mechanisms to protect the water regimes of the conservation category wetlands within the Amendment area and adjacent System Six M52 area, including water quality and water levels;
- 4 a monitoring program, including definition of performance criteria and analysis procedures, to demonstrate whether the objectives for the catchment are being achieved;
- 5 contingency measures to be implemented in the event that performance criteria are not met; and
- 6 identification of responsibilities for implementation of the Plan.

1-2 The above-mentioned Drainage and Nutrient Management Plan shall be implemented.

### **2 Soil Contamination Remediation Plans**

2-1 Prior to submission of an application for subdivision approval (other than an application for consolidation or minor modification to existing boundaries) or development, whichever occurs first, the Responsible Authority shall require the preparation of a Soil Contamination Remediation Plan for the application site to the requirements of the Responsible Authority with the concurrence of the Department of Environmental Protection, to meet the following objective—

- to ensure the rehabilitation of the site is to an acceptable standard that is compatible with the intended land use, consistent with appropriate criteria.

The Plan shall include—

- 1 establishment of soil quality criteria, to be achieved following remediation of contaminated soils, based on the intended land uses;
- 2 identification of areas of soil contamination;
- 3 development of a remediation plan for contaminated soils in areas where the soil quality criteria are not met; and
- 4 identification of responsibilities for implementation of the Plan.

Note: Criteria for assessment and remediation recognised by the Environmental Protection Authority include those in the ANZECC and NHMRC "Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites" (1992), and "Dutch B and C" (1986), or the most current soil remediation criteria.

2-2 The above-mentioned Soil Contamination Remediation Plan shall be implemented.

### **3 Groundwater Contamination Remediation Plans**

3-1 Prior to submission of an application for subdivision approval (other than an application for consolidation or minor modification to existing boundaries) or development, whichever occurs first, the Responsible Authority shall require the preparation of a Groundwater Contamination Remediation Plan for the application site to the requirements of the Responsible Authority with the concurrence of the Department of Environmental Protection and the Water and Rivers Commission, to meet the following objective—

- to ensure that the beneficial uses of groundwater can be maintained, consistent with the Environmental Protection Authority "Draft Western Australian Water Quality Guidelines for Fresh and Marine Waters" (1993).

The Plan shall include—

- 1 establishment of groundwater quality criteria to be achieved, based on the most sensitive beneficial use of the groundwater;

- 2 determination of the extent, and any movement, of contaminated groundwater beneath the application site;
- 3 development of management actions, including remediation if necessary, in the event that groundwater quality criteria are not met; and
- 4 identification of responsibilities for implementation of the Plan.

Note: Criteria for assessment and remediation recognised by the Environmental Protection Authority include those in the ANZECC and NHMRC "Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites" (1992), "Dutch B and C" (1986), or the most current soil remediation criteria, the ANZECC "Australian Water Quality Guidelines for Fresh and Marine Waters" (1992), and the NHMRC and ARMCANZ "Australian Drinking Water Guidelines—National Water Quality Management Strategy" (1996).

- 3-2 The above-mentioned Groundwater Contamination Remediation Plan shall be implemented.

#### **4 Groundwater Abstraction Plan**

- 4-1 Prior to submission of an application for subdivision approval (other than an application for consolidation or minor modification to existing boundaries) or development, whichever occurs first, the Responsible Authority shall require the preparation of a Groundwater Abstraction Plan to the requirements of the Responsible Authority with the concurrence of the Department of Environmental Protection and the Water and Rivers Commission, to meet the following objective—

- to ensure that the beneficial uses of groundwater can be maintained, consistent with the Environmental Protection Authority "Draft Western Australian Water Quality Guidelines for Fresh and Marine Waters" (1993).

The Plan shall include—

- 1 mechanisms to protect the groundwater regimes of the conservation category wetlands within the Amendment area and the adjacent System Six M52 area;
- 2 a monitoring program, including definition of performance criteria and analysis procedures, to demonstrate whether the objectives for the groundwater are being achieved;
- 3 contingency measures to be implemented in the event that performance criteria are not met; and
- 4 identification of responsibilities for implementation of the Plan.

- 4-2 The above-mentioned Groundwater Abstraction Plan shall be implemented.

#### **5 Scheme Map**

- 5-1 The Scheme Map shall be amended by inserting an appropriate symbol on the Scheme Map and a corresponding modification to the legend, to show that environmental conditions apply to the subject land, to the requirements of the Responsible Authority with the concurrence of the Environmental Protection Authority.

CHERYL EDWARDES (Mrs) MLA, Minister for the Environment."

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O. F. McGRATH, President.  
D. E. VAUGHAN, Chief Executive Officer.

**PD402\***

#### **TOWN PLANNING AND DEVELOPMENT ACT 1928**

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

*CITY OF BELMONT*

TOWN PLANNING SCHEME NO 13

Ref: 853/2/15/13

It is hereby notified for public information that the period in which to lodge submissions on the above Scheme, published at page 2150 of the *Government Gazette* No 79 dated 5 May 2000 has been extended up to and including 4 September 2000.

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B. R. GENONI, Chief Executive Officer.

**PD403\*****TOWN PLANNING AND DEVELOPMENT ACT 1928***SHIRE OF DERBY/WEST KIMBERLEY*

INTERIM DEVELOPMENT ORDER NO 6

Ref: 26/7/4/1

Notice is hereby given that the Honourable Minister for Planning has approved of the extension for twelve months from 15 August 2000 of the Shire of Derby/West Kimberley Interim Development Order No 6, pursuant to the provisions of Section 7B of the Town Planning and Development Act, 1928 (as amended).

CLAIRE KRUMMENACHER, for Secretary,  
Western Australian Planning Commission.

**PD404\*****TOWN PLANNING AND DEVELOPMENT ACT 1928***SHIRE OF ASHBURTON*

INTERIM DEVELOPMENT ORDER NO 8

Ref: 26/10/3/1

Notice is hereby given that the Honourable Minister for Planning has approved of the extension for twelve months from 23 September 2000 of the Shire of Ashburton Interim Development Order No 8, pursuant to the provisions of Section 7B of the Town Planning and Development Act, 1928 (as amended).

CLAIRE KRUMMENACHER, for Secretary,  
Western Australian Planning Commission.

**PD405\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*CITY OF SWAN*

TOWN PLANNING SCHEME NO 9—AMENDMENT NO 347

Ref: 853/2/21/10 Pt 347

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Swan Town Planning Scheme Amendment on 8 August 2000 for the purpose of—

1. Adding to Appendix 6B (Schedule of Additional or Restricted Uses) of the Scheme Text the following particulars—

Locality	Street and Land Particulars	Additional or Restricted Uses and Conditions
Midland	Lot 2 Mellar Court	1. The following use is a permitted ('P') use— • Office-Professional

2. Inserting on the Scheme Map an Additional Use symbol on Lot 2 Mellar Court, Midland as shown on the Scheme Amendment Map.

E. W. LUMSDEN, Chief Executive Officer.  
A. C. FREWING, Executive Manager, Management Services.

**PD406\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF HARVEY*

TOWN PLANNING SCHEME NO 1—AMENDMENT NO 6

Ref: 853/6/12/18 Pt 6

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Harvey Town Planning Scheme Amendment on 8 August 2000 for the purpose of—

1. Rezoning portion of Wellington Location 1 Ditchingham Place, Australind from the "General Farming" zone to the "Residential Development" zone;
2. Rezoning a portion of Wellington Location 1 Ditchingham Place, Australind from the "General Farming" zone to the "Recreation" zone;
3. Rezoning a portion of Wellington Location 1 Ditchingham Place, Australind from the "General Farming" zone to the "Restricted Uses" (District Shopping Centre) zone;

as depicted on the amending map adopted by the Council of the Shire of Harvey.

4. Inserting into Schedule 19 of the Scheme Text— 'Additional Requirements—Residential Development Zone', the following—

SCHEDULE 19

ADDITIONAL REQUIREMENTS—RESIDENTIAL DEVELOPMENT ZONE

Clause 6.7 applies.

Area 2: TREENDALE FARM

The area is defined on the Scheme Amendment Map and described as Portion of Wellington Location 1, Ditchingham Place, Australind.

- (i) Subdivision and Development Criteria for land designated in the approved Structure Plan as Landscape Buffer Special Residential R5.
- (a) Development shall comply with the R5 Residential Density Code.
  - (b) Subdivision shall be carried out generally in accordance with the approved Structure Plan adopted by Council.
  - (c) A minimum lot size of 0.2 hectares shall apply.
  - (d) Residential development shall not be permitted unless the lot is fully connected to reticulated sewers.
  - (e) All buildings shall be set back a minimum of 5m from the side boundaries and 10 metres from the street frontage.
  - (f) No clearing shall be permitted within a 40 metre buffer measured from the Australind Bypass Reserve.
  - (g) Planting and maintenance of the equivalent of 100 trees per hectare capable of growing to 3 metres in height shall be carried out at the time of subdivision approval, to the satisfaction of Agriculture W.A. and Council.
  - (h) The developer is required to maintain the revegetated areas and replace any dead plants for a period of 2 years from the date of planting or until the date of sale of the land, whichever is the lesser.
  - (i) Future owners of the lots shall be required to maintain the planting.
- (ii) Development criteria for the land designated in the approved Structure Plan as Service Commercial and Tavern/Fast Food.
- (a) Development of the land set aside in the structure plan for Service Commercial, Tavern/Fast Food and Mixed Use shall be subject to preparation of a further detailed structure plan to Council's specification—and satisfaction with the objective of creating an integrated and cohesive development with the adjoining District Centre. The detailed structure plan is also to address the components of the District Shopping Centre Structure Plan referred to in Schedule 8—Restricted Uses and all retail floorspace is to be included within the floorspace restriction imposed on the District Centre.
- (iii) Council will not support development within a 400m buffer of the Waste Water Treatment Plant site situated north of Ditchingham Place prior to relocation of the Treatment Plant or the written approval of the Water Corporation that the proposed use is acceptable.

5. Inserting into Schedule 8 of the Scheme Text—'Restricted Uses', the following—

Street	Particulars of Land	Only Use Permitted
18. Ditchingham Place, Australind	Portion of Wellington Location 1	<p>1. District Shopping Centre to be the subject of a future Structure Plan to be adopted by Council and the Western Australian Planning Commission. The Structure Plan shall address and not be limited to the following matters—</p> <ol style="list-style-type: none"> <li>(a) desired streetscape objectives.</li> <li>(b) landuse mix.</li> <li>(c) staging of development.</li> <li>(d) access and carparking.</li> <li>(e) community facilities.</li> <li>(f) public space.</li> <li>(g) permitted and discretionary landuses.</li> </ol> <p>2. The proposed District Shopping Centre Structure Plan is to be advertised and considered in accordance with Section 6.7 of the Scheme.</p>

Street	Particulars of Land	Only Use Permitted
		<p>3. Council will support the development of a neighbourhood centre with a maximum floorspace of 6,000m<sup>2</sup> Gross Leasable Area until the year 2005 or until the required population levels warrant an increase in the floorspace restriction. Following the year 2005, the floorspace restriction should be reviewed every 5 years to ensure that floorspace provision is consistent with the population levels within the District Shopping Centre's catchment area to a maximum retail floor space limit of 20,000m<sup>2</sup>.</p> <p>4. Council will not support development within a 400m buffer of the Waste Water Treatment Plant site situated north of Ditchingham Place prior to relocation of the Treatment Plant or the written approval of the Water Corporation that the proposed use is acceptable.</p>

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

## POLICE

### PE501

#### POLICE ACT 1892 POLICE AUCTION

Under the provisions of the Police Act 1892, unclaimed found and stolen property and bicycles will be sold by Public Auction at Smith Broughton & Sons, 1 Clayton Street, Midland on Saturday 19th August 2000 at 9.00am.

The Auction is to be conducted by Mr Gary Silcock.

B. MATTHEWS, Commissioner of Police,  
West Australian Police Service.

## PREMIER AND CABINET

### PR401

#### MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Administrator in accordance with Section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon. C. L. Edwardes MLA in the period 2 to 6 August 2000 inclusive—

Minister for the Environment; Labour Relations

Hon. N. F. Moore, MLC

M. C. WAUCHOPE, Director General, Ministry of  
the Premier and Cabinet.

### PR402

#### MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Administrator in accordance with Section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon. M. G. House MLA in the period 19 October to 2 November 2000 inclusive—

Minister for Primary Industry; Fisheries

Hon. H. J. Cowan MLA

M. C. WAUCHOPE, Director General, Ministry of  
the Premier and Cabinet.

