



WESTERN AUSTRALIAN GOVERNMENT Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

4609



PERTH, TUESDAY, 11 SEPTEMBER 2007 No. 187

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

© STATE OF WESTERN AUSTRALIA

CONTENTS

PART 1

	Page
Local Government Act 1995—	
Shire of Bridgetown-Greenbushes—	
Activities on Thoroughfares and Trading in Thoroughfares and Public Places	
Amendment Local Law 2007.....	4611
Shire of Cue—	
Repeal Local Law 2007	4612
Weapons Act 1999—Weapons Amendment Regulations 2007	4613

PART 2

Agriculture	4614
Deceased Estates	4638
Fisheries	4615
Justice.....	4616
Land.....	4616
Local Government.....	4617
Marine/Maritime.....	4621
Parliament.....	4622
Planning and Infrastructure	4623
WorkCover.....	4638

IMPORTANT COPYRIGHT NOTICE

© State of Western Australia

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without written permission from the Attorney General for Western Australia. Inquiries in the first instance should be directed to the Government Printer, State Law Publisher, 10 William St, Perth 6000.

PUBLISHING DETAILS

The Western Australian *Government Gazette* is published by State Law Publisher for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances.

Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*.

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
- Copy must be lodged with the Sales and Editorial Section, State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

Delivery address:

State Law Publisher
Ground Floor,
10 William St. Perth, 6000
Telephone: 9321 7688 Fax: 9321 7536

- Inquiries regarding publication of notices can be directed to the Editor on (08) 9426 0010.
- Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.

If it is necessary through isolation or urgency to fax copy, confirmation is not required by post. *If original copy is forwarded later and published, the cost will be borne by the advertiser.*

ADVERTISING RATES AND PAYMENTS

EFFECTIVE FROM 1 JULY 2007 (Prices include GST).

Deceased Estate notices, (per estate)—\$24.75

Real Estate and Business Agents and Finance Brokers Licences, (per notice)—\$57.75

Other articles in Public Notices Section—\$57.75 minimum charge (except items of an exceptionally large nature. In these instances arrangements will be made for pricing the notice at time of lodging).

All other Notices

Per Column Centimetre—\$11.55

Bulk Notices—\$211.00 per page

Clients who have an account will be invoiced for advertising charges.

Clients without an account will need to pay at time of lodging the notice.

— PART 1 —

LOCAL GOVERNMENT

LG301*

LOCAL GOVERNMENT ACT 1995

Shire of Bridgetown-Greenbushes

ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES AMENDMENT LOCAL LAW 2007

Under the powers conferred by the *Local Government Act 1995* and by all other powers enabling it, the Council of the *Shire of Bridgetown-Greenbushes* resolved on 26th July 2007 to make the “*Activities on Thoroughfares and Trading in Thoroughfares & Public Places Amendment Local Law 2007*”.

The *Shire of Bridgetown-Greenbushes Activities on Thoroughfares and Trading in Thoroughfares & Public Places Local Law* as published in the *Government Gazette* on 2 June 2000 is referred to as the principal local law. The principal local law is amended as follows—

1. Clause 2.1 Amended

Clause 2.1 is amended by—

- (a) Removing the word “or” at the end of subclause 2.1(f) in the principal local law.
- (b) Delete the full-stop at the end of subclause 2.1(g) in the principal local law and insert “or” instead.
- (c) Insert the words “in the appropriate alphabetical order” after the words ‘Clause 2.1 is amended by inserting a new subclause’.
- (d) Insert a new subclause—
 - “(h) allow any form of debris including, but not limited to, gravel; sand; soil; vegetation or other substance to be placed or deposited by any means onto local government property, a footpath or a thoroughfare which may create a hazard or obstruction.”

2. Clause 9.4 Amended

Clause 9.4 is amended by deleting paragraph 9.4 and inserting instead—

“9.4 Notice to remove thing unlawfully placed on thoroughfare

“Where any thing is placed or allowed to be deposited on local government property, a footpath or a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the property which abuts on that portion of the local government property, a footpath or a thoroughfare where the thing has been placed or allowed to be deposited, or such other person who may be responsible for the thing being so placed or allowed to be deposited, require the relevant person to remove the thing.”

Dated this 26th day of July 2007

The Common Seal of the Shire of Bridgetown-Greenbushes was affixed by authority of a resolution of the Council in the presence of—

MICHAEL CARLTON, D/Shire President.
TIMOTHY CLYNCH, Chief Executive Officer.

LG302*

LOCAL GOVERNMENT ACT 1995*Shire of Cue***REPEAL LOCAL LAW 2007**

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the Shire of Cue resolved on 15 August 2007 to repeal old and obsolete local laws as follows—

1. Citation

This local law may be cited as the *Shire of Cue Repeal Local law 2007*.

2. Operation

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

3. Repeal

The following local laws are repealed—

Local laws relating to—

Cue & Day Dawn Commons By-Law Reserve (7273, 7274), published in the *Government Gazette* of 9 June 1916;

Rates—discount, published in the *Government Gazette* of 2 October 1931;

Poundage Fees, Sustenance Charges & By-Law, published in the *Government Gazette* of 3 January 1936;

Building By-Laws, published in the *Government Gazette* of 24 January 1936;

General By-Laws, published in the *Government Gazette* of 24 January 1936;

Supply of Electricity, published in the *Government Gazette* of 7 August 1936;

Buildings By-Laws, published in the *Government Gazette* of 22 October 1937;

Zoning—Reedy & Big Bell, published in the *Government Gazette* of 20 May 1938;

Appointment of Employees, published in the *Government Gazette* of 24 October 1941;

Long Service Leave, published in the *Government Gazette* of 20 January 1950;

Prevention of Damage to Roads, published in the *Government Gazette* of 23 April 1954;

General By-Laws, published in the *Government Gazette* of 23 July 1954;

Prevention of Damage to Streets—Draft Model By-Law No.1, published in the *Government Gazette* of 31 August 1962;

Clearing and Removal of Trees, Scrub, Undergrowth, Refuse, Rubbish or Material from Land, published in the *Government Gazette* of 19 December 1962;

Old Refrigerators and Cabinets—Draft model By-Law No. 8, published in the *Government Gazette* of 19 December 1962;

Caravan Parks and Camping Grounds—Draft Model No. 2, published in the *Government Gazette* of 9 November 1984;

Removal of Refuse, Rubbish, Litter, Vehicle Bodies, Discarded Material and Unsightly Items of Objects from Land, published in the *Government Gazette* of 15 September 1995; And

Standing Orders, published in the *Government Gazette* of 23 November 2000.

Dated 15 August 2007.

The Common Seal of the Shire of Cue was affixed by the authority of a resolution of the Council in the presence of—

JOHN CHARLES KEVIN ANTHONY, President.
BRIAN WENTWORTH SEALE, Chief Executive Officer.

POLICE

PO301*

Weapons Act 1999

Weapons Amendment Regulations 2007

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Weapons Amendment Regulations 2007*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendments in these regulations are to the *Weapons Regulations 1999**.

4. Schedule 1 amended

Schedule 1 is amended after item 11 by inserting the following item —

“

- | | | |
|------|----------|--|
| 11A. | Gas dart | A device designed or adapted to kill or injure an animal by injecting a gas into the body of the animal (including a “Gas Dart”, “Farallon Shark Dart” or similar device). |
|------|----------|--|

”

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

— PART 2 —

AGRICULTURE

AG401*

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976 ZONE CONTROL AUTHORITY APPOINTMENTS

Agriculture Protection Board,
South Perth.

Acting pursuant to Section 15(3) of the *Agriculture and Related Resources Protection Act 1976*, the Agriculture Protection Board hereby appoints the following persons to be members of the respective Zone Control Authorities for the terms shown—

Zone	Name	Nominating Body	Term
Northam	Mr James Alexander	Shire of Beverley	01/08/2008
Kimberley	Mr John Buchanan	Shire of Wyndham East Kimberley	01/08/2010

ZONE CONTROL AUTHORITY RE-APPOINTMENTS

Acting pursuant to Section 15 (3) of the *Agriculture and Related Resources Protection Act 1976*, the Agriculture Protection Board hereby re-appoints the persons listed below to be members of the Zone Control Authorities shown for the terms indicated—

Zone	Member	Nominating Body	Term
Kalgoorlie	Mr David McQuie	Shire of Sandstone	01/08/2010
Kalgoorlie	Cr Gregory Arthur Payne	Shire of Sandstone	01/08/2010
Kalgoorlie	Mr Doug Brownlie	PGA	01/08/2010
Kalgoorlie	Mr Paul Ryan	Shire of Dundas	01/08/2010
Carnarvon	Cr Ross Foulkes-Taylor	Shire of Murchison	01/08/2010
Carnarvon	Mr John Percy	PGA	01/08/2010
Carnarvon	Mr Simon Broad	Shire of Murchison	01/08/2010
Kimberley	Mr Dick Pasfield	PGA / Ord Land and Water	01/08/2010
Kimberley	Mr Peter de Long	PGA	01/08/2010
Meekatharra	Mr John Mahony	PGA	01/08/2010
Meekatharra	Mr Gavin William Brown	PGA	01/08/2010
Meekatharra	Mr Ashley Dowden	PGA	01/08/2010
Pilbara	Mr Tim Paterson	PGA	01/08/2010
Pilbara	Mr Colin Brierly	PGA	01/08/2010
Pilbara	Mr Robin Mills	WA Farmers	01/08/2010
Pilbara	Mr Geoff Mills	WA Farmers	01/08/2010
Albany	Mr Michael Skinner	Shire of Plantagenet / WA Farmers	01/08/2008
Bunbury	Mr Cecil Mountford	Shire of Dardanup	01/08/2008
Bunbury	Mr Robin Flowers	WA Farmers	01/08/2008
Esperance	Mr John Wallace	APB	01/08/2008
Esperance	Mr Robert Rolland	WA Farmers	01/08/2008
Geraldton	Mr John Ralph	WA Farmers	01/08/2008
Geraldton	Mr Peter Batten	Shire of Chapman Valley	01/08/2008
Jerramungup	Mr Stuart Mangan	PGA	01/08/2008
Jerramungup	Mr Bruce Shepherd	WA Farmers	01/08/2008
Katanning	Mr Russell Thomson	Shire of Woodanilling,	01/08/2008
Katanning	Mr L.J Charlesworth	Shire of Kojonup	01/08/2008
Katanning	Mrs Lynne Coleman	WA Farmers	01/08/2008
Lake Grace	Mr Allan Lansdell	Shire of Lake Grace	01/08/2008
Lake Grace	Ms Helen Rohrlach	APB	01/08/2008
Manjimup	Mr Murray Curti	Shire of Manjimup	01/08/2008
Manjimup	Mrs Barbara Dunnet	Shire of Nannup	01/08/2008
Merredin	Cr Gary Shadbolt	Shire of Mukinbudin	01/08/2008
Merredin	Mr Kevin Fuchsichler	WA Farmers	01/08/2008
Merredin	Mr Ross Wahlsten	WA Farmers	01/08/2008

Zone	Member	Nominating Body	Term
Midland	Cr Julie Brown JP	City of Gosnells	01/08/2008
Midland	Kim Taylor	WA Grape Growers Association	01/08/2008
Moora	Mr David Lovelock	PGA	01/08/2008
Moora	Mr George McNeill	Shire of Dalwallinu	01/08/2008
Moora	Cr Jim Pond	Shire of Moora	01/08/2008
Narrogin	Mr Graham Harding	Shire of Williams	01/08/2008
Narrogin	Mr Roger Newman	Shire of Cuballing	01/08/2008
Narrogin	Cr Andrew Borthwick	Shire of Narrogin	01/08/2008
Narrogin	Cr Ross Evans	Shire of Brookton	01/08/2008
Northam	Mr Paul Briotti	WA Farmers	01/08/2008
Northam	Mr Doug Morgan	WA Farmers / Shire of Northam	01/08/2008
Northam	Mrs Glenys Maisey	WA Farmers	01/08/2008
Northam	Mr Charlie Wroth	Shire of Toodyay	01/08/2008
Three Springs	Mr Michael Pearse	Shire of Mingenew / PGA	01/08/2008
Waroona	Cr Athol Wigg	Shire of Serpentine-Jarrahdale	01/08/2008
Waroona	Ms Denyse Needham	Shire of Serpentine-Jarrahdale	01/08/2008
Waroona	Cr Paul Fitzpatrick	Shire of Waroona	01/08/2008
Waroona	Cr Graeme Rogers	Shire of Murray	01/08/2008

ZONE CONTROL AUTHORITY MEMBER CANCELLATIONS

Acting pursuant to Section 16 of the *Agriculture and Related Resources Protection Act 1976*, the Agriculture Protection Board hereby cancels the following Zone Control Authority appointments—

Zone	Member	Nominating Body
Albany	Mr George Ebbett	Shire of Denmark
Albany	Mr James Dempster	Shire of Denmark
Carnarvon	Mr Tim Meecham	PGA
Carnarvon	Mr Doug Hearman	PGA
Kalgoorlie	Mr Iain McGregor	Shire of Menzies
Kimberley	Mr Lachlan Dobson	Kimberley Primary Industries Association
Meekatharra	Mr Shane Rieck	WAFF
Midland	Cr Richard Radden Smith	Shire of Rockingham
Narrogin	Mr Brian English	Shire of Pingelly
Northam	Mr Peter James Young	Shire of Beverley
Three Springs	Mrs Brenda Heinrich	Shire of Carnamah

Dated the 7th day of September 2007.

CHRIS RICHARDSON, Chairman.

FISHERIES

FI401*

FISH RESOURCES MANAGEMENT ACT 1994

KALBARRI BLUE HOLES FISH HABITAT PROTECTION AREA ORDER 2007

FD 355/04 [823]

Made by the Minister under section 115.

1. Citation

This order is the *Kalbarri Blue Holes Fish Habitat Protection Area Order 2007*.

2. Definitions

In this order the “waters of the Kalbarri Blue Holes” means all those waters bounded by a line commencing at the intersection of the high water mark on the coastline and 27° 43.338’ south latitude; thence west by north along the geodesic to the intersection of 27° 43.318’ south latitude and 114° 09.052’ east longitude; thence north north easterly along the geodesic to the intersection of 27° 43.094’ south latitude and 114° 09.129’ east longitude; thence east south east along the geodesic to the intersection of the high water mark on the coast line and 27° 43.131’ south latitude; thence generally south south westerly along the high water mark to the commencement point.

3. Area of waters set aside as a fish habitat protection area

The waters of the Kalbarri Blue Holes are set aside as a fish habitat protection area.

4. Purposes for which area is set aside

The purposes for which the waters of the Kalbarri Blue Holes are set aside as a fish habitat protection area are the—

- (a) conservation and protection of fish, fish breeding areas, fish fossils and the aquatic eco-system; and
- (b) management of fish and activities relating to the appreciation and observation of fish.

Dated this 4th day of September 2007.

JON FORD, Minister for Fisheries.

JUSTICE

JU401*

JUSTICES OF THE PEACE ACT 2004

RESIGNATIONS

It is hereby notified for public information that the Minister has accepted the resignation of—

Mrs Betty Davies of 15a Castrini Crescent, Carnarvon
from the Office of Justice of the Peace for the State of Western Australia.

RAY WARNES, Executive Director,
Court and Tribunal Services.

JU402*

PRISONS ACT 1981

PERMIT DETAILS

Pursuant to the provisions of section 15P of the *Prisons Act 1981*, the Commissioner of the Department of Corrective Services has revoked the following Permit to do High-Level Security Work—

SURNAME	OTHER NAMES	PERMIT No.	REVOCATION DATE
Manuel	Marijan	AP 0103	01/09/2007

This notice is published under section 15P of the *Prisons Act 1981*.

Date 6 September, 2007.

BRIAN LAWRENCE, Manager Acacia Prison Contract.

LAND

LA401

TRANSFER OF LAND ACT 1893

DESIGNATION

Western Australian Land Information
Authority (Landgate), Midland.

File: 1236 2004

His Excellency the Governor in Executive Council is pleased to designate under section 5 of the *Transfer of Land Act 1893* Susan Elizabeth Dukes as the Commissioner of Titles.

GRAHAME SEARLE, Chief Executive.

LOCAL GOVERNMENT

LG401*

DOG ACT 1976*Shire of Dandaragan*

APPOINTMENT OF AUTHORISED OFFICERS

It is hereby notified for public information that the following persons have been appointed Registration Officers under the Dog Act 1976 and Regulations—

Jenna Jones
Pippa Crane
Robyn Headland
Zoe Golding
Scott Clayton

All previous registration appointments are hereby revoked.

The Shire of Dandaragan also wishes to advise the cancellation of appointments of Mr Steven John Ball as an Authorised Officer.

CLINTON STRUGNELL, Chief Executive Officer.

LG402*

SHIRE OF KELLERBERRIN

APPOINTMENTS

Authorisation Officer

It is hereby noted for public information that Mr Paul Reece has been appointed by Council as Authorised Person of the Shire of Kellerberrin pursuant to the following—

1. Dog Act 1976
2. Local Government Act 1995
 - a. s3.39—Remove/impound goods involved in contravention that could lead to impounding
 - b. s3.40A—Remove and impound an abandoned vehicle wreck
 - c. s9.11—Request name and address of person committing or suspected on reasonable grounds of committing an offence against the Local Government Act
 - d. s9.13—Authorisation to issue owner of a vehicle alleged to have been involved in commission of offence, with a notice to provide identity of driver at time allegedly occurred
 - e. s9.16—Issue Infringement Notices
3. Control of Off-Road Vehicles Act 1978 and Regulations
4. Cemeteries Act 1986
5. Litter Act 1979 and Regulations
6. Bush Fires Act 1954

Registration Officers

It is hereby notified for public information that the following persons have been appointed Registration Officers under the Dog Act 1976—

Mr Raymond Griffiths
Mr Tom Applegate
Miss Jessica Butler
Miss Karina Paleske
Miss Gemma Stewart
Mr Mark Silver
Mr David Fox
Mr Tony Scutter

F. J. PECZKA, Chief Executive Officer.

LG403***HEALTH ACT 1911***Shire of Koorda***FEES AND CHARGES**

At a meeting of the Shire of Koorda, held on 18 July 2007, it was resolved that the fees and charges specified hereunder be imposed for the 2006/2007 financial year within the district of the Shire of Koorda in accordance with the provisions of the Health Act 1911.

Refuse Removal—\$130.00 per annum
For weekly removal of one 240 Litre Mobile Bin

Sewerage Rate—12.3 cents in the dollar on gross rental values for residential and commercial properties with the sewerage defined area.

Non Ratable Properties Connected to Sewer

Class 1—First Major Fixture—\$151.65 per annum

Each additional major Fixture—\$64.45 per annum

Class 2—\$806.60 per connection

Class 3—\$806.60 per connection

Minimum Rate—Sewerage

Vacant land—Properties—\$162.90 per annum

Residential Properties—\$216.30 per annum

Commercial Properties—\$234.35 per annum

Maximum Rate

Residential Properties—\$597.70 per annum

V. F. ORCHARD, President.
G. J. McDONALD, Chief Executive Officer.

LG404***LOCAL GOVERNMENT ACT 1995***Shire of Koorda***AUTHORISED PERSONS**

It is hereby notified for public information that the following persons have been appointed as Authorised Officers in accordance with the relevant acts hereunder effectively immediately—

- (1) Dog Act 1976 and Regulations, Control of Off-Road Vehicles Act 1978 and Regulations, Litter Act 1979 and Regulations, Local Government Laws, Local Government Act 1995 section 3.39, 9.10, 9.11 and 9.15—
Graeme McDonald
Linda Longmuir
Darren West
Brian Willcox
- (2) Dog Act—Registration Officers—
Linda Longmuir
Lois Green
Meagan Harrap
Jean Heedes
- (3) Section 449 of the Local Government (Miscellaneous Provisions) Act 1960—
Brian Willcox; as Ranger
Darren West
- (4) Issue of Infringement Notices—Section 59(2)(a) of the Bush Fire Acts 1954—
Brian Willcox
Graeme John McDonald
- (5) Health Act 1911—
Julian Goodacre
- (6) Bush Fire Act 1954—
R. D. G. Storer—Chief Fire Control Officer
G. Briotti—Deputy Chief Fire Control Officer
Graeme Surtees—Captain Koorda Fire Brigade
G. Westlund—Captain Mollerin Fire Brigade
G. Westlund
A. Leeke

- M. Sutton
C. Strahan
G. Surtees
- (7) Certain Provision about land—Part 3 Division 3 Subdivision 2 Section 3.24 of the Local Government Act 1995—
Graeme John McDonald
- (8) Power of Entry—Part 3 Division 3 Section 3.28 and 3.29 of the Local Government Act 1995—
Graeme McDonald
Linda Longmuir
Darren West
Julian Goodacre
- (9) Miscellaneous Provision About Enforcement—Part 9 Division 2 Subdivision 1 Section 9.13, 9.16 and 9.17 of the Local Government Act 1995—
Graeme McDonald
Linda Longmuir
Brian Willcox
- (10) Miscellaneous Provisions About Enforcement—Part 9 Division 2 Section 9.19 of the Local Government Act 1995—
Graeme McDonald
- (11) Miscellaneous Provisions About Enforcement—Part 9 Division 2 Subdivision 1 Section 9.20 of the Local Government Act 1995—
Graeme McDonald
- (12) Impounding and Removing Goods involved in certain contraventions—Section 3.39 of the Local Government Act 1995—
Graeme McDonald
Linda Longmuir
Brian Willcox

All previous authorisations are hereby revoked.

GRAEME McDONALD, Chief Executive Officer.

LG405*

BUSH FIRES ACT 1954

Shire of Koorda

APPOINTMENT OF OFFICERS

Notice is hereby given pursuant to section 38 of the Bush Fires Act 1954, that the following is a list of Fire Control Officers appointed for duty within the Shire of Koorda for 2007/2008. All other appointments are hereby cancelled.

Chief Fire Control Officer	R. D. G. Storer	
Deputy Chief Fire Control Officer	G. Briotti	
Fire Control Officers	G. Westlund	
	A. Leeke	
	M. Sutton	
	C. Strahan	
	G. Surtees	
Fire Weather Officers	R. D. G. Storer	
	A. J. Leeke	
Captain of Koorda Fire Brigade	Graeme Surtees	
1st Lieutenant	Joshua Smith	
Captain of Kulja Fire Brigade	Greg Westlund	
1st Lieutenant	Gary Greaves	
Dual Fire Control Officer Shire of Dowerin	H. (John) Bear	96322021
Dual Fire Control Officer Shire of Wongan Ballidu	Eric Ganzer	96721022
Dual Fire Control Officer Shire of Dalwallinu	Gary Butcher	
Dual Fire Control Officer Shire of Mt Marshall	Jack Walker	96 851202
	a/h	96851318
	Alan Gracie	96 851226
Dual Fire Control Officer Shire of Wyalkatchem	Max Ward	96 811039
Fire and Rescue	Justin Begley	96 811469

GRAEME J. McDONALD, Chief Executive Officer.

LG501*

BUSH FIRES ACT 1954*Shire of Koorda***ANNUAL FIREBREAK NOTICE 2007/2008**

Notice of Owners and/or Occupiers of Land within the Shire of Koorda

In pursuance of the powers conferred in Section 33 of the Bush Fires Act 1954, notice is hereby given to all owners and/or occupiers of land within the Shire of Koorda that Council has adopted the following requirements to prevent the outbreak or spread of a bush fire within the Shire.

All owners and/or occupiers of land are required to carry out fire prevention work in accordance with this notice on land owned or occupied by you on or before the 31 day of October 2007 or within fourteen days of the date of you becoming the owner or occupier should this be after the 31 day of October 2007. All work required by this Notice shall be maintained until the 15 day of March 2008.

“Firebreak” means an area of ground, of a specified width that is kept and maintained ‘reasonably’ clear of all material (living or dead) by scarifying, cultivating, ploughing or other means, and includes the pruning and removal of any living or dead trees, scrub or other material that overhang the cleared firebreak area to a vertical height of 4.5 metres from the ground.

In this instance, ‘reasonably’ is intended to mean “best endeavour”, acknowledging that it is impracticable to clear and maintain a firebreak ‘totally clear’ of inflammable for the period of this notice.

“Flammable Material” means material that can be easily ignited, i.e.—dead or dry grass, leaves, timber, paper, plastic and other material or thins deemed by an authorised officer to be capable of combustion.

Rural Land

- o On all land owned or occupied which is not within a townsite subdivision, firebreaks not less than three (3) metres wide must be cleared inside and along the external boundary of all land.
- o For the purpose of this part, all Road Reserves are to be taken as boundaries.
- o The maximum area allowed with a single perimeter firebreak must not exceed 400 hectares.
- o Where buildings or hay stacks are situated on the property, additional firebreaks not less than three (3) metres in width must be provided within ten (10) metres of the perimeter of such buildings or hay stacks in such manner as to completely encircle the buildings or hay stacks.

Townsite Land

- o All lots within townsites are required to be completely cleared of all debris of any inflammable nature and maintained free of such material.

If it is considered impractical for any reason to clear firebreaks or remove flammable materials from the land as required by this notice, a written applications for a variation may be made to the Chief Executive Officer, to reach him not less than two weeks prior to the date by which the firebreak(s), are to be cleared.

No such application will be considered unless it bears the signature of the Fire Control Officer for the area in which the property is situated signifying that the Officer’s agreement to the variation applied for.

Persons who fail to comply with the requirements of this Order may be issued with an infringement notice or prosecuted with a penalty up to \$1,000.00 through the courts, and additionally, Council may carry out the required work at a cost to the owner or occupier.

Restricted-Permit Required: 19th September 2007 to 31st October 2007

Prohibited-No Burning: 1st November 2007 to 31st January 2008

Restricted-Permit Required: 1st February 2008 to 15th March 2008

Landholders should note that as the reasonable installation and maintenance of fire breaks is a local Council requirement. Any landholder not meeting this obligation may breach their insurance provisions.

G. J. McDONALD, Chief Executive Officer.

MARINE/MARITIME

MX401*

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958
WATER SKI AREAS
BAREFOOT WATER SKIING

Barkers Bridge / Lilac Hill

 Department for Planning and Infrastructure,
 Fremantle WA, 11 September 2007.

Acting pursuant to the powers conferred by Regulation 48A of the *Navigable Waters Regulations 1958*, the Department for Planning and Infrastructure, by this notice defines and sets aside all that portion of the Swan River commencing at a point 175 metres upstream of Barkers Bridge and extending for 750 metres upstream, for the purpose of barefoot water skiing, providing that this area is confined to members of the Australian Barefoot Water Ski Club (Western Australian Division (Inc)) and will only apply between the times as shown on the dates listed hereunder—

Day	Date	Month	Year	Time
Wednesday	3	October	2007	0800—Sunset
Saturday	6	October	2007	0800—Sunset
Wednesday	10	October	2007	0800—Sunset
Saturday	13	October	2007	0800—Sunset
Wednesday	17	October	2007	0800—Sunset
Saturday	20	October	2007	0800—Sunset
Wednesday	24	October	2007	0800—Sunset
Saturday	27	October	2007	0800—Sunset
Wednesday	31	October	2007	0800—Sunset
Saturday	3	November	2007	0800—Sunset
Wednesday	7	November	2007	0800—Sunset
Saturday	10	November	2007	0800—Sunset
Wednesday	14	November	2007	0800—Sunset
Saturday	17	November	2007	0800—Sunset
Wednesday	21	November	2007	0800—Sunset
Saturday	24	November	2007	0800—Sunset
Wednesday	28	November	2007	0800—Sunset
Saturday	1	December	2007	0800—Sunset
Wednesday	5	December	2007	0800—Sunset
Saturday	8	December	2007	0800—Sunset
Wednesday	12	December	2007	0800—Sunset
Saturday	15	December	2007	0800—Sunset
Wednesday	19	December	2007	0800—Sunset
Saturday	22	December	2007	0800—Sunset
Wednesday	26	December	2007	0800—Sunset
Saturday	29	December	2007	0800—Sunset
Wednesday	2	January	2008	0800—Sunset
Saturday	5	January	2008	0800—Sunset
Wednesday	9	January	2008	0800—Sunset
Saturday	12	January	2008	0800—Sunset
Wednesday	16	January	2008	0800—Sunset
Saturday	19	January	2008	0800—Sunset
Wednesday	23	January	2008	0800—Sunset
Saturday	26	January	2008	0800—Sunset
Wednesday	2	February	2008	0800—Sunset
Saturday	6	February	2008	0800—Sunset
Wednesday	9	February	2008	0800—Sunset
Saturday	13	February	2008	0800—Sunset
Wednesday	16	February	2008	0800—Sunset
Saturday	20	February	2008	0800—Sunset
Wednesday	27	February	2008	0800—Sunset
Saturday	1	March	2008	0800—Sunset
Wednesday	5	March	2008	0800—Sunset
Saturday	8	March	2008	0800—Sunset
Wednesday	12	March	2008	0800—Sunset
Saturday	15	March	2008	0800—Sunset
Wednesday	19	March	2008	0800—Sunset
Saturday	22	March	2008	0800—Sunset
Wednesday	26	March	2008	0800—Sunset
Saturday	29	March	2008	0800—Sunset
Wednesday	2	April	2008	0800—Sunset
Saturday	5	April	2008	0800—Sunset
Wednesday	9	April	2008	0800—Sunset

Day	Date	Month	Year	Time
Saturday	12	April	2008	0800—Sunset
Wednesday	16	April	2008	0800—Sunset
Saturday	19	April	2008	0800—Sunset
Wednesday	23	April	2008	0800—Sunset
Saturday	26	April	2008	0800—Sunset
Wednesday	30	April	2008	0800—Sunset
Saturday	3	May	2008	0800—Sunset
Wednesday	7	May	2008	0800—Sunset
Saturday	10	May	2008	0800—Sunset
Wednesday	14	May	2008	0800—Sunset
Saturday	17	May	2008	0800—Sunset
Wednesday	21	May	2008	0800—Sunset
Saturday	24	May	2008	0800—Sunset
Wednesday	28	May	2008	0800—Sunset
Saturday	31	May	2008	0800—Sunset
Wednesday	4	June	2008	0800—Sunset
Saturday	7	June	2008	0800—Sunset
Wednesday	11	June	2008	0800—Sunset
Saturday	14	June	2008	0800—Sunset
Wednesday	18	June	2008	0800—Sunset
Saturday	21	June	2008	0800—Sunset
Wednesday	25	June	2008	0800—Sunset
Saturday	28	June	2008	0800—Sunset
Wednesday	2	July	2008	0800—Sunset
Saturday	5	July	2008	0800—Sunset
Wednesday	9	July	2008	0800—Sunset
Saturday	12	July	2008	0800—Sunset
Wednesday	16	July	2008	0800—Sunset
Saturday	19	July	2008	0800—Sunset
Wednesday	23	July	2008	0800—Sunset
Saturday	26	July	2008	0800—Sunset
Wednesday	30	July	2008	0800—Sunset
Saturday	2	August	2008	0800—Sunset
Wednesday	6	August	2008	0800—Sunset
Saturday	9	August	2008	0800—Sunset
Wednesday	13	August	2008	0800—Sunset
Saturday	16	August	2008	0800—Sunset
Wednesday	20	August	2008	0800—Sunset
Saturday	23	August	2008	0800—Sunset
Wednesday	27	August	2008	0800—Sunset
Saturday	30	August	2008	0800—Sunset
Wednesday	3	September	2008	0800—Sunset
Saturday	6	September	2008	0800—Sunset
Wednesday	10	September	2008	0800—Sunset
Saturday	13	September	2008	0800—Sunset
Wednesday	17	September	2008	0800—Sunset
Saturday	20	September	2008	0800—Sunset
Wednesday	24	September	2008	0800—Sunset
Saturday	27	September	2008	0800—Sunset

DAVID HARROD, General Manager, Marine Safety,
Department for Planning and Infrastructure.

PARLIAMENT

PA401*

PARLIAMENT OF WESTERN AUSTRALIA

Royal Assent to Bill

It is hereby notified for public information that the Governor has Assented in the name and on behalf of Her Majesty the Queen, on the date shown, to the undermentioned Bill passed by the Legislative Council and the Legislative Assembly during the First Session of the Thirty-Seventh Parliament.

Short Title of Bill	Date of Assent	Act No.
Election of Senators Amendment Act 2007	4 September 2007	20 of 2007

Date 6 September 2007

MIA BETJEMAN, Clerk of the Parliaments.

PLANNING AND INFRASTRUCTURE

PI401*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Melville

Community Planning Scheme No. 42

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the City of Melville local planning scheme amendment on 7 August 2007 for the purpose of—

1. Amending the Scheme Text by adding to Schedule 3 pertaining to Additional Uses and Special Conditions as follows—

NO.	ADDRESS	ADDITIONAL USES	SPECIAL CONDITIONS
47.	Lot 55 (No.391) Canning Highway, Lot 831 (No.38) and Lot 830 (38A) Waddell Road, Palmyra	P use Theatre P use Restaurant / Cafe	
		D use Shop	1. Maximum floor space per tenancy of two hundred square metres (200sqm). 2. Low vehicle trip generation rates
		D use Take Away Food Outlet	1. Not including outlets involving car based service

2. Amending the Scheme Map by inserting the symbol for Additional Uses onto Lot 55 (No.391) Canning Highway, Lot 831 (No.38) and Lot 830 (38a) Waddell Road Palmyra.

K. J. JACKSON, Mayor.
E. LUMSDEN, Chief Executive Officer.

PI402*

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME

City of Perth

Local Planning Scheme No. 26

East Perth Redevelopment (Normalised) Area

Ref:853/2/10/33

It is hereby notified for public information in accordance with section 87 of the Planning and development Act 2005 that the Minister for Planning and Infrastructure approved the City of Perth local planning Scheme No. 26 on 7 August 2007, the scheme text of which is published as a Schedule annexed hereto.

Dr. P. R. NATTRASS, Lord Mayor.
F. EDWARDS, Chief Executive Officer.

SCHEDULE

PART 1—PRELIMINARY

1.1 Citation of Scheme

This scheme may be cited as the City of Perth Local Planning Scheme No. 26 (East Perth Redevelopment (Normalised) Area) (herein called the Scheme).

1.2 Responsible Authority

The responsible authority for the preparation and implementation of the Scheme is the City.

1.3 Date of Operation

This Scheme shall come into operation on publication of notice of the Minister's final approval thereof in the *Government Gazette*.

1.4 Scheme Area

This Scheme shall apply to the area defined as the Scheme Area in the Scheme Map in Figure 1.

1.5 Relationship of Scheme to Local-laws

The provisions of the Scheme shall have effect notwithstanding any local-law and where the provisions of the Scheme are inconsistent with any local-law the provisions of the Scheme shall prevail.

1.6 Relationship to the City of Perth City Planning Scheme

1.6.1 This Scheme is complementary to and is not a substitute for the City Planning Scheme.

1.6.2 Where a provision of this Scheme is inconsistent with a provision of the City Planning Scheme, the provision of this Scheme prevails.

1.6.3 The reference in clause 47(1) of the City Planning Scheme to “a standard or requirement of this Scheme” shall be taken to include a standard or requirement of this Scheme.

1.6.4 In any provision which—

- (a) is contained within a local planning scheme that repeals and replaces the City Planning Scheme; and
- (b) empowers Council to approve a development which does not comply with the standard or requirement of that local planning scheme;

any reference to a standard or requirement of that local planning scheme shall be taken to include a standard or requirement of this Scheme.

1.6.5 The reference in clause 64(1)(d) of the City Planning Scheme to “all standards laid down and all requirements prescribed by this Scheme” shall be taken to include any standards laid down and any requirements prescribed by this Scheme.

1.6.6 In any provision which—

- (a) is contained within a local planning scheme that repeals and replaces the City Planning Scheme; and
- (b) prohibits a person from erecting, altering or adding to a building or using or changing the use of any land or building or permitting or suffering any land or building to be used or the use of any land or building to be changed for any purpose unless all the standards laid down and all the requirements prescribed by that local planning scheme or determined by the Council under that local planning scheme have been and continue to be complied with;

any reference to the standards laid down or standards prescribed by that local planning scheme shall be taken to include all standards laid down and all requirements prescribed by this Scheme.

1.7 Interpretation

In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in the Planning and Development Act 2005, Schedule 1, the City Planning Scheme and the R Codes. In the case of conflict between the meanings of words and expressions in those instruments—

- (a) in the case of residential development the definition in the R Codes shall prevail; and
- (b) otherwise priority shall be given according to the order in which the instruments are referred to in this clause.

1.8 Contents of the Scheme

The Scheme comprises this Scheme Text which incorporates the Scheme Map and includes any Schedule to the Scheme.

1.9 Scheme Objectives

1.9.1 For the purpose of promoting the orderly and proper planning, development and management of the Scheme Area the objectives of the Scheme shall be as set out in this clause.

1.9.2 The general objectives of the Scheme are—

- (a) to provide a system for the orderly control of development within the Scheme Area;
- (b) to facilitate the process of development within the Scheme Area;
- (c) to provide sufficient certainty to enable location and investment decisions to be made with reasonable confidence;
- (d) to ensure that individual developments can occur without detriment to the integrity of the Scheme Area and locality as a whole;
- (e) to provide sufficient flexibility and discretion to minimise the need for amendment to the Scheme;
- (f) to provide an effective means of determining the urban design and visual quality of the Scheme Area;
- (g) to provide effective standing for planning policies; and
- (h) to facilitate the implementation of the specific objectives of the Scheme.

1.9.3 The specific objectives of the Scheme are—

- (a) to create an “urban village” with readily identifiable character within the Scheme Area;
- (b) to ensure the proper integration of the urban village within the central area and with other adjoining areas;

- (c) to create diversity of land use and development, to ensure a wide range of residential, working and leisure opportunities within the area as a whole;
- (d) to create a mixture of mutually beneficial uses and developments within individual precincts and, where appropriate, on individual sites;
- (e) to provide employment opportunities, particularly in research and development;
- (f) to create a safe and comfortable environment for people and where appropriate to make special provision for access for the disabled;
- (g) to create and facilitate development which minimises energy consumption, pollution and dependence on private motor vehicle usage;
- (h) to increase public access to the Swan River foreshore; and
- (i) to create a visually attractive locality in the Scheme Area with appropriately scaled streetscapes and other elements, providing a diverse but unified urban townscape and landscape characterised by high quality urban design.

PART 2—PLANNING POLICIES

2.1 Adoption of Planning Policies

The General Planning Policies, Precinct Planning Policies and Design Guidelines provided in the Planning Policies document at Attachment 1, shall be deemed to be policies adopted by the City in accordance with the requirements of Clause 56 of the City Planning Scheme.

2.2 Amendments to Planning Policies

Amendments to the General Planning Policies, Precinct Planning Policies and Design Guidelines referred to in Clause 2.1, shall follow the procedure established in Clause 56 of the City Planning Scheme.

PART 3—DEVELOPMENT STANDARDS AND REQUIREMENTS

3.1 Promotion of Mixed Use Development

3.1.1 In order to promote the specific objectives of the Scheme and more particularly the creation of a diversity of land uses and developments in the Scheme Area and to create a mixture of mutually beneficial uses and developments within the Precincts of the Scheme, the City shall take all reasonable steps to encourage the incorporation of a residential component in those Precincts where the provisions of Part 4 or a Policy indicate that a residential development is a preferred development within the Precinct.

3.1.2 In determining a development application involving exclusively or predominantly non-residential development, the City shall have regard to the requirements of Part 4 and any relevant Policy which encourages the inclusion of residential development in the relevant Precinct.

3.1.3 Where the provisions of Part 4 or a Policy indicate that residential development is a preferred development within the relevant Precinct, the City when dealing with a development application within that Precinct may resolve to require the applicant to include a residential component within the proposed development, and may require a minimum level intensity or proportion for the residential component as against the non-residential component.

3.2 Agreement to Guarantee Residential Component

3.2.1 If the City in determining a development application resolves in accordance with the provisions of the preceding clause that the development application will be approved subject to the provision of a stipulated residential component within the development, the City may enter into an agreement with the applicant and/or the owner or owners of any affected land and any other relevant person to guarantee the provision of the required residential component either on the subject land or on other land in the locality.

3.2.2 If the City and any other person enter into an agreement pursuant to the provisions of the preceding subclause, in addition to any other provisions reasonably required by the City, the agreement shall include—

- (a) the details of the site upon which the residential component will be constructed;
- (b) the terms and conditions under which the applicant will be required to construct the residential component;
- (c) the details of a bond, guarantee or letter of credit to be given by the applicant or other party acceptable to the City to ensure compliance with the provisions of the agreement and more particularly the provisions requiring the construction of the residential component;
- (d) any other provision considered appropriate to secure the highest possible quality of residential design and development.

3.2.3 Any agreement prepared pursuant to the provisions of this clause shall be prepared in terms which permit the relevant covenants to be entered as an encumbrance upon the title of the land upon which the residential component will be constructed, or alternatively in terms which charge the land on which the residential component is to be constructed with the performance of the obligations in the agreement and permit a caveat to be registered against the Certificate of Title for that land.

3.3 Residential Development—Residential Design Codes

3.3.1 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the R Codes shall conform to the provisions of the R Codes subject to clause 3.2.

3.3.2 The density of residential development in various parts of the Scheme Area shall be in accordance with the R Coding indicated on the Scheme Map and shall be determined by reference to the table of density codes in the R Codes.

3.4 Special Application of Residential Design Codes

3.4.1 Minimum Distance Between Buildings on the Same Lot

The City may vary the required minimum distance between buildings in different occupancies on the same lot, where in the interests of maintaining amenity, traditional built forms, or streetscapes, the City is satisfied that such a variation is desirable.

3.4.2 Car Parking

1. Subject to the provisions of paragraph (3) the City may vary the car parking requirements in respect of any proposed development provided the City is satisfied that such a variation is in the interest of orderly and proper planning and will not detract from the amenity of the locality.
2. Before deciding to vary the car parking requirements pursuant to the preceding paragraph of this subclause, the City shall take into consideration—
 - (a) the effect of the proposed development on parking demand in the locality, having regard to the availability of alternative parking space and possible future developments including public transport systems;
 - (b) any irregularity in the shape, topography or size of the subject lot or any adjoining lots;
 - (c) the effect on the amenity of the locality; and
 - (d) any relevant Policy.
3. To the extent that they are applicable the provisions of subclauses 3.6.2 and 3.6.4 shall apply to the determination of the parking requirements for residential development.

3.4.3 Open Space

In a particular case the City may vary the open space requirements of the R Codes if one or more of the following circumstances apply—

- (a) the open space requirements would prevent a reasonable extension of an existing building;
- (b) the proposed development has been designed to reflect and reinforce the building traditions of the immediate vicinity;
- (c) where, in a particular case, the interests of visual amenity would be better served by permitting a variation; or
- (d) the modification is in accordance with a Policy.

3.5 Research and Development

3.5.1 Certain Precincts within the Scheme Area have been established with the aims of encouraging the accommodation of research and development facilities and incidental uses including the production, manufacture and assembly of products developed in the Precinct.

3.5.2 In considering a development application, the City shall have regard to the following objectives—

- (a) the encouragement of research and development;
- (b) the fostering of awareness of research and development and of technological advancement;
- (c) the encouragement of pleasant and efficient facilities;
- (d) the consolidation, improvement and appropriate location of development;
- (e) the safe movement of vehicular and pedestrian traffic; and
- (f) the protection of the integrity of the environment and the amenities of the Precinct and the areas adjacent to it.

3.6 Non Residential Development

3.6.1 In determining a development application involving non residential development the City shall have regard to the requirements of Part 4 for the relevant Precinct and any relevant Policy and may attach conditions relating to the following matters—

- (a) the intensity and nature of the proposed use, including its environmental impact by way of emissions, illumination and hours of operation;
- (b) whether excessive loads would be placed on any existing or projected servicing infrastructure, community infrastructure or similar services;
- (c) the number of employees likely to be accommodated;
- (d) the location and extent of outdoor manufacturing and storage;
- (e) the parking accommodation as provided for in Table 1—Parking Requirements and the plot ratio under Part 4;
- (f) the form, layout, appearance and materials of buildings;
- (g) the height, position, form and materials of fences and walls;
- (h) the way in which buildings relate to the street and adjoining lots, including their effects on landmarks, vistas, the landscape or the streetscape, and on the privacy, daylight and sunlight available to private open space and buildings;
- (i) the design of landscaping and open space generally, including the effects of the development on existing trees;
- (j) the extent to which the natural contours of the land area may be altered by filling and excavation;

- (k) vehicular and pedestrian access and circulation, and the provision for service vehicles;
- (l) whether parking for vehicles is adequate, convenient, safe, unobtrusive, landscaped and adequately surfaced and marked, and in any particular case whether parking should be provided elsewhere;
- (m) whether adequate provision has been made for cyclists and disabled persons, including access, storage, toilets and showers;
- (n) in the case of commercial buildings, whether advertising signs are likely to be required, in which case the City may require that the application be amended to incorporate or make provision for such signs;
- (o) the position of signs;
- (p) the compliance with a performance standard for the use and the requirement that an owner or occupier submit an annual return to ensure compliance; and
- (q) any other matters.

3.6.2 Car Parking Standards

1. Car parking spaces shall be provided in accordance with Table 1;
2. Notwithstanding subclause 3.6.3, in no circumstances shall the on-site parking for any development exceed the parking provided for in the column headed 'Maximum Exclusive Use On-site Parking' in Table 1.

3.6.3 Relaxation of Car Parking Standards

The City may relax the parking requirements in Table 1 in regard to any development application dealt with pursuant to subclause 3.6.1 where the City is of the opinion that—

- (a) such a relaxation will not prejudice the achievement of the objectives of the Scheme;
- (b) such a relaxation will not detract from the amenity of the locality of the proposed development or the streetscape;
- (c) sufficient area is set aside in the form of additional landscaping to permit the subsequent construction of parking areas;
- (d) different uses on the land will generate parking demand at different times, allowing parking spaces to be shared;
- (e) the number of parking spaces required under Table 1 can only be provided in a manner which results in a built form in conflict with the existing development in the locality; or
- (f) contractual arrangements have been made for the parking or shared use of parking areas which are in the opinion of the City satisfactory.

3.6.4 Reciprocal Parking

The City may consider and approve reciprocal arrangements for parking in the circumstances contemplated in subclauses 3.6.3(d), or in other circumstances and may require the parties to the reciprocal arrangement to enter into an appropriate agreement to which the City is the controlling party.

3.6.5 Parking Standards not shown in Table

Where no parking standard is stated in Table 1 in regard to a proposed development falling within the provisions of the subclause 3.6.1, the City shall determine the parking requirement for the particular case.

**TABLE 1
CAR PARKING REQUIREMENTS**

DEVELOPMENT	MINIMUM CAR PARKING SPACES REQUIRED	MAXIMUM EXCLUSIVE USE ON-SITE PARKING
Residential	At the discretion of the City	See R Codes
Office, consulting rooms, veterinary clinic, service industry	1 per 70 sqm gross floor area	1 per 50 sqm gross floor area
Medical Centre	2 per practitioner	4 per practitioner
Research and Development, warehouse, showroom, light industry	1 per 100 sqm gross floor area	1 per 70 sqm gross floor area
Shop, convenience store, betting agency, liquor store, garden centre, dry cleaning premises, laundromat	1 per 30 sqm gross floor area	1 per 20 sqm gross floor area
Hotel, motel, tavern, restaurant, theatre, cinema, hall, club premises, lodging house, serviced apartments	1 per 6.5 sqm of public drinking area, 1 per 6 seats provided or which an eating area is designed to provide, 1 per 2 bedrooms, 1 per 10 seats of hall, theatre, cinema (as applicable)	200% of minimum requirement

DEVELOPMENT	MINIMUM CAR PARKING SPACES REQUIRED	MAXIMUM EXCLUSIVE USE ON-SITE PARKING
Day Care Centre	1 per 8 children plus 1 per 4 staff	1 per 4 children plus 1 per 2 staff
Fast Food Outlet	1 per 20 sqm gross floor area plus 1 per 6 seats provided or which an eating area is designed to provide	1 per 10 sqm gross floor area plus 1 per 6 seats provided

For non-residential uses, the Perth Parking Policy applies and will limit the maximum number of parking bays to be provided.

3.7 Home Occupations

No planning approval shall be required for the commencement or carrying on of a home occupation if it is being carried out in accordance with Planning Policy 3.4 on Home Occupation within the City Planning Scheme.

PART 4—PROVISIONS FOR PRECINCTS

4.1 Precincts on Scheme Map

4.1.1 The Scheme Area is divided into Precincts and the location and boundaries of the Precincts are shown on the Scheme Map.

4.2 Development in Precincts

4.2.1 For the purpose of promoting the objectives of the Scheme, and subject to any provisions of this Part to the contrary, the City in dealing with any development application shall encourage a mixture of land uses throughout the Scheme Area.

4.2.2 Where in this Part a category of use is stipulated as 'Preferred Uses' in any Precinct then in dealing with a development application involving any use from that category in that Precinct the City shall deal with the application in accordance with Clause 44 of the City Planning Scheme.

4.2.3 Where in this Part a category of use is stipulated as 'Contemplated Uses' in any Precinct, in dealing with a development application involving a use from that category in that Precinct the City shall deal with the application in accordance with Clause 45 of the City Planning Scheme.

4.2.4 Where in this Part a category of use is not stipulated in regard to a particular Precinct as either 'Preferred Uses' or 'Contemplated Uses', then in dealing with a development application in that Precinct involving that use the City shall deal with the application in accordance with Clause 46 of the City Planning Scheme.

4.3 Categories of Uses

4.3.1 There are 7 categories of uses created by the Scheme. Those categories are described in the ensuing subclauses of this clause and where appropriate are stipulated as 'Preferred Uses' categories and 'Contemplated Uses' categories in the Precincts.

4.3.2 Category 1: Research & Development

Research and Development

4.3.3 Category 2: Commercial

Office	Hotel
Motel	Tavern
Car Park	Laundromat
Medical Centre	Club Premises
Betting Agency	Theatre/Cinema
Consulting Rooms	Restaurant
Fast Food Outlet	Hall

4.3.4 Category 3: Service & Light Industry

Dry Cleaning Premises	Service Station
Showroom/Warehouse	Veterinary Clinic
Service Industry	Light Industry

4.3.5 Category 4: Retail

Convenience Store	Garden Centre
Shop	

4.3.6 Category 5: Residential

Single House	Serviced Apartments
Multiple Dwellings	Lodging House
Group Dwellings	Aged Persons Accommodation
Single Bedroom Dwellings	

4.3.7 Category 6: Community Uses

Educational Establishment	Civic Building
Hall	Public Worship—Place of
Day Care Centre	

4.3.8 Category 7: Recreation Uses

Public Open Space Recreation Facilities

4.4 Precinct EP 1: Claisebrook Inlet

4.4.1 Preferred Uses—Subject to subclause 4.4.3, Categories 2, 4, 5, 6 and 7

4.4.2 Maximum Plot Ratio—1.0

The plot ratio may be increased to a maximum of 2.0 provided that in any development having a plot ratio in excess of 1.0 not less than 50% of the excess relevant floor area shall be dedicated to residential use.

4.4.3 Development of Lots 73, 75 and 76

- (a) This subclause applies only to Lots 73, 75 and 76 Royal Street, and for the purpose of this subclause, they shall be treated as a single lot and referred to as 'the Lot'.
- (b) The Lot is to be developed and used for either Serviced Apartments or a Hotel or both with at least one or a combination of any of the following developments and uses—
 - (i) Serviced Apartments;
 - (ii) Hotel;
 - (iii) Tavern;
 - (iv) Office;
 - (v) Restaurant;
 - (vi) Theatre/Cinema;
 - (vii) Recreation facilities;
 - (viii) Retail; and
 - (ix) a use or development ancillary to those referred to in items (i)—(viii) above.
- (c) At least 2/3 of the total number of apartments and rooms are to be developed and used for short stay accommodation.
- (d) The plans submitted for development approval in respect of the Lot are to identify the apartments and rooms which are to be developed and used for short stay accommodation.
- (e) In this subclause—

Hotel means premises, one of the predominant uses of which is the provision of accommodation, and in respect of which there is granted a hotel license under the Liquor Licensing Act 1988;

Serviced Apartments has the meaning given to it in Schedule 1 except that the reference to 'transient accommodation' is to be construed as a reference to 'short-stay accommodation'; and

Short stay Accommodation means continuous accommodation of the same person for a period up to 12 months.

4.5 Precinct EP 2: Constitution Street

4.5.1 Preferred Uses—Category 5

Contemplated Uses—Categories 4, 6 and 7

4.5.2 Maximum Plot Ratio—1.5

4.6 Precinct EP 3: Royal Street Central

4.6.1 Preferred Uses—Subject to subclause 4.6.3, Categories 2, 4 and 5

Contemplated Uses—Categories 3, 6 and 7

Lot 203—Category 2

4.6.2 Maximum Plot Ratio—1.5

For Lot 203, the plot ratio may be increased to a maximum of 3.0.

The plot ratio may be increased to a maximum of 2.5 provided that in any development having a plot ratio in excess of 1.5, not less than 50% of the excess relevant floor area shall be dedicated to residential use.

For Lots 206, 207, 211 and 212, the plot ratio may be increased to a maximum of 3.0, provided that the minimum Plot Ratio of 2.0 is attributable in any development to Category 2.

4.6.3 Development of Lot PTE 86

- (a) this subclause applies only to Lot PTE 86 Regal Place.
- (b) the Lot is to be developed and used for either Serviced Apartments or a Hotel or both with at least one or a combination of any of the following developments and uses—
 - (i) Serviced Apartments;
 - (ii) Hotel;
 - (iii) Office;
 - (iv) Restaurant; and
 - (v) a use or development ancillary to those referred to in items (i)—(iv) above.
- (c) In this subclause—

Hotel means premises, one of the predominant uses of which is the provision of accommodation, and in respect of which there is granted a hotel licence under the Liquor Licensing Act 1988;

Serviced Apartments has the meaning given to it in Schedule 1 except that the reference to 'transient accommodation' is to be construed as a reference to 'short-stay accommodation'; and Short-Stay Accommodation means continuous accommodation of the same person for a period of up to 12 months.

4.7 Precinct EP 4: Silver City

4.7.1 Preferred Uses—Categories 1, 5 and 6

Contemplated Uses—Categories 2, 3 and 4

4.7.2 Maximum Plot Ratio—1.5

The plot ratio may be increased to a maximum of 2.5 provided that in any development having a plot ratio in excess of 1.5, not less than 50% of the excess relevant floor area shall be dedicated to residential use.

4.8 Precinct EP 6: Boans

4.8.1 Preferred Uses—Categories 1 and 5

Contemplated Uses—Categories 2, 3, 4, 6 and 7

4.8.2 Maximum Plot Ratio—1.5

The plot ratio may be increased to a maximum of 2.5 provided that in any development having a plot ratio in excess of 1.5 not less than 50% of the excess relevant floor area shall be dedicated to residential use.

4.9 Precinct EP 7: East Parade

4.9.1 Preferred Uses—Category 2

Contemplated Uses—Categories 1, 3, 4, 5 and 6

4.9.2 Maximum Plot Ratio—2.0

4.10 Precinct EP 8: Belvidere

4.10.1 Preferred Uses—Categories 2 and 5

Contemplated Uses—Categories 3, 4, 6 and 7

4.10.2 Maximum Plot Ratio—1.0

The plot ratio may be increased to a maximum of 2.0 provided that in any development having a plot ratio in excess of 1.0 not less than 50% of the excess relevant floor area shall be dedicated to residential use.

4.11 Precinct EP 9: Brown Street

4.11.1 Preferred Uses—Category 5

Contemplated Uses—Categories 2, 3 and 4

4.11.2 Maximum Plot Ratio—1.0

The plot ratio may be increased to a maximum of 2.0 provided that in any development having a plot ratio in excess of 1.0 not less than 50% of the excess relevant floor area shall be dedicated to residential use.

4.12 Precinct EP 10: Riverbank

4.12.1 Preferred Uses—Category 7

4.12.2 Maximum Plot Ratio—0.5

4.13 Precinct EP 11: Cemeteries

4.13.1 Preferred Uses—Categories 6 & 7

4.13.2 Maximum Plot Ratio—0.5.

Proposed developments will be assessed on their appropriateness to their setting.

4.14 Precinct EP 12: Waterloo

4.14.1 Preferred Uses—Categories 5

Contemplated Uses—Categories 2 & 6

4.14.2 Maximum Plot Ratio—1.0

4.14.3 Development on each lot shall be contained within a height plane connecting points 12m above the natural ground level on the front property boundary and 12m above natural ground level on the rear property boundary.

4.15 Precinct EP 13: Plain Street

4.15.1 Preferred Uses—Categories 5

Contemplated Uses—Categories 2, 4, 6 & 7

4.15.2 Maximum Plot Ratio 1.5

The plot ratio may be increased to a maximum of 2.5 provided that in any development having a plot ratio in excess of 1.5 not less than 50% of the excess floor area shall be dedicated to residential use.

4.16 Precinct EP 15: Claisebrook Road North

4.16.1 Preferred Uses—Categories 2, 3, 4 and 5.

Contemplated Uses—Categories 6 and 7.

4.16.2 Maximum Plot Ratio—1.0

The plot ratio may be increased to a maximum of 1.5, provided that in any development having a plot ratio in excess of 1.0, not less than 50% of the excess relevant floor area shall be dedicated to residential use.

4.17 Precinct EP 16: Transport Corridor**4.17.1 Preferred Uses—Categories 2, 3 and 7.**

Contemplated Uses—Category 6.

4.17.2 Maximum Plot Ratio 1:1.**Schedules****SCHEDULE 1: Interpretations**

In this Scheme unless the context otherwise requires:

Applicant

means a person or body authorised by the owner to make an application for development, of land or to act on any other matter in relation to the land;

Betting Agency

means a building operated in accordance with the *Racing and Wagering Western Australia Act 2003*;

Car Park

means land and buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale;

City

means the City of Perth;

City Planning Scheme

means the City of Perth City Planning Scheme No. 2 or any amendment thereof;

Civic Building

means a building used by any—

- (a) Government department;
- (b) Statutory body representing the Crown; or
- (c) the Council;

for office or for administrative or other like purposes;

Club Premises

means land and 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 be licensed under the provisions of the *Liquor Licensing Act, 1988* or not and which building or premises are not otherwise classified under the provisions of the Scheme;

Commission

means the Western Australian Planning Commission;

Consulting Rooms

means any building or part thereof used in the practice of a profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur, a chiropractor, a chiropodist, or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments but does not include a hospital;

Convenience Store

means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 200m² gross leasable area;

Council

means the council of the City;

Day Care Centre

means land and buildings used for the daily or occasional care of children in accordance with the Community Services (Child Care) Regulations 1988;

Dry Cleaning Premises

means land and buildings used for the cleaning of garments and other fabrics by chemical processes;

Educational Establishment

means a school, college, university, technical institute, kindergarten, academy or other educational centre, but does not include an institutional building;

Fast Food Outlet

means premises where food is prepared and sold for consumption on the premises and to be taken away and the operation of which is likely to attract considerable vehicular traffic to those premises for short periods;

Floor Area of a Building

means the gross total area of all floors of the building—

- (i) including the area of car parking spaces and circulation aisles in public fee-paying car parks,
- (ii) excluding—
 - toilets and bathrooms;
 - lift shafts;
 - stairs and stair landings;
 - plant rooms;
 - lobbies;
 - communal facilities for the exclusive use of the on-site residents (reading rooms, meeting rooms, gyms, change rooms or other areas as approved by Council, but not including common storage areas);
 - residential storerooms, accessible only from outside the dwelling with a minimum dimension of 1.5m;
 - staff tea preparation and lunch areas;
 - staff change room/locker facilities;
 - car parks and circulation areas for on-site tenants and residents and bicycle parking areas;
 - open balconies, verandahs, terraces and courtyards; and
 - the thickness of any external walls;

Garden Centre

means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings;

Hall

means a structure designed and used for commercial gatherings and public meetings;

Hostel

means a lodging house which is not open to the public generally but is reserved for use solely by students and staff of educational establishments, members of societies, institutes or associations;

Hotel

means premises in respect of which there is granted a hotel licence under the Liquor Licensing Act, 1988;

Laundromat

means a building open to the public in which coin-operated or other washing machines, with or without provision for drying clothes are available for use;

Light Industry

means an industry—

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to or prejudicially affect the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise; and
- (b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like service;

Lodging House

has the same meaning as is given to it in and for the purposes of the *Health Act 1911*;

Medical Centre

means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretation of 'consulting rooms' but also for ancillary services such as chemists, pathologists and radiologists;

Motel

means a building, group of buildings or place used to accommodate patrons in a manner similar to a hotel or lodging house but in which special provision is made for the accommodation of patrons with motor vehicles;

Office

means premises used for—

- (a) the conduct of the administration requirements or the secretarial or accounting services of a business or industry;

- (b) the practice of a profession; or
- (c) the provision of business services;

Plot Ratio

means the ratio of the floor area of a building to the area of land within the boundaries of the lots on which that building is located;

Policy

means a policy adopted, or deemed to be adopted, pursuant to the requirements of clause 56 of the City Planning Scheme;

Precinct

means an area designated as such on the Scheme Map pursuant to clause 4.1.1;

Public Worship—Place of

means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential training institution;

Public Open Space

means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are normally open to the public without charge;

R Codes

means the Residential Design Codes referred to in the Commission's Statement of Planning Policy No. 3.1 as amended;

Recreation Facilities

means any land or building or part of a building used for a public tennis court, public or private swimming pool, squash court or squash centre, basketball centre, gymnasium, ice or roller skating rink, physical health studio, or other similar facility, in respect of which a charge may be made for the use thereof;

Relevant Floor Area

for the purpose of Part 4 of this Text means the floor area taken into consideration in the calculation of total plot ratio;

Research and Development

means scientific and industrial research and the development, production and assembly of products associated with such research;

Restaurant

means a building wherein food is prepared solely for sale and consumption within the building or portion thereof and (without limiting the generality of the foregoing) the expression includes a licensed restaurant, or cafe. The expression also includes a restaurant at which food for consumption outside the building, or portion thereof, is sold where the City is of the opinion that the sale of food for consumption outside the building is not the principal part of the business. The expression shall also include an outdoor establishment and in that case for the purpose of this definition, the outdoor eating area shall be treated as being within the building of the restaurant;

Scheme Area

means the area shown and described in the Scheme Map;

Scheme Map

means the map in Figure 1 showing and describing the Scheme Area;

Scheme Text

means the document to which this schedule is attached and includes this schedule and all other schedules and the Scheme Map, but excludes the Planning Policies document at Attachment 1;

Serviced Apartments

means buildings which include self-contained units used for transient accommodation together with associated office and service facilities, but the term does not include a hostel, a hotel, a motel or a lodging house;

Service Industry

means an activity carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced;

Service Station

means any land or building used for—

- (a) the supply of petroleum products and automotive accessories, or
- (b) those purposes and the provision of lubrication and greasing services, tyre repairs and minor mechanical repairs;

Shop

means any building wherein goods or services are exposed or offered for sale by retail and without limiting the generality of the foregoing shall include—

premises used for the sale of foodstuffs generally, clothing, drapery, furniture and furnishings, footwear, hardware, electrical goods, sporting goods, toys, second-hand goods, and jewellers, chemists, stationers, newsagents, variety stores, premises for the sale of photographic studies and supplies, florists, dry-cleaning agencies, barbers and hairdressers, and further includes a liquor store, but shall not include an office or a market;

Showroom

means a building wherein goods are displayed and may be offered for sale by wholesale and/or by retail, excluding the sale by retail of—

foodstuffs, liquor or beverages, items of clothing or apparel, magazines, books or paper products, medical or pharmaceutical products, china, glassware or domestic hardware, and items of personal adornment;

Tavern

means premises in respect of which there is granted a tavern licence under the Liquor Licensing Act 1988;

Veterinary Clinic

means any premises used in practice by a registered veterinary surgeon other than for the purpose of the hospitalisation or boarding of animals;

Warehouse

means any building or enclosed land, or part of a building or enclosed land, used for the storage of goods whether or not commercial transactions involving the sale of such goods by wholesale are carried out in or on that building or land.

PI403*

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME
City of Perth
 City Planning Scheme No. 2
 Amendment No. 5

Resolved that the Council in pursuance of section 75 of the Planning and Development Act 2005 amend the City Planning Scheme as follows—

- 1.1 amends the Scheme Map, as provided in Schedule 2, to show—
 - 1.1.1 all the land included in the City of Perth Local Planning Scheme No. 26 (East Perth Redevelopment Area), coloured pink;
 - 1.1.2 the deletion of the notation on the Scheme Map which reads ‘– Area Subject to East Perth Redevelopment Act 1991’;
 - 1.1.3 in the legend located on the left hand side of the Scheme Map under the reference to ‘City Centre Boundary’ insert ‘Normalised East Perth Redevelopment Area (City of Perth)’ and symbol showing pink;
 - 1.1.4 in the legend on the left hand side of the Scheme Map, replace the text ‘EPRA Boundary (East Perth Redevelopment Area)’ with the words ‘East Perth Redevelopment Scheme Area’.
- 1.2 in Clause 3 of the Scheme Documents, insert the following clause—

“3(3) Notes are provided for information only and are not part of the Scheme.”;
- 1.3 delete Clause 4 Scheme Area and insert the following Clause 4 Scheme Area—

“4(1) This Scheme applies to the Scheme area which covers all the municipal district of the City, apart from the area illustrated on the Scheme Map comprising the land that is in the East Perth Redevelopment Scheme Area.

4(2) The land depicted on the Scheme Map as the Normalised East Perth Redevelopment Area is subject to this Scheme and the City of Perth Local Planning Scheme No. 26 (East Perth Redevelopment Area), and is not subject to the provisions of the Redevelopment Scheme referred to in Regulation 5(2) of the East Perth (Subtracted Area) Regulations 2002.”;
- 1.4 in Clause 8 Minor Town Planning Schemes—
 - 1.4.1 replace ‘and’ with ‘;’ in clause 8(1)(j);
 - 1.4.2 replace ‘.’ with ‘;’ in clause 8(1)(k);
 - 1.4.3 insert clause 8(1)(l) ‘City of Perth Local Planning Scheme No. 26 (East Perth Redevelopment Area).’;

- 1.5 in Clause 12 Reserves and Scheme Use Areas—
- 1.5.1 replace ‘.’ with ‘; or’ in clause 12(1)(c)(vi);
- 1.5.2 insert clause 12(1)(d) ‘Normalised East Perth Redevelopment Area (City of Perth).’;
- 1.6 in Clause 57 Precinct Plans and Other Scheme Documents, insert the following:—
- “57(6) Where a precinct plan is required to be amended to reflect an amendment to the City Planning Scheme or a minor local planning scheme, then, and not withstanding clause 57(2), this action can be undertaken without the need to follow the procedure set out in clause 56.”;
- 1.7 in Schedule 3 Use Group Tables, delete the text for Precinct 15 East Perth and replace it with the following—
- “Refer to the relevant local planning scheme for the classification of uses within this Precinct.”;
- 1.8 in Schedule 4 Definitions—
- 1.8.1 delete the definition of Scheme text and replace it with the following—
- “means the document to which this Schedule is attached and includes this and all other Schedules, but does not include notes.”;
- 1.8.2 delete the definition of Scheme map and replace it with—
- “means the document identifying the broad planning objectives of the Scheme area, but does not include notes.”;

Dr. P. R. NATTRASS, Lord Mayor.
F. EDWARDS, Chief Executive Officer.

PI404*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Albany
Town Planning Scheme No. 3—Amendment No. 253

Ref: 853/5/4/5 Pt 253

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the City of Albany local planning scheme amendment on 27 August 2007 for the purpose of—

1. Rezoning Part Lot 1 Nanarup Road, Lower King from the ‘Rural’ Zone to the ‘Special Residential’ Zone No. 6.
2. Amending the Scheme Maps accordingly; and
3. Amend ‘Schedule IV—Special Residential Zones’ to include Pt Lot 1 Nanarup Road in the scheme provisions relating to Special Residential Area No.6 as following—

AREA	LOCALITY	LOT(S)	LOCATION
6	Nanarup and Morilla Roads, Kalgan Heights	1, 108 & 109	Plantagenet Location 28

1.0 Plan of Subdivision

Council will recommend that the Western Australian Planning Commission approve proposed subdivision/s of Special Residential Zone Area 6 provided that the proposed subdivision generally accords with the Subdivision Guide Plan.

2.0 Objectives of the Zone

The objective of this Special Residential Zone is to provide for a spacious residential living environment that links with the existing Kalgan Heights development, fits into the framework of the Kalgan Heights Precinct Structure Plan, minimises the visual impact of development and addresses important physical site constraints.

3.0 Landuse

Within Special Residential Zone Area 6—

- (a) the following uses are permitted—
 - “Single House”
- (b) The following uses are not permitted unless specific approval is granted by Council—
 - * Home Occupation
 - * Public Utility

- * Cottage Industry
- * Educational Establishment
- * Place of Worship
- * Other Incidental Or Non Defined Activities Considered Appropriate by Council which are consistent with the objective of the zone.

4.0 Keeping of Livestock/Animals

4.1 With the intention of preventing land degradation and practices detrimental to the environmental amenity of the zone, the keeping of stock such as horses, cattle, sheep or goats shall not be permitted.

4.2 (a) Domestic pets which do not pose a threat to native flora and/or fauna may be kept within Special Residential Zone Area 6. Cats and rabbits are considered to pose a threat to native flora and/or fauna.

(b) The keeping of not more than two dogs may be permitted, provided any dogs are kept in a manner that is sensitive to the proximity of nearby rural and residential areas.

(c) If a particular domestic pet is posing an identifiable nuisance or hazard to residents, wildlife, flora or physical and landscape conditions, Council may take such measures as deemed necessary to eliminate adverse effect.

5.0 Location of Buildings and Structures

5.1 No building may be erected closer to the boundary of a lot than—

- (i) From the frontage of a lot - 12m
- (ii) From the side boundary of a lot - 5m
- (iii) From the rear boundary of a lot - 12m
- (iv) From Nanarup Road - 30m

5.2 Notwithstanding 5.1 above, Council may approve a lesser distance when Council is of the opinion that the topography or shape of the lot or vegetation on the lot makes it desirable to vary this provision.

5.3 Buildings shall be sited to accord with the Bushfire Management and Control requirements set out in Provision 10 below.

5.4 Buildings and effluent disposal systems shall be located to accord with the environmental protection authority's relevant standard/s and guidelines.

5.5 (a) On lots, 1,2,3,4,5,6,7,8, 9, 22, 23, 24, 25, 26, 27 & 28 all buildings and tanks shall be confined to building envelopes no greater than 1200m² in area located generally in accordance with the Subdivision Guide Plan.

(b) On Lots 7,8,9,10,11,12 & 13 dwellings shall be confined to the Building Area, as shown on the Subdivision Guide Plan.

(c) On Lots 26 & 27 the reticulation of treated effluent disposal shall be confined to the Effluent Disposal area as shown on the Subdivision Guide Plan.

(d) Notwithstanding 5.1 above, Council may approve a 20 metres setback of the building envelope to Nanarup Road, provided the extensive screening shown on the subdivision guide plan is implemented by the subdivider.

5.6 Building Area and access leg location and fill levels shall be determined based on a detailed groundwater level assessment to the satisfaction of Council.

5.7 Council may request the Commission to impose a condition at the time of subdivision for the filling of Building Areas, as shown on the Subdivision Guide Plan, to a minimum of 500mm above groundwater levels determined by Provision 5.6. Batter slopes shall be within the range of 1:4 to 1:6.

5.8 Subject to Provision 5.7, Council may request the Commission to impose a condition at the time of subdivision for the compaction of house pads within identified Building Areas. Such house pads shall be certified as capable of accommodating a two story double brick and tile dwelling.

5.9 Council may request the Commission to impose a condition at the time of subdivision requiring a Geotechnical Assessment of Lot 26 to determine if the site is capable of supporting residential development.

6.0 Building Design, Materials & Colour

6.1 Council will be supportive of walls and roofs with natural tonings in keeping with the amenity of the area, however Council shall refuse to approve walls and roofs constructed of reflective materials such as unpainted zincalume and off-white colours.

6.2 Dwelling houses shall not exceed 7.5 metres in height which is measured vertically from the finished ground level. Outbuildings shall not exceed 3.5 metres in height which is measured vertically from the finished ground level.

6.3 Council may request the Commission to impose a condition at the time of subdivision requiring the construction of uniform fencing along boundaries common to proposed lots and the Public Open Space (as shown on the Subdivision Guide Plan) to the satisfaction of Council.

7.0 Vegetation and Revegetation

7.1 Subject to Provision 7.2, no removal of vegetation shall occur except for trees that are dead, diseased or dangerous.

7.2 Landowners shall be responsible for the eradication of invasive weeds on individual lots.

7.3 In the event of non compliance with Provisions 7.2, Council may serve notice on the landowner requiring the compliance with Provision 7.2 within 3 months of the servicing of the said notice. In the event the required action is not undertaken, Council may carry out such works as are deemed necessary to eliminate adverse effect with all costs being borne by the landowner.

7.4 Council may request the Commission to impose a condition at the time of subdivision for the revegetation of areas shown on the subdivision Guide Plan with endemic native species. Such revegetation areas shall be appropriately maintained for a minimum of 3 years.

7.5 Additional tree planting may be required as a condition of development approval.

8.0 Water Supply

8.1 Council may request the Commission to impose a condition at the time of subdivision for the provision of reticulated water to the lots.

9.0 Effluent Disposal

9.1 On-site effluent disposal shall be the responsibility of the individual landowner, and accord with the environmental Protection Authority's relevant standard/s and guidelines.

9.2 Council shall require the use of amended soil type or nutrient removal type effluent disposal systems designed for long term usage on all lots.

9.3 No more than one effluent disposal system will be permitted per lot.

9.4 Council may request the Commission to impose a condition at the time of subdivision requiring detailed site testing and analysis to demonstrate that the proposed lots can accommodate on site effluent disposal to the satisfaction of Council and the Health Department of WA.

10.0 Bushfire Management & Control

10.1 All reasonable attempt shall be made to ensure that, where lot configuration permits, all buildings shall be listed to allow the establishment of a low fuel buffer, not less than 20m wide around all buildings which does not encroach on revegetation areas. This low fuel buffer shall be established and maintained by the landowner to Council's satisfaction.

10.2 Council may request the Commission to impose a condition at the time of subdivision for a contribution towards the provision of fire fighting facilities.

10.3 Council may request the Commission to impose a condition at the time of subdivision for the provision of fire hydrants at intervals of 200 metres along subdivisional water mains.

10.4 The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australia Standard 3959 "Construction of Building in Bushfire Prone Areas".

11.0 Road Upgrading, Access and Design

11.1 Council may request the Commission to impose a condition at the time of subdivision for the provision and construction of sealed public roads (including provision of site sensitive stormwater management devices that maximise insitu infiltration over conveyance and disposal) as shown on the Subdivision Guide Plan.

12.0 Electricity Supply

12.1 Council may request the Commission to impose a condition at the time of subdivision for the installation of an underground electricity supply to all lots.

13.0 Environment

13.1 Council may request the Commission to impose a condition at the time of subdivision requiring the preparation and implementation of a Stormwater Management Plan that addresses existing drainage measures utilising, where possible, drainage arresters and other best management and onsite management techniques of the Water Sensitive urban (Residential) Design approach to stormwater management to achieve on site detention to Council's satisfaction in consultation with the Environmental Protection Authority and the Albany Waterways Management Authority.

13.2 Council may request the Commission to impose a condition at the time of subdivision for the preparation of a Foreshore Management Plan focussing on the fencing of the open space to protect the creekline and the Oyster Harbour Foreshore area, as shown on the subdivision Guide plan.

13.3 Council may request the Commission to impose a condition at the time of subdivision requiring the relocation of the drainage line that currently runs through proposed lot 26 to be relocated in the manner shown on the Subdivision Guide Plan to the satisfaction of Council.

14.0 Notification of Prospective Owners

14.1 Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within Special Residential Zone Area 6 are given a copy of these Special Provisions prior to entering into an agreement to acquire any property.

15.0 Applications for Development Approval

15.1 Within Special Residential zone Area 6, the construction of buildings including associated site works such as filling, excavation, construction of retaining walls and removal of vegetation in accordance with Special Provision 7 shall require Planning Scheme Consent.

15.2 Application for Planning Scheme Consent shall require the submission of—

- (i) a completed "*Application for Grant of Planning Scheme Consent*" form;
- (ii) three copies of a Plan showing the precise location and size of all the buildings proposed and the parkland clearing and fire protection measures to be adopted;
- (iii) three scaled elevation plans showing the elevation of the buildings proposed and the materials and colour to be used.

WORKCOVER

WC401*

WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981
WORKCOVER WA GOVERNING BODY APPOINTMENT INSTRUMENT 2007

Made by the Governor in Executive Council on the recommendation of the Minister.

1. CitationThis instrument may be cited as the *WorkCover WA Governing Body Appointment Instrument 2007*.**2. Nominee member of WorkCover WA's governing body appointed**

Under section 95(1)(a)(iii) of the Act, Mr Steven John Burns is appointed as a nominee member of WorkCover WA's governing body for a period expiring on 31 July 2010.

By Command of the Governor

G. MOORE, Clerk of the Executive Council.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Evelyn Nellie East, late of 5 Violet Street, Mosman Park in the State of Western Australia, Research Officer, deceased.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962, relates) in respect of the estate of Evelyn Nellie East deceased who died on the 22nd day of June 2007 at Fremantle in the said State, are required by the personal representative, David Malcolm Moss of 45 Duke Street, Albany, Western Australia to send particulars of their claims to David Moss & Co of PO Box 5744, Albany WA 6332 by the 8th day of October 2007 after which date the personal representative may convey or distribute the assets having regard only to the claims for which he has then had notice.

WESTERN AUSTRALIA

**FAIR TRADING (RETIREMENT VILLAGES
CODE) REGULATIONS 2006*****Price: \$9.45 counter sales**
Plus postage on 120 grams

* Prices subject to change on addition of amendments.

Order your Bound Volumes of Government Gazette 2008

An attractively presented set of 4 Bound Volumes
of Government Gazette

For Government Departments and private firms who require bound copies of Government Gazettes, the State Law Publisher offers a subscription covering 4 Quarterly Volumes at a cost of \$1,138.50.

The Gazettes will be bound in black cloth with gold foil lettering on the spine and personalised by the addition of the client's name in gold lettering on the front cover.

PLEASE NOTE

On the rare occasion where extra gazettes are published in one quarter, a fifth volume may be required. In this instance the extra cost involved will be borne by the State Law Publisher and not passed on to clients.

For further information please contact:

State Law Publisher

Telephone: 9321 7688

STATE LAW PUBLISHER SUBSCRIPTION RATES FOR 2008

All subscriptions are for the period from 1 January to 31 December 2008. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include GST where applicable and postage by surface mail unless stated otherwise.

GOVERNMENT GAZETTE

General *Government Gazettes* are published on Tuesday and Friday of each week, unless disrupted by public holidays or unforeseen circumstances.

Special *Government Gazettes* are published periodically on any day.

All Gazettes	\$
Within WA	918.50
Interstate	935.00

Bound Volumes of full year 1,138.50

INDUSTRIAL GAZETTE

Industrial Gazette is published monthly.

	\$
Within WA	441.00
Interstate	525.00

HANSARD

Hansard is printed and distributed weekly during parliamentary sessions.

	\$
Within WA	871.20
Interstate	1,064.80

Bound Volumes of Hansard

Within WA	859.10
Interstate	872.30

STATUTES

Bound Statutes

Bound volumes are posted during March of the following year.

	\$
Within WA.....	310.20
Interstate	345.40
Overseas	402.00
Half Calf Bound Statutes	856.90

Loose Statutes

Statutes are posted weekly as they become available.

	\$
Within WA.....	334.40
Interstate	345.40

Sessional Bills

Bills are posted weekly as they become available.

	\$
Within WA	459.80
Interstate	481.80

CLAIMS FOR MISSING SUBSCRIPTION ITEMS

For a claim to be recognised as valid, written notification must be lodged at State Law Publisher, 10 William Street, Perth 6000 within 28 days of publication of the missing item.

Claims lodged after this period will not be recognised and will attract payment in full.
