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Gazette



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(As from 1 July 1996)

	\$
Government Gazette—(General)	2.40
Government Gazette—(Special)	
Up to 2 pages	2.40
Over 2 pages	4.70
Hansard	13.50
Industrial Gazette	12.00
Bound Volumes of Statutes	209.00

IMPORTANT NOTICE

Periodically notices are published indicating a variation in normal publishing arrangements:

- Easter or Christmas editions etc—these notices appear approximately 4 weeks prior to any change.
- Extraordinary gazettes not circulated to all subscribers—these notices appear in the following general edition of the gazette.

In all cases notices are published on page 2 and readers are urged to check accordingly prior to contacting State Law Publisher.

JOHN A. STRIJK,
Acting Government Printer.

PROCLAMATIONS

AA101

PLANNING LEGISLATION AMENDMENT ACT 1996

(No. 23 of 1996)

PROCLAMATIONWESTERN AUSTRALIA
P. M. Jeffery,
Governor.
[L.S.]} By His Excellency Major General Phillip Michael
Jeffery, Companion of the Order of Australia, Officer
of the Order of Australia (Military Division), Military
Cross, Governor of the State of Western Australia.

I, the Governor, acting under section 2 of the *Planning Legislation Amendment Act 1996*, and with the advice and consent of the Executive Council, fix 4 August 1996 as the day on which that Act comes into operation.

Given under my hand and the Public Seal of the State on the 30th day of July 1996.

By His Excellency's Command,

RICHARD LEWIS, Minister for Planning.

GOD SAVE THE QUEEN !

CENSORSHIP

CS401

INDECENT PUBLICATIONS AND ARTICLES ACT 1902

I, CHERYL LYNN EDWARDES, being the Minister administering the Indecent Publications and Articles Act, 1902, acting in the exercise of the powers conferred by subsection (1) of Section 10 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 17th day of July 1996.

CHERYL LYNN EDWARDES, Minister for Fair Trading.

Schedule
9 July 1996

Title or Description	Publisher
Adam Presents Amateur Porn (Special Edition) Vol 3 No 9	Knight Publishing Corp
Australian Sex Paper Jun 1996 Vol 7 No 57	Not Known
Australian Gay, The Winter 1996 No 15	Rosie Publications Pty Ltd
Blow Up No 21	Scandinavian Picture GMBH
City Charming Jul 1995 Vol 6	Join Smart Publication Co
Color Climax No 171	Color-Climax Corporation
Comingup Dec 1995 Vol 1	Not Known
Deja Vu Showgirls May 1996 Vol 7 Iss 5	Deja Vu Consulting
Escort Vol 16 No 5	Paul Raymond Publications Ltd
Euroticon No 6	Moser Grupo Media
Fiesta Vol 30 Iss 7	Galaxy Publications Ltd
Fox Sep 1996 Vol 15 No 3	Montcalm Publishing Corp
Gallery Aug 1996 Vol 24 No 8	Montcalm Publishing Corp
Gent (Home Of The D-Cups) Jun 1996 Vol 37 No 6	Dugent Publishing Corp
Gent's Candidly Yours 1996 No 3	Dugent Publishing Corp
Girls of Penthouse, The (Cat 1) (Special Collector's Edition) No 93	Gemkilt Publishing Pty Ltd
Girls of Penthouse, The (National) (Special Collector's Edition) No 93	Gemkilt Publishing Pty Ltd
Hallelujah (Dialogue With Asian Womb)	Eichi Shuppan Publication
Hustler Jul 1996 Vol 23 No 1	LFP Inc
Jun Part 3	Not Known
Lala	Not Known
Leg Tease Jan 1996	Rem-Mer Ltd
Leg Tease Mar 1996	Rem-Mer Ltd
Love Chase	Not Known
Maximum	Eichi Publishing Co Ltd
Men Only Vol 61 No 5	Paul Raymond Publications Ltd

Schedule—*continued*
9 July 1996

Title or Description	Publisher
New Rave Vol 1 No 16	Amlon Publishing Group
Oh! Gal!!	Not Known
Open Door No 24	Staviss GMBH
Over Take	Not Known
Paper Active: Ona-Mide Returns (Eichi Mook Special)	Not Known
Paul Raymond Collection Model Directory, The Vol 14 No 5	Paul Raymond Publications Ltd
Penthouse Aug 1995 Vol 26 No 12	Penthouse International Ltd
Pleasure Vol 23 No 130	Pleasure-Verlags GMBH
Rasiert (Silwa Special) No 11	Silwa Film
Ravers Vol 2 Iss 7	Galaxy Publications Ltd
Searchlight No 104	Searchlight
Searchlight No 105	Searchlight
Searchlight Jun 1996 No 1	Searchlight
Sexual 1982 Vol 2	Not Known
Slick Jan 1996 Vol 5 No 1	American Art Enterprises Inc
Sperma Schlucker No 10	Distra GMBH
Triple X No 12	Private Media Group
Two Blue (Summer Special) Iss 2	Galaxy Publications Ltd
Velvet Mar 1996	Velvet Publications Inc
Video Boy No 143	Not Known
VS	Not Known
Wild Cat Special	Not Known

EDUCATION

ED401

MURDOCH UNIVERSITY ACT 1973

Office of the Minister for Education,
Perth 1996.

It is hereby notified that the Governor in Executive Council acting under the provisions of section 25 of the Murdoch University Act 1973 has approved an amendment to Statute No. 3 as set out in the attached schedule.

COLIN J. BARNETT, Minister for Education.
J. PRITCHARD, Clerk of the Council.

MURDOCH UNIVERSITY

Schedule

Amendment to Statute No. 3—School of Study

That Statute No. 3 be amended by deleting the words "School of Economics and Commerce" and replacing them with "School of Business".

ED402

MURDOCH UNIVERSITY ACT 1973

Office of the Minister for Education,
Perth 1996.

It is hereby notified for general information that the Governor in Executive Council has, in accordance with section 12(1)(G) of the Murdoch University Act 1973, approved the re-appointment of Mr Justice Michael Murray, C/- Barrack Street, Perth, for a term expiring on 28 June 1999, as a member of Murdoch University Senate.

COLIN J. BARNETT, Minister for Education.
J. PRITCHARD, Clerk of the Council.

ED403

MURDOCH UNIVERSITY ACT 1973Office of the Minister for Education,
Perth 1996.

It is hereby notified that the Governor in Executive Council acting under the provisions of section 25 of the Murdoch University Act 1973 has approved amendments to Statutes No. 5 and 11 as set out in the attached schedule.

COLIN J. BARNETT, Minister for Education.
J. PRITCHARD, Clerk of the Council.

Schedule

Statute No. 5—Academic Council and Statute No. 11—Admissions, as shown in Annexure A, is approved.

Statute No. 5—Academic Council

2. The members of the Academic Council shall be—
- (a) A President elected by the members of the Academic Council from among the full-time academic staff of the University of the rank of Associate Professor or above.
 - (b) The persons holding the following offices, ex officio—
 - Vice-Chancellor;
 - Deputy Vice-Chancellor;
 - Deans of Schools;
 - President of the Guild of Students;
 - Chair of the Board of Research;
 - Registrar
 - Education Vice-President of the Guild of Students
 - (c) Fifteen persons elected by and from among the permanent and temporary academic staff of the University with contracts 50% or more full-time.
 - (d) Three elected students: one elected by and from among the postgraduate students, and two elected by and from among the undergraduate students. A person who is a member of the staff of the University with a contract 50% or more full-time is not eligible for election as a student member.
 - (e) Three persons elected by and from among the permanent and temporary general staff of the University with contracts 50% or more full-time.
 - (f) Any person or persons co-opted under section 21(2)(d) of the Act.
3. (1) Elections for the President and members of the Academic Council shall be conducted in the manner prescribed by Statute No. 15—Election of Members of the Senate—General Procedures.
- (2) The President and elected staff members of Council shall hold office for three years; one third of the elected staff members shall be elected each year. In the 1996 election of general staff members of Council, the first elected person shall have a three year term, the second person elected a two year term, and the third person elected a one year term. The elected student members shall hold office for one year. The terms of elected members shall commence and end at the start of second semester in the relevant year. The terms of those members elected in 1995 for terms ending in December 1998 shall expire at the start of second semester 1998. Senate shall determine the method of filling elected positions.
- (3) Any elected member shall cease to hold office when he or she ceases to be eligible for election to that position, or resigns. The following arrangements shall apply for filling casual vacancies—
- President of Council: an election shall be held to fill the balance of the term, except that where that balance is less than six months, the position shall be filled by election among the members of Academic Council.
 - elected staff member: an election shall be held to fill the balance of the member's term, unless that balance is less than six months.
 - elected student member: Council may co-opt for the balance of the term one of the elected student members on any School Board. Where the vacancy is an elected undergraduate position, the person co-opted must be an undergraduate; where the vacancy is a post-graduate position, the person co-opted must be a postgraduate.
- (4) An elected member who has served two successive terms is not eligible for re-election until twelve months after the second term expires.
4. The Council shall appoint a Deputy President from among its elected members, to hold office for a calendar year. In the absence of the President of the Academic Council the Deputy President shall act as Chair at any meeting. In the absence of the President and Deputy President the Council shall elect a Chair for the meeting.

Statute No. 11—Admissions

7. The Senate may delegate any of its powers under this Statute to the Academic Council, its President or to a Committee established by the Academic Council.

FISHERIES

FI401

FISH RESOURCES MANAGEMENT ACT 1994 MARINE AQUARIUM FISH MANAGEMENT PLAN AMENDMENT 1996

FD 549/94.

Made by the Minister under section 54 and 65 (3).

Citation

1. This amendment may be cited as the *Marine Aquarium Fish Management Plan Amendment 1996*.

Principal Plan

2. In this amendment, the *Marine Aquarium Fish Management Plan 1995** is referred to as the principal plan.

Clause 14 amended

3. Clause 14(3) of the principal plan is amended by deleting “less” and substituting—
“ more ”.

[*Published in the Gazette of 22 September 1995.
See Regulation 183 of the Fish Resources Management Regulations 1995 concerning the citation of notices in force under the Fisheries Act 1905 immediately before the commencement of those Regulations.]

Dated this 7th day of July 1996.

MONTY HOUSE, Minister for Fisheries.

HEALTH

HE401

HEALTH ACT 1911

Health Department of WA,
Perth, 28 June 1996.

7804/90.

The cancellation of the appointment of Dr Michael Bret Hart as a Medical Officer of Health to the Shire of Carnarvon effective 22 May 1996 is hereby notified.

The appointment of Dr Peter John McCaul as a Medical Officer of Health to the Shire of Carnarvon, effective 22 May 1996 is approved.

P. PSAILA-SAVONA, Executive Director, Public Health.

HE402

HEALTH ACT 1911

Health Department of WA,
Perth, 30 June 1996.

The appointment of the following persons as Environmental Health Officers is approved.

Officer	Date Effective	Local Authority
Andrew James Hawthorne	4 June 1996	Shire of Menzies
Maxwell Eric Browne	3 June 1996	Shire of Capel
Binh Thanh Luong	29 April 1996 to 31 May 1996	Shire of Kalamunda
Leigh Daniel Guthridge	17 June 1996	Shire of Katanning
Trevor Messenger	1 July 1996	City of Subiaco
Joanna Watson	10 June 1996 to 6 September 1996	Town of Albany
William Edward Pearce	19 September 1996	Shire of Westonia

The cancellation of the following persons as an Environmental Health Officer is hereby notified.

Officer	Date Effective	Local Authority
Tracey Ann Waddington	4 April 1996	Shire of Capel
Graeme Arthur Calnon	2 July 1996	Shire of Esperance
Sari Hoglin	4 April 1996	Shire of Katanning
Leigh Daniel Guthridge	31 May 1996	City of Bunbury
Maxwell Eric Browne	24 May 1996	City of Subiaco
Anthony Edward Turner	13 June 1996	Town of Albany
Andrew James Hawthorne	7 June 1996	City of Kalgoorlie-Boulder
Piotr Zenni	21 June 1996	Shire of Ravensthorpe

The appointment of the following persons as Environmental Health Officers (Meat) is approved.

Officer	Date Effective	Local Authority
John Lloyd	15 July 1996 to 26 July 1996	Shire of Merredin

The cancellation of the following person as Environmental Health Officers (Meat) is hereby notified.

Officer	Date Effective	Local Authority
Keith John Reeves	31 May 1996	Shire of Harvey
Robert William Lyall	31 May 1996	Shire of Harvey

BRIAN DEVINE, delegate of Executive Director, Public Health.

HE403

TOBACCO CONTROL ACT 1990

TOBACCO CONTROL (EXEMPTION) NOTICE (No. 1) 1996

Made by the Minister for Health under section 14 after consultation with the Minister for Sport and Recreation.

Citation

1. This notice may be cited as the *Tobacco Control (Exemption) Notice (No. 1) 1996*.

Interpretation

2. In this notice—

“associated statement” means the statement “Government Health Warning”;

“health warning” means the health warning referred to in clause 4 (b).

Exemption

3. Subject to the conditions set out in clause 4, competitors, and persons officially supporting or directly assisting competitors, in the motor racing event to be held in August and September 1996 in Western Australia and known as the 1996 Rally Australia event (“the Event”) are exempted from the operation of sections 5 and 8 of the *Tobacco Control Act 1990* in respect of the Event.

Conditions

4. The conditions subject to which the exemption referred to in clause 3 is granted are that—

- (a) any tobacco advertisement is displayed only—

- (i) on the uniforms of the competitors, and of the persons officially supporting or directly assisting the competitors, in the Event;

- (ii) on the sides, front and back of the motor vehicles participating in the Event;

- (iii) on the official vehicles used exclusively for the transport of the competitors and other persons referred to in subparagraph (i); and

- (iv) when incidentally or accidentally present in photographs used to publicize the Event;

- (b) when displayed, any tobacco advertisement is accompanied by the health warning “SMOKING KILLS” and the associated statement;

- (c) except in the circumstances referred to in paragraph (d), the area exclusively devoted to the display of the health warning and associated statement is not less than 30% of the total area of the tobacco advertisement that the health warning accompanies;

- (d) the health warning that accompanies a tobacco advertisement displayed on a uniform referred to in paragraph (a) (i) appears in capitals not less than 8 millimetres in height and the associated statement appears in letters not greater than 4 millimetres in height;

- (e) the health warning—

- (i) appears, in the case of a tobacco advertisement displayed in accordance with paragraph (a) (i), (ii) or (iii), immediately before, after, above or below the first word, number or symbol of the tobacco advertisement, and adjacent to the associated statement;

- (ii) appears in white Helvetica Bold capitals on a black background; and

- (iii) except in the circumstances referred to in paragraph (d), occupies, together with the associated statement, not less than 80% of the area devoted to the display of the health warning and associated statement;
- and
- (f) the letters of the associated statement—
 - (i) appear in Helvetica Medium capitals and Helvetica Medium lower case type; and
 - (ii) are not greater than half the height of the letters used in the health warning that appears adjacent to the associated statement.

KEVIN PRINCE, Minister for Health.

INDUSTRIAL RELATIONS

IR401

INDUSTRIAL RELATIONS ACT 1979

NOTICE OF APPOINTMENT OF MEMBER TO THE GOVERNMENT SCHOOL TEACHERS TRIBUNAL

His Excellency the Lieutenant Governor and Administrator in Executive Council has under section 76 of the Industrial Relations Act 1979, extended the appointment of Robert James Pollard, Member of the Government School Teachers Tribunal for a term expiring on 7 November 1996.

INDUSTRIAL RELATIONS ACT 1979

NOTICE OF APPOINTMENT OF MEMBER TO THE GOVERNMENT SCHOOL TEACHERS TRIBUNAL

His Excellency the Lieutenant Governor and Administrator in Executive Council has under section 76 of the Industrial Relations Act 1979, extended the appointment of Noelene Florence Reeves, Member of the Government School Teachers Tribunal for a term expiring on 7 November 1996.

INDUSTRIAL RELATIONS ACT 1979

NOTICE OF APPOINTMENT OF MEMBER TO THE GOVERNMENT SCHOOL TEACHERS TRIBUNAL

His Excellency the Lieutenant Governor and Administrator in Executive Council has under section 76 of the Industrial Relations Act 1979, extended the appointment of Donelle Joy Morcon, Deputy Member of the Government School Teachers Tribunal for a term expiring on 7 November 1996.

INDUSTRIAL RELATIONS ACT 1979

NOTICE OF APPOINTMENT OF MEMBER TO THE GOVERNMENT SCHOOL TEACHERS TRIBUNAL

His Excellency the Lieutenant Governor and Administrator in Executive Council has under section 76 of the Industrial Relations Act 1979, extended the appointment of Margaret Beaman, Deputy Member of the Government School Teachers Tribunal for a term expiring on 7 November 1996.

JUSTICE

JM401

DISTRICT COURT OF WESTERN AUSTRALIA ACT 1969

(SITTINGS AND WINTER VACATION FOR 1997)

Pursuant to the powers conferred by the District Court of Western Australia Act 1969 I hereby appoint the following sittings of the District Court for the year 1997.

Civil Sittings at Perth

1. Civil sittings of the District Court at Perth for the trial of causes and issues of fact shall commence on Tuesday 14 January and shall continue, except for the Easter and Winter Vacations and for Public Service holidays, until Friday 19 December. The Court will be held from 10.30am on each day of sitting unless otherwise stated.

Criminal Sittings at Perth

2. Criminal sittings of the District Court at Perth shall commence on the following days—

Tuesday	14 January
Monday	3 February
Tuesday	4 March
Tuesday	1 April
Monday	5 May
Tuesday	3 June
Monday	7 July
Monday	4 August
Monday	1 September
Wednesday	1 October
Monday	3 November
Monday	1 December

The Court will be held from 10am on each day of sitting unless otherwise stated.

Civil and Criminal Sittings at Other Places

3. The places, days and times for other Civil and Criminal sittings of the District Court shall be as follows—

Place	Jurisdiction	Commencing Day
Albany	Criminal	Tuesday 14 January
		Monday 24 February
		Monday 19 May
		Monday 28 July
		Tuesday 30 September
Albany	Civil	Monday 1 December
		Tuesday 28 January
		Monday 28 April
		Monday 18 August
		Monday 20 October
Bunbury	Criminal	Tuesday 14 January
		Monday 10 March
		Monday 19 May
		Monday 14 July
		Monday 15 September
Bunbury	Civil	Monday 17 November
		Tuesday 1 April
		Monday 9 June
		Monday 6 October
Carnarvon	Criminal and Civil	Monday 8 December
		Monday 3 February
		Monday 9 June
		Monday 6 October
Esperance	Criminal and Civil	Monday 1 December
		Monday 10 February
		Monday 19 May
		Monday 15 September
Geraldton	Criminal	Monday 17 November
		Tuesday 18 February
		Tuesday 22 April
		Tuesday 10 June
		Tuesday 19 August
Geraldton	Civil	Tuesday 21 October
		Tuesday 9 December
		Monday 17 February
		Monday 21 April
		Monday 9 June
Kalgoorlie	Criminal	Monday 18 August
		Monday 20 October
		Monday 8 December
		Monday 3 February
		Monday 7 April
Kalgoorlie	Civil	Tuesday 3 June
		Monday 25 August
		Monday 6 October
		Monday 1 December
		Monday 24 February
Kalgoorlie	Civil	Monday 14 July
		Monday 27 October

Place	Jurisdiction	Commencing Day
Broome	Criminal and Civil	Monday 3 February
Derby		Monday 7 April
Karratha		Tuesday 3 June
Kununurra		Monday 4 August
Port Hedland		Monday 6 October
		Monday 1 December

The Court will be held from 10am on each day of sitting unless otherwise stated.

Winter Vacation

4. The Winter Vacation for 1997 shall commence on Monday 23 June and shall terminate on Sunday 6 July.

Dated the 26th day of July 1996.

KEVIN HAMMOND, Chief Judge.

JM402

CHILDREN'S COURT OF WESTERN AUSTRALIA ACT 1988

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

Mrs Dorothy May Trefort of Cuballing Road, Narrogin

Mr Terence Geoffrey Dyer of 2 Shirley Avenue, Laverton and PO Box 42 Laverton

RICHARD FOSTER, Executive Director, Courts Division.

JM403

DECLARATIONS AND ATTESTATIONS ACT 1913

It is hereby notified for public information that the Hon Attorney General has approved the appointment of the following persons as Commissioners for Declarations under the Declarations and Attestations Act 1913—

George Taylor of 7 Nora Court, Safety Bay and Extraman (WA) Pty Ltd, 908 Albany Highway, East Victoria Park

Rhonda Lea Carolin of 3 Korella Street, Mullaloo

Janet Mawson of 10 Mulligan Drive, Greenwood and Australia Post, 23 Sudbury Place, Mirrabooka

Elizabeth June Elborough of 60 Shelbred Way, Westminster

David Charles Harrington of 23 Shortland Way, Girrawheen

Geoffrey Thomas Rawle of 30 Halliday Street, Bayswater and Rawle Johnson & Associates, 53 Canning Highway, Victoria Park

Elizabeth Joy Newby of 30 Woodlands Street, Woodlands and 4/271 Selby Street, Churchlands

Sandra Perry of RMB 526 McMahon Road, Denbarker and Plantagenet District Hospital, PO Box 21 Mount Barker

Lewis Henry Francks of 52 Kidman Avenue, South Guildford and RTC Real Estate, 113 Clayton Street, Midvale

RICHARD FOSTER, Executive Director, Courts Division.

JM404

DECLARATIONS AND ATTESTATIONS ACT 1913

It is hereby notified for public information that the Hon Attorney General has approved the appointment of the following persons as Commissioners for Declarations under the Declarations and Attestations Act 1913—

Kenneth Roy Pankhurst of 4 Ibis Court, Westfield and LJ Hooker, 186 Jull Street, Armadale

Barry Thomas Rawle of 30 Halliday Street, Bayswater and Rawle Johnson & Associates, 53 Canning Highway, Victoria Park

Naomi Louise Lennox of 31 Kennedy Way, Padbury and Challenge Assessors and Loss Adjustors, 630 Welshpool Road, Wattle Grove

RICHARD FOSTER, Executive Director, Courts Division.

JM405**JUSTICES ACT 1902**

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the appointment of—

Mr David Andrew Lynch of 24 Robinson Way, Albany and Shire of Albany, Mercer Road, Albany
 Mr Enayatollah Imani of 14A Gilbertson Road, Kardinya and 1026 Wellington Street, West Perth
 Mr Wayne Henry Leggett of 7 Cliffe Street, South Perth and 16 Hardy Street, South Perth
 Mr Reginald Joseph Anthony Steer of 2 Wallawa Street, Wanneroo
 Mr Michael Merewether of Lot 500 Welshpool Road, Wattle Grove and 47 Railway Road, Kalamunda
 Mrs Yvonne Francis Kidd of 6 Counihan Crescent, Port Hedland
 to the office of Justice of the Peace for the State of Western Australia.

RICHARD FOSTER, Executive Director, Courts Division.

JM406**JUSTICES ACT 1902**

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the appointment of—

Mrs Patricia Anne Witney of Amery Benjaberring Road, Wyalkatchem
 to the office of Justice of the Peace for the State of Western Australia.

RICHARD FOSTER, Executive Director, Courts Division.

LAND ADMINISTRATION

LA101*CORRECTION*

**SHIRE OF SERPENTINE-JARRAHDALÉ
 (NAMING OF PUBLIC STREETS)**

Department of Land Administration,
 Midland, July 29, 1996.

DOLA File Ref: 2133/1981

On page 3506 of the *Government Gazette* dated 23 July, 1996 after subheading Shire of Serpentine-Jarrahdale read—

“GOORALONG ROAD”

in lieu of—

“GORRALONG ROAD”.

CHRISTOPHER WILLIAMS, A/Chief Executive,
 Department of Land Administration.

LA102*CORRECTION*

(NAMING OF PUBLIC STREETS)

Department of Land Administration,
 Midland, July 30, 1996.

DOLA File Ref: 430-1982

On page 3506 of the *Government Gazette* dated 23 July, 1996 read—

“City of Kalgoorlie-Boulder”

in lieu of—

“Shire of Irwin”

and delete

“DOLA file No 2530/1983”.

CHRISTOPHER WILLIAMS, A/Chief Executive,
 Department of Land Administration.

LA401**TRANSFER OF LAND ACT, 1893**

APPLICATION F937274

Take notice that Ermenegildo Di Giuseppe and Giovanna Di Giuseppe both of 26 Petherick Street, Bunbury have made application to be registered under the Act as proprietors of an estate in fee simple in possession in the land situated at Strickland Street, Bunbury being Portion of Leschenault Location 26 formerly described as Lot 6 in Memorial of Conveyance Book 28 Number 1867, now described as Lot 10 on Diagram 89313.

All persons other than the applicant claiming any estate right title or interest in the above land and desiring to object to the application are required to lodge in this office on or before 23rd August 1996 a caveat forbidding the land being brought under the operation of the Act.

G. H. SACH, Registrar of Titles.

LOCAL GOVERNMENT

LG101*CORRECTION***LOCAL GOVERNMENT ACT 1995****HEALTH ACT 1911***Shire of Boddington*

Memorandum of Imposing Rates and Charges

Notice is hereby given that the advertisement on Memorandum of Imposing Rates and Charges published in the *Government Gazette* on the 23 July 1996 (page 3511) which referred to the General Rate Unimproved Values 1.0298 cents in the dollar, should read General Rate Unimproved Values 0.9898 cents in the dollar.

B. E. JONES, Chief Executive Officer.

LG401**SHIRE OF BOYUP BROOK**

Authorised Persons

It is hereby notified for public information that the following persons—

John Anthony Petersen
Sandra Joanne Simpson
Tarnya Lee Mitchell
Phillip John Anastasakis
Peter Robert Webster
Belinda Renae Bogar
James Calvin Brown

Have been authorised to enforce the following Acts, Regulations and Council By-laws—

Local Government Act
Control of Vehicles Act
Dog Act and Regulations
Letter Act and Regulations
Parking Facilities By-laws

All previous appointments are hereby cancelled.

P. R. WEBSTER, Shire Clerk.

LG402**SHIRE OF GNOWANGERUP**

Schedule of Fees and Charges

The Shire of Gnowangerup on the 17th of July adopted fees and charges for provision of goods and services for the period 1 July 1996 to 30 June 1997.

A full schedule of the fees and charges is available from the Shire Office at 28 Yougenup Road, Gnowangerup.

M. L. CHESTER, Chief Executive Officer.

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

Fire Control Officers/Fire Break Inspectors

The following fire control officers have been appointed for the 1996/97 season—

J. Tuckey	K. A. Jones
T. Birmingham	R. Thompson
A. McCormack	J. Camplin
K. B. Tuckey	J. Newman
M. Webster	J. Dilley
L. McLarty	

Chief Fire Control Officer—R. Thompson

Deputy Chief Fire Control Officer—F. N. Letchford

Fire Weather Officer—J. Camplin

Deputy Fire Weather Officer—M. Webster

The following fire break inspectors have been appointed for the 1996/97 season—

F. Letchford
K. Dempsey

All previous appointments are hereby cancelled.

By order of the Council,

D. A. McCLEMENTS, Chief Executive Officer.

LG404**BUSH FIRES ACT 1954***Shire of Northam*

Fire Control Officers

It is hereby notified for public information that pursuant to section 40 of the above Act, the Councils of the Shire and Town of Northam have resolved to jointly appoint Murray Hall as a Fire Control Officer, as an officer to exercise the powers conferred under the above Act, in each of the Municipal Districts.

The appointments of B. H. Wittber, P. K. Kata, G. J. Moulds and G. K. Hargrave are cancelled as jointly appointed Fire Control Officers. The appointments of E. A. Gaden and C. McManus as Fire Control Officers for the Shire of Northam have been cancelled.

A. J. MIDDLETON, Chief Executive Officer.

LG405**LOCAL GOVERNMENT ACT 1960***Shire of Dalwallinu*

ANNUAL FEE REVIEW

1996/97 Fees and Charges

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

The fees and charges relate to—

- Cemetery fees and charges;
- Council buildings and equipment hire, fees, bonds;
- Photocopying, duplicating and facsimile charges;
- Newsletter advertising rates;
- Swimming pool inspection fees;
- Private Works Charges;
- By-law/Agreement charges;

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

W. T. ATKINSON, Chief Executive Officer.

LG406**SHIRE OF DARDANUP**

Administration of Acts and By-laws

It is notified for public information that Mr Donald Keith Craigie, Ranger within the Shire, has the authority to administer the following Acts and By-laws, effective from the 30th of July 1996.

Bush Fires Act, 1954
 Bush Fires Regulations, 1954
 Local Laws relating to Bush Fires

C. J. SPRAGG, Chief Executive Officer.

LG407

LOCAL GOVERNMENT ACT 1995
HEALTH ACT 1911
COUNTRY TOWN SEWERAGE ACT 1948

Shire of Goomalling

Memorandum of Imposing Rates

To whom it may concern,

At a meeting of the Goomalling Shire Council on 22nd July 1996, it was resolved that the Rates specified hereunder should be imposed on all rateable property within the district of the Shire in accordance with the provisions of the Local Government Act 1995 and the Health Act 1911 and the Country Town Sewerage Act 1948 for the period 1st July 1996 to 30th June 1997.

Dated this 29th July 1996.

R. M. CLARKE, President.
 C. C. J. KERP, Chief Executive Officer.

Schedule of Rates Levied

North Ward—1.7461 cents in the dollar on unimproved value.

Central Ward—1.7461 cents in the dollar on unimproved value.

South Ward—1.7461 cents in the dollar on unimproved value.

Town Ward—8.3458 cents in the dollar on gross rental value.

Minimum Rate—\$170.00 per assessment throughout the Shire.

Sewerage Rate—7.27 cents in the dollar on gross rental values within the sewerage scheme prescribed.

Minimum Sewerage Rate—

Residential Properties—\$123.00

Commercial Properties—\$350.00

Vacant Land Properties—\$97.50

Pedestal Charges—\$111.35 per annum for the first pedestal, \$48.95 each thereafter.

Government Properties of a commercial nature—\$619.00 per connection.

Garbage Charge—

Domestic—\$90.00 per annum per standard bin removal per week.

Business—\$90.00 per annum per standard bin removal per week.

Minimum—\$90.00 per annum.

Wongamine/Jennacubbine Area—\$100.00 per annum per standard bin removal per week.

Discount—

A discount of 7 1/2 per cent will be allowed on current general rates (except sewerage rates) paid in full and received at the Shire Office by 4.00 pm on Monday 16th September 1996.

Instalment Plan Interest Rate (Rates & Charges)

A charge of 6.5% per annum calculated daily at 0.0178% by simple interest as from the 16th September 1996.

Late Payment Interest Rate (Rate & Charges)

A charge of 7.5% calculated daily at 0.0206% by simple interest as from 12th November 1996.

Administration Fee—

A charge of \$3.00 per reminder notice for rates and services levied.

Due Dates of Payment of Rates & Charges Levied 1996/97—

16th September 1996

16th November 1996

16th January 1997

16th March 1997

LG501

**LOCAL GOVERNMENT ACT 1995
HEALTH ACT 1911**

Shire of Three Springs

Memorandum of Imposing Rates for Financial Year 1996/97

At a meeting of the Three Springs Shire Council on 26th July 1996, it was resolved that the rates and charges specified hereunder, should be imposed on all rateable properties within the district of the Shire of Three Springs in accordance with the provisions of the Local Government Act 1995, and the Health Act 1911.

Dated this 29th day of July 1996.

A. J. McALEER, President.
G. J. LITTLE, Chief Executive Officer.

Schedule of Rates Levied

Gross Rental Value—Three Springs townsite and specified area: A rate of 11.00 cents in the dollar.

Unimproved Value—

Rural: A rate of 4.556 cents in the dollar.
Arrino Townsite: A rate of 1.09 cents in the dollar.
Mining: A rate of 4.556 cents in the dollar.

Minimum Rate—

Three Springs Townsite: \$227.00 per assessment.
Mining Leases: \$227.00 per assessment.
Rural: \$70.00 per assessment.
Arrino Townsite: \$70.00 per assessment.
Refuse Removal Charges: Domestic \$103.00 per 240L bin per annum.
Commercial \$103.00 per 240L bin per annum.
1.5m³ Bulk Bin \$606.00 per annum.

Discount on Rates—Ten per cent discount will be allowed on current rates paid in full within 35 days of issue of notice, with the five per cent discount allowed on current rates paid in full from the 36th day following issue of notice to 30 September 1996.

Payment on Overdue Rates—A penalty of six and one half per cent calculated daily by simply interest will be applied to all rates unpaid after 31 January 1997, except for those owed by eligible pensioners.

Payment of Rates Under Instalment Plan—

Due dates of Payment of rates and charges levied 1996/97—
First—10th September 1996
Second—30th November 1996
Third—28th February 1997
Fourth—31st May 1997

Administration Fee—A once only fee of \$10.00 will apply.

Late Payment Interest Rate—A charge of six and one half per cent calculated daily by simply interest.

FM Radio Retransmission—A \$10.00 fee per household to be levied on all ratepayers with the exception of pensioners.

LG502

**LOCAL GOVERNMENT ACT 1995
HEALTH ACT 1911
COUNTRY TOWNS SEWERAGE ACT 1948**

Shire of Williams

Memorandum of Imposing Rates

At a meeting of the Shire of Williams held on 15th July 1996, it was resolved that the rates and charges specified hereunder, be imposed on all rateable property within the Shire of Williams in accordance with the provisions of the abovementioned Acts.

Dated this 30th day of July 1996.

G. J. WARREN, President.
V. EPIRO, Chief Executive Officer.

Schedule of Rates Levied and Charges Imposed

General Rates—

- (a) 5.82 cents in the dollar on Gross Rental Values;
- (b) 1.67 cents in the dollar on Unimproved Values.

Minimum Rates—

\$200.00 per assessment on land other than land declared Urban Farmland.

Discount—

10 per cent on all current general rates for which full payment is received at the offices of the Shire of Williams by 5.00pm Friday 30 August 1996, provided that all arrears and current rates and charges are paid in full.

Instalment Plan Interest Rate—

A charge of 6 per cent per annum, calculated daily at 0.0164 per cent by simple interest as from 6th September 1996.

Late Payment Interest Rate—

A charge of 12 per cent per annum, calculated daily at 0.0328 per cent by simple interest as from 2nd November 1996.

Administration Fee—

A charge of \$20.00 for each assessment paid by instalments.

Due Dates for Payments of Rates and Charges Levied 1996—

6th September 1996, 6th November 1996, 6th January 1997, 6th March 1997.

Refuse Removal Charges—

\$100.00 per annum per 240L bin.

Sewerage Rates—

6.80 cents in the dollar on Gross Rental Values within the sewerage defined area.

Sewerage Minimum Rates—

Residential Properties: \$123.00 per annum

Commercial Properties: \$350.00 per annum

Vacant Land Properties: \$97.50 per annum

Non Rated Properties Connected to Sewer—

Class 1—\$111.35 per major fixture
\$48.95 per each additional fixture

Class 2—\$619.00 per connection

Class 3—\$619.00 per connection

LG503**LOCAL GOVERNMENT ACT 1995****HEALTH ACT 1911***Shire of Dundas*

Memorandum of Imposing Rates

To whom it may concern,

At a Special Meeting of the Dundas Shire Council held on 22nd July 1996, it was resolved that the rates and charges specified hereunder should be imposed on all rateable property within the district of the Shire of Dundas in accordance with the Local Government Act 1995 and the Health Act 1911.

Dated this 26th July 1996.

P. W. BROWN, President.
E. A. GILBERT, Chief Executive Officer.

Schedule of Rates and Charges

General Rates—

12.0 cents in the dollar on Gross Rental Values;

4.6 cents in the dollar on Unimproved Values.

Minimum Rates—\$170.00 per assessment.

Rubbish Rates—

\$90.00 per annum per 240 litre MGB per weekly service.

\$50.00 per annum per 240 litre MGB per weekly service for eligible pensioners.

Penalty—

A penalty of 13% will be applied to all rates, other than eligible pensioners deferred, still outstanding and where payment has not been received at the office of the Council by close of business as at 31st January 1997.

Instalments—

The instalments for rates payments under section 6.45 of the Act will be with be either, 1 payments, 2 equal or nearly equal instalments, or, 4 equal or nearly equal instalments.

Due dates of each instalment are—

If paying in 1 payment—35 days after the date noted on the rate notice as the date the rate notice was issued.

If paying in 2 instalments—first payment—due 35 days after the date noted on the rate notice as the date the rate notice was issued; second payment—60 days after the date of the first instalment.

If paying in 4 instalments—first payment due 35 days after the date noted on the rate notice as the date notice was issued, second payment—60 days after the due date of the first instalment, third payment—60 days after the due date of the second instalment; fourth payment—60 days after the due date of the third instalment.

Rate of Interest—where an option other than that of 1 payment is made, interest at 6.5% calculated in accordance with Financial Management Regulation will be imposed.

Additional Charge—for options other than 1 payment, an additional charge of \$2 per assessment will be made.

LG601

BUSH FIRES ACT 1954

Shire of Brookton

Firebreak Order 1996/97

Pursuant to the powers contained in section 33 of the Bush Fires Act 1954, owners and occupiers of property within the Shire of Brookton are hereby required, on or before the 14th day of November 1996 to plough, cultivate, scarify, chemically spray or otherwise clear and thereafter maintain free of all flammable material until the 15th day of April 1997, firebreaks as stipulated in the following positions.

Schedule

On Land Outside of the Townsite Boundary

1.1 A firebreak, which is at least 5 metres wide, must be installed around and within 15 metres of the following—

a building, a haystack, a fuel drum, a fuel depot or any groupings of buildings, haystacks, fuel drums or fuel depots.

Burning Off

1.2 All landholders are required to have an operational independent mobile water filled fire fighting unit, having a water capacity of not less than 450 litres, within 50 metres of a paddock in which any burning off activity is being conducted during the restricted and prohibited burning periods.

1.3 During the period other than the restricted or prohibited burning season all landholders are required to have a 2 metre firebreak cleared of all flammable material around any area to be burnt, or a fire fighting unit within 50 metres of any paddock in which burning off activity is being conducted.

During Harvesting

1.4 During any period when harvesting operations are being conducted there shall be provided in the same paddock or within 50 metres of that paddock an operational independent mobile water filled fire fighting unit, having a water capacity of not less than 450 litres. The tank of the unit shall be kept full of water at all times during the harvest operations. The responsibility to supply the unit being that of the landholder.

Operation of Plant and Machinery

1.5 During the restricted and prohibited burning time all trucks, bulldozers and tractors shall not be operated on rural land unless fitted with a fire extinguisher.

A fire extinguisher means a device which comprises—

(a) a container filled with at least 7.5 litres of water, and be capable of discharging that water under pressure and which is in a sound working condition, or

(b) an approved operative chemical extinguisher.

1.6 During the restricted and prohibited burning time, all internal combustion motors being stationary and unattended shall not be operated unless clear of all flammable material immediately surrounding the said motor for a distance of not less than 5 metres.

Land Within the Brookton Townsite Boundary

2.1 All land with an area of less than 1 000 m² with no buildings, must be completely clear of all flammable material from the whole of the land.

2.2 All land with an area of greater than 1 000 m² with no buildings must be completely surrounded by a firebreak of not less than 2 metres wide as near as possible to the boundary.

2.3 All land with buildings or groupings of buildings must have an area cleared of flammable material no less than 2 metres wide, not more than 15 metres from such building or groups of buildings or the external boundary of the land—whichever is the nearer.

The firebreaks may be inspected shortly after the 14th day of November 1996, and the penalty for failing to comply with this notice is a fine of not more than \$1 000 or a penalty of \$40 may be incurred by the issue of an infringement notice, and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed in this notice if it is not carried out by the owner or occupier by the date required by this notice.

If it is considered to be impracticable for any reason to comply with the provisions of this notice, application may be made not later than the 1st day of November 1996, in writing to the Council or its authorised officer for permission to provide alternative fire protection measures. If permission is not granted the requirements of this notice must be complied with.

If the requirements of this notice are carried out by burning, such burning must be in accordance with the relevant provisions of the Bush Fires Act 1954, which includes the necessity for permits to burn during the restricted and prohibited burning season.

Failure to comply with these requirements renders the offenders to the penalties prescribed in the Bush Fires Act 1954, as amended.

By Order of the Council,

IAN CURLEY, Chief Executive Officer.

MINERALS AND ENERGY

MN401

MINING ACT 1978

Department of Minerals & Energy,
Perth WA 6000.

I hereby declare in accordance with the provisions of section 99 (1) (a) of the Mining Act 1978 that the undermentioned mining lease is forfeited for breach of covenant, viz; non compliance with expenditure conditions, with prior right of application being granted to the plaintiffs under section 100.

KEVIN MINSON, Minister for Mines.

Coolgardie Mineral Field
Mining Lease 15/163—Quinton Pty Ltd

MN402

MINING ACT 1978

NOTICE OF INTENTION TO FORFEIT

Department of Minerals & Energy,
Perth WA 6000.

In accordance with Regulation 50 (b) of the Mining Act 1978, notice is hereby given that unless the rent due on the undermentioned licences and leases is paid on or before 8 August 1996 it is the intention of the Hon Minister for Mines under the provisions of sections 96A (1) and 97 (1) of the Mining Act 1978 to forfeit such for breach covenant, viz, non-payment of rent.

K. R. PERRY, Director General.

Number	Holder	Mineral Field
Exploration Licence		
08/286	Plenty River Mining Co Ltd	West Kimberley
15/384	Sierra Gold Pty Ltd	Coolgardie
25/95	North Coolgardie Resources NL	East Coolgardie
45/1469	Plenty River Mining Co Ltd	Pilbara
45/1470	Plenty River Mining Co Ltd	Pilbara
45/1487	Plenty River Mining Co Ltd	Pilbara
70/1529	Fisher, Neil Donald	South West
80/1667	Defiance Mining NL	Kimberley
80/1668	Defiance Mining NL	Kimberley
Mining Leases		
04/237	Russell, Victor Kingsford	West Kimberley
24/431	Gemiris Pty Ltd	Broad Arrow
26/436	Hake, Christopher James	East Coolgardie
36/295	Great Central Mines NL	East Murchison
59/168	White, Ian Craig Roy	Yalgoo
59/317	Adolphie Holdings Pty Ltd	Yalgoo
59/318	Adolphie Holdings Pty Ltd	Yalgoo

MN403

MINING ACT 1978
NOTICE OF INTENTION TO FORFEIT

Department of Minerals & Energy,
Perth WA 6000.

In accordance with Regulation 50 (b) of the Mining Act 1978, notice is hereby given that unless the rent due on the undermentioned licences and leases is paid on or before 8 August 1996 it is the intention of the Hon Minister for Mines under the provisions of sections 96A (1) and 97 (1) of the Mining Act 1978 to forfeit such for breach covenant, viz, non-payment of rent.

K. R. PERRY, Director General.

Number	Holder	Exploration Licence	
			Mineral Field
04/982	Imperial Diamonds Pty Ltd		West Kimberley
08/691	Bexfan Pty Ltd		Ashburton
15/386	Millward, John Stephen Bladon		Coolgardie
45/1471	Plenty River Mining Co Ltd		Pilbara
45/1544	Compass Resources NL		Pilbara
51/429	Bonaparte Resources NL		Murchison
51/430	Bonaparte Resources NL		Murchison
51/431	Bonaparte Resources NL		Murchison
51/432	Bonaparte Resources NL		Murchison
52/833	Swan Gold NL Wilson, Scott Walter		Peak Hill
63/376	Bruno Sceresini Holdings Pty Ltd Dodd Financial Services Pty Ltd Freon Holdings Pty Ltd Kefco Nominees Pty Ltd Watson, Robert John		Dundas
80/1477	Acrostic Pty Ltd Martin, Ella Catherine Youngs, Peter William		Kimberley
80/1709	Williams, Paul		Kimberley
80/1710	Elmina NL		Kimberley
80/1712	Elmina NL		Kimberley
80/1713	Elmina NL		Kimberley
		Mining Leases	
04/271	Acacia Metals Pty Ltd		West Kimberley
04/276	Carlyon, Karen Clabum, Richard		West Kimberley
04/281	Reen, Geoffrey		West Kimberley
04/297	Ellendale Diamond Mines NL Moonstone Diamond Corporation NL Sorensen, Erik Christian		West Kimberley
09/41	The Readymix Group (Australia) Ltd		Gascoyne
16/177	Olden, Malcolm Roy		Coolgardie
24/426	Gold Dust Holdings Pty Ltd Wattle Gully Gold Mines NL		Broad Arrow
27/122	Delta Gold NL North Gold (WA) Ltd		North East Coolgardie
27/210	Barton, Brian Reginald		North East Coolgardie
28/87	Loongana Lime Pty Ltd		North East Coolgardie
51/461	Csak, Jozsef		Murchison
57/244	Ajax Mining Nominees Pty Ltd Hemlo Gold Mines Australia P/L Noble Resources NL Pancontinental Gold (Operations) Pty Ltd		Murchison
58/221	Scott, Gregory Robert Scott, Robert William		Murchison
63/261	Kempsey Securities Ltd		Dundas

MN404

MINING ACT 1978
NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Minerals Energy,
 Meekathara.

In accordance with Regulation 49 (2) (c) of the Mining Act 1978, notice is hereby given that the licences are liable to forfeiture under the provision of Section 96 (1) (a) for breach of covenant, viz non payment of rent.

Warden.

—————
 To be heard in the Warden's Court Meekatharra on Wednesday, 21 August 1996.

PEAK HILL MINERAL FIELD
 P52/698—Sabminco NL

PLANNING

PD301

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING AMENDMENT REGULATIONS (No. 2) 1996

Made by the Minister under section 9 of the Act.

Citation

1. These regulations may be cited as the *Town Planning Amendment Regulations (No. 2) 1996*.

Commencement

2. These regulations come into operation on the day on which the *Planning Legislation Amendment Act 1996* comes into operation.

Principal regulations

3. In these regulations the *Town Planning Regulations 1967** are referred to as the principal regulations.

[* Reprinted as at 28 May 1996.]

Regulation 3 amended

4. Regulation 3 of the principal regulations is amended by inserting in the appropriate alphabetical position the following definition —

“**Chief Executive Officer**” means the chief executive officer of the relevant local government;

Regulation 4 amended

5. Regulation 4 of the principal regulations is amended —

- (a) in subregulations (1) and (4) by deleting “municipal” in each place where it occurs;
- (b) in subregulation (2) —
 - (i) by deleting “municipal” in the first place where it occurs; and

- (ii) by deleting "the municipal district of an adjoining local authority" and substituting the following —
 - " an adjoining district ";
- (c) in subregulations (3) (a) and (b) and (5) (a) and (b) by deleting "Town/Shire Clerk as the case may be" and substituting the following —
 - " Chief Executive Officer "; and
- (d) in subregulations (4) and (5) by deleting "two or more adjoining local authorities" and substituting the following —
 - " the local governments of two or more adjoining districts ".

Regulation 5 amended

- 6. Regulation 5 (2) of the principal regulations is amended —
 - (a) by deleting "every adjoining local authority" and substituting the following —
 - " the local government of every adjoining district "; and
 - (b) by deleting "adjoining local authority" in the second place where it occurs and substituting the following —
 - " local government of an adjoining district ".

Regulation 13 amended

- 7. After regulation 13 (2) of the principal regulations the following subregulations are inserted —

- "
- (3) The Commission shall not recommend to the Minister under subregulation (2) that he give his consent to the Scheme being advertised for public inspection (with or without modifications) unless —
 - (a) sections 7A2 of the Act and 48C (6) (a) of the EP Act have been complied with; or
 - (b) the recommendation is conditional on those sections being complied with before the Scheme is advertised for public inspection.
 - (4) If the EPA acts under section 48A (1) (c) or 48C (1) (a) of the EP Act, the Commission shall return the Scheme documents to the local government.
 - (5) If the EPA acts under section 48C (1) (a) of the EP Act and the local government wishes to proceed with the Scheme —
 - (a) the local government shall return the Scheme documents to the Commission after it has complied with sections 7A2 of the Act and 48C (6) (a) of the EP Act; and
 - (b) if it has not already done so, the Commission shall make a recommendation under subregulation (2).
- ".

Regulation 14 amended

- 8. After regulation 14 (1) of the principal regulations the following subregulations are inserted —

- "
- (1a) If the Minister gives his consent under subregulation (1) (a) or (c) —
 - (a) before the EPA has acted under section 48A of the EP Act; or

- (b) after the EPA has acted under section 48A (1) (a) of the EP Act,

the consent must be conditional on sections 7A2 of the Act and 48C (6) (a) of the EP Act being complied with (if compliance is required) before the Scheme is advertised for public inspection.

(1b) If the EPA has acted under section 48A (1) (c) or 48C (1) (a) of the EP Act, the Minister shall not give his consent under subregulation (1) (a) or (c) until —

- (a) if the EPA acted under section 48A (1) (c) of the EP Act, a direction is given under section 48A (2) (a) of the EP Act; and
- (b) the local government, if it wishes to proceed with the Scheme, has —
- (i) complied with sections 7A2 of the Act and 48C (6) (a) of the EP Act; and
- (ii) returned the Scheme documents to the Commission. ”.

Regulation 15 amended

9. (1) Regulation 15 (1) of the principal regulations is amended by inserting after “regulation 14” the following —

“ and, if that consent was conditional, the conditions have been satisfied ”.

(2) Regulation 15 (2) of the principal regulations is amended —

- (a) by deleting “municipality” in the first place where it occurs and substituting the following —
- “ local government ”; and
- (b) by deleting “that municipality” and substituting the following —
- “ the district of that local government ”.

(3) Regulation 15 (4) of the principal regulations is amended by deleting “every public authority affected by the Scheme,” and substituting the following —

“ each public authority and other person whom the local government is required by section 7 (2aa) of the Act to consult, ”.

Regulation 16 amended

10. After regulation 16 (2) of the principal regulations the following subregulation is inserted —

“ (3) A responsible authority shall promptly acknowledge in writing the receipt of each submission received by it. ”.

Regulation 17 amended

11. Regulation 17 (1) of the principal regulations is repealed and the following subregulation is substituted —

“ (1) Subject to subregulation (1a) the responsible authority shall, within —

(a) 6 months of the expiry of the period specified by the Commission or the Minister, as the case requires, under regulation 15 (5) for making submissions;

- (b) 42 days of receiving a statement delivered under section 48F (2) (a) of the EP Act; or
- (c) if the responsible authority makes a request under section 48G (1) of the EP Act within the longer of the periods referred to in paragraphs (a) and (b) and a statement is delivered under section 48G (3) of the EP Act, 42 days of receiving that latter statement,

(whichever is the longer period), or such further period as is approved by the Minister, consider all submissions to the Scheme and in respect of each submission shall consider whether the Scheme should be modified accordingly or whether that submission should be rejected.

Regulation 17A inserted

12. After regulation 17 of the principal regulations the following regulation is inserted —

“

Incorporation of environmental conditions

17A. If a responsible authority has —

- (a) passed a resolution under regulation 17 (2) (a); and
- (b) received a statement delivered under section 48F (2) of the EP Act,

the responsible authority shall, before complying with regulation 18, amend the Scheme documents to incorporate the conditions —

- (c) set out in that statement; or
- (d) if the responsible authority has received a statement delivered under section 48G (3) of the EP Act, set out in that latter statement.

”.

Regulation 18 amended

13. Regulation 18 (1) of the principal regulations is amended by deleting “to the Commission —” and substituting the following —

“ the Scheme documents to the Commission together with — ”.

Regulation 20 amended

14. Regulation 20 (5) of the principal regulations is amended by deleting “section 7 (2)” and substituting the following —

“ section 7 (2a) ”.

Regulation 21 amended

15. After regulation 21 (1) of the principal regulations the following subregulation is inserted —

“

(1a) If the responsible authority is notified that the Minister has refused to approve of the Scheme, the responsible authority shall forthwith notify each person who made a submission in relation to the Scheme of that refusal.

”.

Regulation 22 amended

16. Regulation 22 (1) of the principal regulations is amended by deleting “in accordance with section 189 of the *Local Government Act 1960*,”.

Regulation 23 amended

17. After regulation 23 (2) of the principal regulations the following subregulation is inserted —

“

(2a) The responsible authority shall forthwith notify each person who made a submission in relation to the Scheme —

- (a) that the Scheme has been approved; and
- (b) whether, and if so how, the Scheme was modified in response to their submission.

”.

Regulation 25 amended

18. Regulation 25 of the principal regulations is amended —

- (a) in paragraph (e), by deleting “regulation” in the first place where it occurs and substituting the following —
 - “ regulations 13 (4) and (5) and ”;
- (b) in paragraph (fb), by inserting after “(17) (1)” the following —
 - “ (a) ”; and
- (c) in paragraph (g), by inserting after “modification” the following —
 - “ and has complied with regulation 17A ”.

Regulation 25AA amended

19. (1) After regulation 25AA (1) of the principal regulations the following subregulations are inserted —

“

(1a) If the Commission gives its consent under subregulation (1) (a) or (b) —

- (a) before the EPA has acted under section 48A of the EP Act; or
- (b) after the EPA has acted under section 48A (1) (a) of the EP Act,

the consent must be conditional on sections 7A2 of the Act and 48C (6) (a) of the EP Act being complied with (if compliance is required) before the Amendment is advertised for public inspection.

(1b) If the EPA has acted under section 48A (1) (c) or 48C (1) (a) of the EP Act, the Commission shall return the Amendment documents to the local government and shall not give its consent under subregulation (1) (a) or (b) until —

- (a) if the EPA acted under section 48A (1) (c) of the EP Act, a direction is given under section 48A (2) (a) of the EP Act; and
- (b) the local government, if it wishes to proceed with the Amendment, has —
 - (i) complied with sections 7A2 of the Act and 48C (6) (a) of the EP Act; and
 - (ii) returned the Amendment documents to the Commission.

”.

(2) Regulation 25AA (3) of the principal regulations is amended by inserting after "Commission shall" the following —

" , subject to subregulations (1a) and (1b), "

(3) Regulation 25AA (4) (b) of the principal regulations is amended by deleting "or (c)".

Regulation 25B inserted

20. After regulation 25A of the principal regulations the following regulation is inserted —

"

Expenses of environmental review

25B. (1) If a local government wishes to be able to recover review expenses under section 7A2 (5) of the Act, the local government shall —

- (a) before the Scheme or Amendment is advertised for public inspection —
 - (i) select one of the bases set out in subregulation (4) as the basis on which the review expenses will be recoverable from owners of affected land; and
 - (ii) include a statement setting out that selection in the Scheme or Amendment documents; and
- (b) keep separate records setting out details of review expenses incurred and recovered, affected land and any agreements of the type referred to in subregulation (3).

(2) A local government may recover from each owner of affected land, as a debt due by that owner to the local government, the proportion of the review expenses recoverable from that owner in accordance with the basis selected under subregulation (1) (a) (i) and the local government may recover that debt in any court of competent jurisdiction.

(3) Unless the local government and the owner of affected land have agreed in writing that the review expenses may be recovered at an earlier time, review expenses shall not be recovered from that owner under section 7A2 (5) of the Act until the Scheme or Amendment has come into force and —

- (a) that affected land is sold or subdivided; or
- (b) in the case of an Amendment that changed the zoning of affected land, the local government grants approval for the development of affected land owned by that person that could not have been granted under the Scheme prior to the Amendment coming into force.

(4) The bases on which review expenses may be recovered are —

- (a) proportional land area, in accordance with which the local government may recover from a person the same proportion of the review expenses as the area of affected land owned by that person bears to the area of all of the affected land;
- (b) proportional land value, in accordance with which the local government may recover from a person the same proportion of the review expenses as the value of the affected land owned by that person bears to the value of all of the affected land; and
- (c) any other equitable basis approved by the Minister.

(5) In this regulation —

"affected land" means land to which the Scheme or Amendment relates;

“review expenses” means expenses incurred by a local government in undertaking an environmental review of a Scheme or Amendment in accordance with instructions issued under section 48C (1) (a) of the EP Act;

“value”, in relation to land, means the rateable value of the land recorded in the rate records of the local government at the time the resolution to prepare or adopt the Scheme or Amendment was passed.

”.

Appendix A amended

21. Appendix A to the principal regulations is amended —

- (a) in Forms 1, 1A and 1C by deleting “Council” in the first place where it occurs and substituting the following —
“ local government ”;
- (b) in Forms 1, 1A and 2 by inserting after “Council” in the last place where it occurs the following —
“ of the local government ”;
- (c) in Forms 1, 1A, 1C, 2, 3, 3A, 6, 6A and 7 by deleting “Town/Shire Clerk” or “Shire/Town Clerk” in each place where they occur and substituting the following —
“ Chief Executive Officer ”;
- (d) in Forms 1, 1A, 6 and 6A by deleting “Local Authority” and substituting the following —
“ Local Government ”;
- (e) in Form 1B —
 - (i) by deleting “Local Authority/ies” and substituting the following —
“ Local Government/s ”;
 - (ii) by deleting “Town Planning Board” and substituting the following —
“ Commission ”; and
 - (iii) by deleting “Board” in each other place where it occurs and substituting the following —
“ Commission ”;
- (f) in Form 3 by inserting after “given that the” the following —
“ local government of the ”; and
- (g) in Form 4 by deleting “Town*/Shire* Clerk” and substituting the following —
“ Chief Executive Officer ”.

Various references to “local authority” amended

22. In each place listed in the Table to this subregulation “local authority” is deleted in each place where it occurs and the following is substituted —

“ local government ”.

Table

reg. 4 (1), (2) in the first place where it occurs, (3), (4), (5), (6)	reg. 13 (1)
reg. 5 (1), (2) in the first and third places where it occurs	reg. 14 (2), (3), (4)
reg. 6 (1), (2)	reg. 15 (1)
reg. 7	reg. 21 (3)
reg. 8 (2)	reg. 25 (g)
reg. 12 (1)	reg. 25AA (2), (4), (5), (6)
	reg. 25AB (a)
	reg. 25A

Transitional

23. If sections 7A1, 7A2, 7A3 and 7A4 of the Act do not apply to a Scheme or Amendment because of the operation of section 45 (2) of the *Planning Legislation Amendment Act 1996*, the principal regulations apply to that Scheme or Amendment as if regulations 7 to 12 and 15 to 17 of these regulations were not in operation.

R. K. LEWIS, Minister for Planning.

PD401

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Bayswater

Town Planning Scheme No. 21—Amendment No. 61

Ref: 853/2/14/25, Pt. 61.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Bayswater Town Planning Scheme Amendment on July 28, 1996 for the purpose of—

1. Amending the Scheme maps by rezoning Lot 200 (No. 79-81) Salisbury Street, corner Beaufort Street, Bedford from "Public Purpose—Car Parking" to "Special Purpose—Fast Food Outlet";
2. Adding the following text to Schedule 1 (Special Purpose Zones) of the Scheme—

Street	Particulars of Land	Permitted Uses	Discretionary Uses
Salisbury Street, cnr Beaufort Street	Lot 200	Fast Food Outlet	

J. D'ORAZIO, Mayor.
M. J. CAROSELLA, Chief Executive Officer.

PD402

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Belmont

Town Planning Scheme No. 11—Amendment No. 84

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

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Belmont Town Planning Scheme Amendment on July 28, 1996 for the purpose of rezoning Lots 10, 11 Pt 16 Klem and Epsom Avenues from "Industrial" and "Parks and Recreation" to "Residential A R20/R40".

P. R. PASSERI, Mayor.
B. R. GENONI, Chief Executive Officer.

PD403**TOWN PLANNING AND DEVELOPMENT ACT 1928**
SCHEME AMENDMENT AVAILABLE FOR INSPECTION*City of Belmont*

Town Planning Scheme No. 11—Amendment No. 88

Ref: 853/2/15/10, Pt. 88.

Notice is hereby given that the City of Belmont has prepared the abovementioned scheme amendment for the purpose of amending the Scheme Text to require single houses within the Residential C Zone to be subject to a planning consent and to allow Council to vary provisions of the Residential Planning Codes in relation to front and rear setbacks, carparking and open space.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 215 Wright Street, Cloverdale and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including September 13, 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before September 13, 1996.

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

B. R. GENONI, Chief Executive Officer.

PD404**TOWN PLANNING AND DEVELOPMENT ACT 1928**
SCHEME AMENDMENT AVAILABLE FOR INSPECTION*City of Kalgoorlie-Boulder*

Joint Town Planning Scheme—Amendment No. 107

Ref: 853/11/3/2, Pt. 107.

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

1. Rezoning the land bounded by Picadilly Street, Wittenoom Street, Arthur Street, Keenan Street, Kalgoorlie from "Residential B" to "General Residential R60".
2. Amending the Scheme Maps accordingly.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Davidson Street, Kalgoorlie and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including September 13, 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before September 13, 1996.

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

P. A. ROB, Chief Executive Officer.

PD405**TOWN PLANNING AND DEVELOPMENT ACT 1928**
SCHEME AMENDMENT AVAILABLE FOR INSPECTION*City of Rockingham*

Town Planning Scheme No. 1—Amendment No. 276

Ref: 853/2/28/1, Pt. 276.

Notice is hereby given that the City of Rockingham has prepared the abovementioned scheme amendment for the purpose of rezoning portion of Peel Estate Lot 731 Eighty Road, Baldivis, from Rural to Development zone and including the land within the Residential Planning Code, density coding of R20/40, as depicted on the Scheme Amendment Map.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Civic Boulevard, Rockingham and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including September 13, 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before September 13, 1996.

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

G. G. HOLLAND, Chief Executive Officer.

PD406

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

Town Planning Scheme No. 1—Amendment No. 727

Ref: 853/2/30/1, Pt. 727.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Wanneroo Town Planning Scheme Amendment on July 28, 1996 for the purpose of—

1. zoning portion of Lot 51 Burns Beach Road, Joondalup to "Residential Development" and portion of Pt Lot 52 Burns Beach Road, Joondalup from "Rural" to "Residential Development";
2. coding portions of Lot 51 and Pt Lots 50, 52 and 53 to R5 and R20.

A. V. DAMMERS, Mayor.
R. F. COFFEY, Chief Executive Officer.

PD407

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

Town Planning Scheme No. 1—Amendment No. 763

Ref: 853/2/30/1, Pt. 763.

Notice is hereby given that the City of Wanneroo has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 37 Windsor Road, Wangara from Rural to Light Industry.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Boas Avenue, Joondalup and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including September 13, 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before September 13, 1996.

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

R. F. COFFEY, Chief Executive Officer.

PD408

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Busselton

Town Planning Scheme No. 5—Amendment No. 360

Ref: 853/6/6/6, Pt. 360.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Busselton Town Planning Scheme Amendment on July 28, 1996 for the purpose of—

1. Rezoning Lot 58 Curtis Street, Dunsborough from "General Farming" to "Special Zone—Restricted Use".
2. Adding to Appendix V—"Restricted Use Zone" the following—

Street	Particulars of Land	Only Use Permitted
Curtis Street, Dunsborough	Dunsborough suburban Lot 58	Residential Uses as may be permitted under the Single Residential zone, an Eating House, and short stay accommodation subject to the following provisions— <ol style="list-style-type: none"> 1. Landuse <ol style="list-style-type: none"> 1.1 Residential development as may be permitted by the Residential Planning Codes, such codes being indicated on a development guide plan adopted by Council and approved by the Western Australian Planning Commission. For the pur-

Street	Particulars of Land	Only Use Permitted
		<p>pose of scheme development requirements "Residential Planning Codes" means the Residential Planning Codes set out in Appendix 2 to the statement of Planning Policy No. 1 together with any amendments thereto.</p>
		<p>1.2 Recreation use through the establishment of a recreation reserve along the internal creekline generally in accordance with the Development Guide Plan.</p>
		<p>1.3 Short Stay accommodation units and an Eating House in accordance with the Development Guide Plan.</p>
		<p>2. Subdivision and Development</p>
		<p>2.1 Subdivision and development of the lot, including the subdivision of the land by strata allotments shall be generally in accordance with the Subdivision and Development Guide Plan adopted by Council and approved by the Western Australian Planning Commission for the land.</p>
		<p>2.2 For the purposes of Clause 2.1 above, the Subdivision and Development Guide Plan will—</p>
		<p>2.2.1 Provide for Residential Strata Subdivision of the land to an R20 Residential Planning Code density.</p>
		<p>2.2.2 Indicate the appropriate R Code designation for the whole site in accordance with Clause 2.2.1 to the satisfaction of Council and the Western Australian Planning Commission.</p>
		<p>2.2.3 Provide for the development and strata subdivision of an eating house within the north eastern portion of the lot, accessed from Curtis Street, in accordance with the development standards prescribed by the Scheme.</p>
		<p>2.2.4 Provide for the development of short stay accommodation units adjacent to the eating house within the north eastern portion of the lot accessed from Curtis Street in accordance with the development standards prescribed by the Scheme.</p>
		<p>2.2.5 Council may request at the development stage provision of a Public Open Space Reserve principally consisting of a reserve following the bank of the internal creekline running between Seymour Street and Bridges Street with the boundaries of such public open space being of a width sufficient for the provision of a pedestrian access way along its length as well as protection of the immediate creekline environs. A further reserve may be requested along the frontage of Seymour Street of minimum 10m width between the creekline and Curtis Street.</p>
		<p>2.2.6 Buildings likely to be affected by flood flow will need to be subject to specific design detail as required by the Shire of Busselton to ensure stability and ensure that flood flow is not impeded.</p>

Street	Particulars of Land	Only Use Permitted
		3. Subdivision and Development Guide Plan
		3.1 Development of the land shall be generally in accordance with a Subdivision and Development Guide Plan adopted by Council and approved by the Western Australian Planning Commission for the land. Such consideration and adoption by Council shall be deemed to be an exercise of discretionary power under the Scheme as provided for in Section 8A(1) of the Act and therefore the applicant may appeal against the Council's decision in accordance with Part V of the Act. Similarly, the decision of the Western Australian Planning Commission shall be deemed to be a decision made under Section 26(1) of the Act and therefore the applicant may appeal in accordance with Part V of the Act.

M. SULLY, President.
I. STUBBS, Chief Executive Officer.

PD409

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Busselton

Town Planning Scheme No. 5—Amendment No. 378

Ref: 853/6/6/6, Pt. 378.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Busselton Town Planning Scheme Amendment on July 28, 1996 for the purpose of—

1. Amending the Scheme Map by rezoning Sussex Location 4208 Biddle Road Dunsborough from "General Farming" to "Special Rural" as depicted on the Scheme Amendment Map;
2. Amending the Scheme Text by the insertion in "Appendix X: Special Rural Zones—Provisions Relating to Specified Areas", the following—

(A) Specified Area of Locality	(B) Special Provisions to refer to are listed in Column (A).
Sussex Location 4208, Biddle Road, Dunsborough	<ol style="list-style-type: none"> 1. Subdivision shall be generally in accordance with the Subdivision Guide Plan attached to this amendment and endorsed by the Shire Clerk. Minor modifications to the Guide Plan may be approved by Council and the Western Australian Planning Commission. 2. Dwellings and other structures shall not be constructed within 30 metres of any stream or creek. 3. A minimum building setback of 50 metres shall apply from Biddle Road and 20 metres from McLachlan Road. 4. Dwelling houses and all ancillary buildings shall be constructed of non-reflective material (with the exception of glazed areas) and shall comprise either timber, stone, rammed earth, brick or steel construction and shall be of colour(s) and textures which are essentially natural and earthy. All such materials shall be to the satisfaction of the Council and shall be compatible with the rural character of the locality. 5. Dwelling houses and all ancillary buildings shall be restricted to a maximum height at any point of 7.5 metres measured vertically from the mean natural surface of that part of the land contained within the boundaries of the building. 6. No clearing of vegetation shall occur except for the following: <ol style="list-style-type: none"> (a) Clearing to comply with the requirements of the Bush Fires Act 1954 (as amended).

(A) Specified Area of Locality	(B) Special Provisions to refer to are listed in Column (A).
	<p>(b) Clearing within the 30 metre radius of the centre of the main dwelling as may be reasonably required to construct an approved building and curtilage thereto.</p> <p>(c) Clearing to gain vehicular access to the curtilage of an approved dwelling or any other clearing which may be approved by the Council.</p>
	<p>7. Strategic fire breaks and other fire fighting facilities shall be constructed or provided by the subdivider to the satisfaction of the Council and the Bush Fires Board of WA.</p> <p>8. Each dwelling house shall be provided with a supply of potable water, such to be in the form of a water tank with a minimum capacity of 135 kilolitres and shall be linked to a suitable rainfall catchment with a surface area of not less than 150sqm. Any auxiliary holding tanks which may be required shall not exceed a capacity of 10 kilolitres and may be constructed of steel. Water supply tanks are to be fitted with Stortz 75mm couplings attached at the base of the tank so that the tank capacity is available for fire fighting purposes at any given time.</p> <p>9. Water tanks required by these provisions which are visible from any location outside the allotment on which they are situated, shall be painted an appropriate shade of green in the first instance and shall be suitably screened by planted vegetation to the satisfaction of the Council.</p> <p>10. Stock may be permitted on lots of larger than 2 hectares providing that this does not require removal of vegetation and that stock numbers are maintained at levels in accordance with the standards of good husbandry to the satisfaction of the Department of Agriculture.</p> <p>11. Any fence, other than a fence which may be required by CALM for conservation areas or which may be required by Council to be erected around a swimming pool, shall comprise non-electrified stock-proof wire or ring-lock fencing to a maximum height of 1.2 metres above the natural surface of the land, with posts being of split jarrah, or treated pine. No fencing to be constructed within 10 metres from the centre line of any creek or water course.</p> <p>12. The disposal of liquid and/or solid wastes shall be carried out by the installation of an effluent disposal system approved by the Department of Health Western Australia and the Council. No house shall be occupied without the prior approval and installation of such a disposal system. Toilet compost dispersal in areas other than individual lots shall be subject to approval of the Department of Health Western Australia and Council. Effluent disposal shall be set back a minimum of 30 metres from any water course or dam or as otherwise approved by the Department of Health Western Australia and the Council.</p> <p>13. Radio masts, TV antenna, satellite dishes and wind turbines shall be located such that they do not detract from the local visual amenity.</p> <p>14. No dams or lakes shall be created other than those shown on any Subdivision and Development Guide Plan except with the approval of the Council.</p> <p>15. At the subdivision stage Council shall request a contribution to the upgrading of roads required as a consequence of their development in accord with the Commonage Implementation policy plan.</p> <p>16. At the subdivision stage appropriate measures to be taken to ensure adequate screening of proposed roads and buildings between the subject land and Lot 4210.</p>

3. Amending the Scheme Map by rezoning portions of Sussex Location 4208 Dunsborough from "General Farming" to "Additional Use Zone".

4. Amending the Scheme Text by the insertion in "Appendix IV—Additional Use Zones", of the following—

Street	Particulars of Land	Additional Use Permitted
Biddle Road	Sussex Location 4208 Dunsborough	Tourist Development— (a) the uses permitted in the Zone are— • Guesthouse • Private Recreation • Art and Craft Studio, Workshop and Sales. • Demonstration of permaculture principles and practice.

M. C. SULLY, President.
I. W. STUBBS, Chief Executive Officer.

PD410

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Capel

Town Planning Scheme No. 5—Amendment No. 7

Ref: 853/6/7/5, Pt. 7.

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

1. (a) Rezoning Lots 3 and 4 Roe Road and portion of Lot 6 House Road, Capel from the 'Residential' (R10/R15) zone to the 'Special Use' zone.
- (b) Rezoning Lot 5 Roe Road, Capel from the 'Residential' (R10/R15) zone and the 'Industry (Light Industry)' zone to the 'Special use' zone.
- (c) Rezoning Lot 37 Roe Road, Capel from the 'Industry (Light Industry)' zone to the 'Special Use' zone.
- (d) Rezoning portion of both Lots 224 and Sub Lot 30 Roe Road, Capel from the 'Industry (Light Industry)' zone and the 'Recreation' Reserve to the 'Special Use' zone.
- (e) Rezoning Lot 232 Roe Road, Capel from the 'Industry (Light Industry)' zone to the 'Special Use' zone.
- (f) Deleting the 'Industry (Light Industry)' zone from Sub Lot 29 and including it in the 'Recreation' Reserve.
2. Incorporating the above lots contained in (a) to (e) inclusive, into Appendix No. 3, First Schedule—Special uses of the Scheme Text, together with appropriate provisions.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Forrest Road, Capel and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including September 13, 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before September 13, 1996.

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

R. G. BONE, Chief Executive Officer.

PD411

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Dardanup

Town Planning Scheme No. 3—Amendment No. 75

Ref: 853/6/9/6 Pt 75

Notice is hereby given that the Shire of Dardanup has prepared the abovementioned scheme amendment for the purpose of rezoning portions of Leschenault Location 19 off Eaton Drive, Eaton, from "Residential R15" to "Residential R30", "School", "Other Community" and "Recreation".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Little Street, Dardanup and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 13 September 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 13 September 1996.

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

C. J. SPRAGG, Chief Executive Officer.

PD412

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Murray

Town Planning Scheme No. 4—Amendment No. 68

Ref: 853/6/16/7 Pt 68

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Murray Town Planning Scheme Amendment on 28 July, 1996 for the purpose of—

1. Rezoning portion of Cockburn Sound Location 16 Atkins Road and Lots 122 Dewars Road, North Dandalup, from "Residential R5/R10" to "Special Rural" and transferring portions of the land from the "Public Recreation/Conservation" and "Public Purposes" Reserves to the "Special Rural" Zone.
2. Deleting the references to Coral Park Estate under Column (A)—Specified Land—of Schedule 4 of the Scheme Text replacing it with the following—
"Coral Park Estate comprising Part Lots 1 and 9, Lot 122 and 317 to 337 and portion of Cockburn Sound Location 16 Atkins Road, Dewars Road and Lakes Road, North Dandalup.
3. Deleting Special Provision 7 of Schedule 4 Column (B)—Special Provisions Relating to (A)—as related to Coral Park Estate.
4. Adding to further Special Provision to Schedule 4 Column (B)—Special Provisions Relating to (A) relating to Coral Park Estate as follows—
"31 A fuel free zone, clear of all flammable material/vegetation to a distance of 20 metres is required around all buildings."

N. H. NANCARROW, President.
D. A. McCLEMENTS, Chief Executive Officer.

PD413

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Serpentine-Jarrahdale

Town Planning Scheme No. 2—Amendment No. 39

Ref: 853/2/29/3 Pt 39

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Serpentine-Jarrahdale Town Planning Scheme Amendment on 28 July, 1996 for the purpose of—

1. Rezoning AA Lot 49 corner of Mundijong and Kargotich Roads, Mundijong from 'Rural' to 'Farmlet'.
2. Amending the Scheme Map in accordance with the Scheme Amendment Map.
3. Amending the Scheme Text by inserting in Appendix 4C Special Provisions, the following—

4C(b) SPECIFIED AREA OF LOCALITY	SPECIAL PROVISIONS TO REFER TO 4C(b)
AA Lot 49 corner of Mundijong and Kargotich Roads, Mundijong	<ol style="list-style-type: none"> 1. Within the Farmlet zone the following land uses are permitted or are permitted at the discretion of the Council. Use classes permitted (P)— <ul style="list-style-type: none"> • Single House • Public Recreation • Public Utility

4C(b) SPECIFIED AREA OF LOCALITY

SPECIAL PROVISIONS TO REFER TO 4C(b)

Discretionary Uses (AA)—

- Ancillary Accommodation
- Home Occupation
- Rural Use/Intensive Agriculture
- Stables

All other uses are prohibited.

In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with Government Agencies that the land use does not involve excessive nutrient application or clearing of land.

2. No dwelling shall be approved by the Council unless it is connected to an alternative domestic wastewater treatment system as approved by the Health Department of WA with an adequate phosphorus retention capacity, as determined by the Department of Environmental Protection, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.
3. No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways, to accommodate a "Rural Use".
4. The subdivider shall, in accordance with the Subdivision Guide Plan and the Schedule of Landscaping for this estate plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.
5. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.
6. The subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the local authority and the Bush Fire Board of WA.
7. Notwithstanding the controls specified by Provision 1, development and use of the land is subject to the provisions of the Water Authority of Western Australia By-Laws applying to underground water supply and pollution control.
8. Notwithstanding the obligations of the subdivider under clause 5.12.9e of the Scheme the subdivider shall drain the land and provide drainage sumps in accordance with the Subdivision Guide Plan for the estate. Those easements required by Council shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of the drains and sumps.

4C(b) SPECIFIED AREA OF LOCALITY

SPECIAL PROVISIONS TO REFER TO 4C(b)

9. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands or vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.
10. The land is situated within the catchment of the Peel-Harvey system where nutrient control through fertiliser application is to be promoted. Therefore the application, type and distribution of fertiliser to the land shall be the subject to the prior approval of the Council who shall consult the Department of Environmental Protection before approval is granted.
11. Access to Mundijong Road from any lot depicted on the Subdivision Guide Plan shall be prohibited. Any existing private access to Mundijong Road is to be closed once internal access is established and the crossover revegetated with indigenous species to the satisfaction of Council.

D. J. HADDOW, President.
N. D. FIMMANO, Chief Executive Officer.

PD414

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Serpentine-Jarrahdale
Town Planning Scheme No. 2—Amendment No. 70

Ref: 853/2/29/3 Pt 70

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Serpentine-Jarrahdale Town Planning Scheme Amendment on 28 July, 1996 for the purpose of—

1. Rezoning Pt Cockburn Sound Location 794 Hall Road, Serpentine, from 'Rural' to 'Rural Living A'.
2. Amending the Scheme Map in accordance with the Scheme Amendment Map.
3. Amending the Scheme Text by inserting in Appendix 4A Special Provisions, the following—

(a) SPECIFIED AREA OF LOCALITY

Pt Cockburn Sound Location 794
Hall Road, Serpentine

(b) SPECIAL PROVISIONS TO REFER TO (a)

1. Within the Rural Living zone the following landuses are permitted or are permitted at the discretion of the Council.
Use classes permitted (P)—
Single Dwelling
Public Recreation
Public Utility
Discretionary Uses (AA)—
Ancillary Accommodation
Home Occupation
Rural Use/Intensive Agriculture
Stables—Rural Living A zone—1 hectare lots and above only

In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with Government Agencies that the land use does not involve excessive nutrient application or the clearing of land.

(a) SPECIFIED AREA OF LOCALITY

(b) SPECIAL PROVISIONS TO REFER TO (a)

2. No dwelling shall be approved by the Council unless it is connected to an alternative domestic wastewater treatment system as approved by the Health Department of WA with an adequate phosphorus retention capacity, as determined by the Department of Environmental Protection, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.
3. Notwithstanding the controls specified by provision 1, development and use of the land is subject to the provisions of the Water Authority of Western Australia By-laws applying to underground water supply and pollution control.
4. Notwithstanding the obligations of the subdivider under clause 5.12.9 (e) of the Scheme the subdivider shall drain the land and provide drainage sumps in accordance with the Subdivision Guide Plan for the estate. Those easements required by the Council shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of the drains and sumps.
5. No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate the discretionary uses identified under provision 1.
6. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.
7. The subdivider shall, in accordance with the Subdivision Guide Plan for this estate, plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.
8. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the local authority.
9. The land is situated within the catchment of the Peel-Harvey system where nutrient control through fertiliser application is to be promoted. Therefore the application, type and distribution of fertiliser to the land shall be subject to the prior approval of the Council who shall consult the Department of Environmental Protection before approval is granted.
10. The subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the local authority and the Bush Fire Board of WA.

(a) SPECIFIED AREA OF LOCALITY

(b) SPECIAL PROVISIONS TO REFER TO (a)

11. The subdivider shall implement a Works Plan for protection of landscape values and rehabilitation of disturbed areas to the specification and satisfaction of the Local Authority.

C. RANKIN, President.
N. D. FIMMANO, Chief Executive Officer.

PD415

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Swan

Town Planning Scheme No. 9—Amendment Nos. 269 & 281

Ref: 853/2/21/10 Pts 269 & 281

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

Amendment No. 269—

Rezoning the land generally bounded by Alexander Drive, Illawarra Crescent, Weir Road, Irvine Drive and Victoria Road, Malaga from 'Industrial Development' to 'General Industry'.

Amendment No. 281—

1. Replacing the street and land particulars in Appendix 6B Schedule of Additional or Restricted Uses relating to Part Lot 120 (portion of proposed Lot 84 as it relates to re-subdivision to create Lots 102 and 103 Alexander Drive), Malaga;
2. Inserting in Appendix 6B within the 'Additional or Restricted Uses & Conditions' column a definition of the term 'Paramedical Centre'; and
3. Amending the Scheme Map to show the additional use symbol on Lot 101 Exchange Road, Malaga.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Corner Great Northern Highway and Bishop Road, Middle Swan and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 13 September 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 13 September 1996.

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

E. W. LUMSDEN, Chief Executive Officer.

PD416

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Swan

Town Planning Scheme No. 9—Amendment No. 278

Ref: 853/2/21/10 Pt 278

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

1. Re-classifying Lot 187 Arbon Way, Lockridge from 'Local Reserve—Civic & Cultural' to 'Residential 2' (R30);
2. Re-classifying Lot 17 Weddall Road, Lockridge from 'Local Reserve—Recreation' to 'Residential 2' (R30);
3. Rezoning Lots 1-6 Altone Road and Lots 7-14 Dolan Way, Lockridge from 'Residential Development' to 'Residential 1' (R20).

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Corner Great Northern Highway and Bishop Road, Middle Swan and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 13 September 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 13 September 1996.

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

A. C. FREWING, Chief Executive Officer.

PD417

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Wyndham-East Kimberley

Town Planning Scheme No. 6—Amendment No. 10

Ref: 853/7/5/8 Pt 10

Notice is hereby given that the Shire of Wyndham-East Kimberley has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 471—Reserve 22661, Great Northern Highway, Wyndham, from Residential Zone to Town Centre Zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Coolibah Drive, Kununurra and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 13 September 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 13 September 1996.

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

A. HAMMOND, Chief Executive Officer.

PD418

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENTS

Town of Albany

Town Planning Scheme No. 1A—Amendment Nos. 96 & 98

Ref: 853/5/2/15 Pts 96 & 98

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Town of Albany Town Planning Scheme Amendments on 28 July, 1996 for the purpose of—

Amendment No. 96—

modifying Appendix 1—Zoning Table to make a “Fast Food Outlet” an “SA” use in the Industry Zone.

Amendment No. 98—

1. including in clause 4.24 (a) after the word ‘business’ the words “(other than hairdressing or similar personal bodycare businesses)”; and
2. deleting from the definition of ‘restaurant’ in Appendix IX—Interpretations, the words ‘or nightclub’ and including the word ‘or’ between the words ‘licensed restaurant’ and ‘cafe’.

A. G. KNIGHT, Mayor.
W. P. MADIGAN, Chief Executive Officer.

PD701

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME

Shire of Peppermint Grove

Town Planning Scheme No. 3—Consolidated Scheme

Ref: 853/2/19/6

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Peppermint Grove Town Planning Scheme No. 3 on 11 July, 1996—the Scheme Text of which is published as a Schedule annexed hereto.

G. N. CUMPSTON, President.
A. J. DOUST, Chief Executive Officer.

SCHEDULE
SHIRE OF PEPPERMINT GROVE
TOWN PLANNING SCHEME NO. 3.
(CONSOLIDATED)

Scheme Text

This scheme text incorporates all amendments up to 28/5/93.

The amendments are in bold type face and show date of approval in the Government Gazette in brackets at end of amendment.

Attached is the "Policy on Right-of-Ways" which is referred to in the Scheme Text.

SHIRE OF PEPPERMINT GROVE
TOWN PLANNING SCHEME NO. 3.

The Peppermint Grove Shire Council, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 1928 (as amended), hereinafter referred to as 'the Act', hereby makes the following Town Planning Scheme for the purposes laid down in the Act.

Content

PART I—Preliminary

PART II—Reserves

PART III—Zones

PART IV—Non-Conforming Uses

PART V—Development Requirements

PART VI—Planning Consent

PART VII—Administration

Schedule 1 Planning Scheme Interpretations

Schedule 2 Application for Planning Consent

Schedule 3 Planning Consent/Refusal of Planning Consent

Schedule 4 Notice of Public Advertisement of Development Proposal

Schedule 5 Schedule of Non Conforming Uses

Schedule 6 Minimum Standards for Car Parking Bays and Accessways

Schedule 7 Restricted Uses

PART 1—PRELIMINARY

1.1 CITATION

This Town Planning Scheme may be cited as the Shire of Peppermint Grove Town Planning Scheme No. 3 hereinafter called 'the Scheme' and shall come into operation on the publication of the Scheme in the Government Gazette.

1.2 RESPONSIBLE AUTHORITY

The authority responsible for implementing the Scheme is the Council of the Shire of Peppermint Grove hereinafter called 'the Council'.

1.3 SCHEME AREA

The Scheme applies to the whole of the Shire being the area outlined on the Scheme Map.

1.4 CONTENTS OF SCHEME

The Scheme comprises:

- a) This Scheme Text
- b) The Scheme Map.

1.5 ARRANGEMENT OF SCHEME TEXT

PART I—Preliminaries

PART II—Reserves

PART III—Zones

PART IV—Non-Conforming Uses

PART V—Development Requirements

PART VI—Planning Consent

PART VII—Administration

1.6 SCHEME OBJECTIVES

The objective of the Scheme is to maintain and to encourage a high quality of environment.

1.7 REVOCATION OF EXISTING SCHEME

The Shire of Peppermint Grove Town Planning Scheme No. 2 as amended, which came into operation by publication in Government Gazette No. 21 of 1976 is hereby revoked.

1.8 RELATIONSHIP TO METROPOLITAN REGION SCHEME

The Scheme is complementary to, and is not a substitute for, the Metropolitan Region Scheme, and the provisions of the Metropolitan Region Scheme, as amended, continue to have effect.

1.9 INTERPRETATION

1.9.1 Except as provided in Clause 1.9.2 the words and expressions of the Scheme have their normal and common meaning.

1.9.2 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 Schedule 1.

PART II—RESERVES

2.1 METROPOLITAN REGION SCHEME RESERVES

The lands shown as Metropolitan Region Scheme Reserves on the Scheme Map are lands reserved under the Metropolitan Region Scheme and are shown on the Scheme Map in order to comply with the Metropolitan Region Town Planning Scheme Act, 1959, as amended. Those lands are not reserved by this Scheme. The provisions of the Metropolitan Region Scheme continue to apply to such reservations.

2.2 LOCAL AUTHORITY SCHEME RESERVES

The lands shown as Local Authority Scheme Reserves on the Scheme Map, hereinafter called 'Local Reserves' are lands reserved under the Scheme for Local Authority purposes or for the purposes shown on the Scheme Map.

2.3 MATTERS TO BE CONSIDERED BY COUNCIL

Where an application for planning consent is made with respect to land within a Local Reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its consent.

2.4 COMPENSATION

2.4.1 Where the Council refuses planning consent for the development of a local reserve on the ground that the land is reserved for Local Authority purposes or for the purposes shown on the Scheme Map, or grants consent subject to conditions that are unacceptable to the applicant the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

2.4.2 Claims for such compensation shall be lodged at the office of the Council not later than six months after the date of the Council refusing planning consent or granting it subject to conditions that are unacceptable to the applicant.

2.4.3 In lieu of paying compensation the Council may purchase the land affected by such decision of the Council at a price representing the unaffected value of the land at the time of refusal of planning consent or of the grant of consent subject to conditions that are unacceptable to the applicant.

PART III—ZONES

3.1 ZONES

3.1.1 There are hereby created the several zones set out hereunder

- : Residential
- : Commercial
- : Car Parks
- : Private Clubs and Institutions

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

3.2 ZONING TABLE

Use Classes	Residential	Commercial	Car Parks	Private Clubs and Institutions
1. Caretakers Dwelling	—	AA	—	AA
2. Cafe/Restaurant	—	P	—	—
3. Car Park	—	AA	P	—
4. Civic Building	—	AA	—	—
5. Consulting Rooms	—	P	—	—
6. Dwelling	P	AA*	—	—
7. Educational Establishments	—	AA	—	AA
8. Health Centre	—	AA	—	—
9. Home Occupation	AA	AA*	—	—
10. Kennels	—	—	—	—
11. Office	—	P	—	—
12. Open Air Display	—	AA	—	—
13. Public Amusement	—	AA	—	—
14. Public Recreation	—	AA	AA	—
15. Public Utility	—	AA	—	—
16. Public Worship	SA	AA	—	SA
17. Residential Building	—	AA*	—	AA
18. Shop	—	P	—	—
19. Showrooms	—	P	—	—
20. Stables	—	—	—	—
21. Restricted Premises	—	AA	—	—

(*Approval Gazetted 28/5/93)

(Approval
Gazetted
22/9/89)

3.2.1 The zoning table indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme Area in the various zones such uses being determined by cross reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

3.2.2 The symbols used in the cross reference in the zoning table have the following meanings:

'P' means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent;

'AA' means that the Council may, at its discretion, permit the use;

'SA' means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with clause 6.2.

3.2.3 Where no symbol appears in the cross reference of a use class against a zone in the zoning table a use of that class is not permitted in that zone.

3.2.4 Where in the zoning table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use.

3.2.5 If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may

- (a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted, or
- (b) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 6.2 in considering an application for planning consent.

3.2.6 Properties on which uses are restricted are set out in Schedule 7, RESTRICTED USES. (Approval Gazetted 18/9/87)

PART IV—NON CONFORMING USES

4.1 NON-CONFORMING USE RIGHTS

No provision of the Scheme shall prevent:

- (a) The continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or
- (b) The carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.

4.2 EXTENSION OF NON-CONFORMING USE

A person shall not alter or extend a non-conforming use or erect alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning consent of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

4.3 CHANGE OF NON-CONFORMING USE

Notwithstanding anything contained in the zoning table the Council may grant its planning consent to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone or reserve.

4.4 DISCONTINUANCE OF NON-CONFORMING USE

4.4.1 When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or buildings shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

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

4.5 DESTRUCTION OF BUILDING

If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75% or more of its value the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.

4.6 SCHEDULE OF NON-CONFORMING USES

Schedule 5 lists the properties which contain uses which do not conform to the uses permitted by the Scheme.

PART V—DEVELOPMENT REQUIREMENTS

5.1 DEVELOPMENT OF LAND

5.1.1 Subject to clause 5.1.2 a person shall not commence or carry out the following without first having applied for and obtained planning consent.

- (a) The development of any land zoned or reserved under the Scheme.
- (b) Any works on, in, over and under a reserve in the Scheme Area related to the development of a facility located outside of the Scheme Area.

5.1.2 The planning consent by Council is not required for the following development of land:

- (a) The use of land in a local reserve, where such land is held by the Council or vested in a public authority;
 - (i) for the purpose for which the land is reserved under the Scheme; or
 - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.
- (b) The erection of a boundary fence except as otherwise required by the Scheme;
- (c) The carrying out of any works on, in, over and under a street or road by a public authority acting pursuant to the provisions of any act;
- (d) The carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;
- (e) The carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

5.2 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

If a development, other than a residential development, the subject of an application for planning consent does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

- (a) Approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- (b) The non-compliance will not have any adverse affect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and
- (c) The spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.

5.3 RESIDENTIAL DEVELOPMENT : RESIDENTIAL PLANNING CODES

5.3.1 For the purpose of the Scheme 'Residential Planning Codes' means the residential planning codes adopted as a policy by the Board on 26 July, 1982 together with all amendments or additions thereto or any code, by-laws or regulations replacing them and applying or being applicable within the district.

5.3.2 A copy of the residential planning codes shall be kept and made available for public inspection at the offices of the Council.

5.3.3 In the event of there being any inconsistency between the residential planning codes identified by clauses 5.3.1 and 5.3.2, the provisions in the document identified in clause 5.3.1 shall prevail.

5.3.4 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the residential planning codes shall conform to the provisions of those codes and the schedules to those codes.

5.4 RESIDENTIAL PLANNING CODES : VARIATIONS AND EXCLUSIONS

The following variation to the residential planning codes shall apply:

- (a) To R10, R12.5 and R15 coded areas not more than a single family detached dwelling is permitted on any one lot.
- (b) For R10, R12.5 and R15 coded areas no site shall be developed or building constructed to exceed 2 storeys excluding any basement storey and 10m* in height measured to the highest portion of the roof of the development from mean natural ground level or other level determined by Council. (*Approval Gazetted 7/5/93)

Furthermore, unless expressly approved by Council the ground level of any portion of any lot shall not be raised by an amount greater than 1.0m above natural ground level or other level determined by Council whether by means of retaining wall or by other method. (Approval Gazetted 22/9/89)

5.5 COMMERCIAL

The following provisions shall apply to land in this zone:

- (a) maximum plot ratio 1.0;
- (b) minimum set back from adjoining land within a residential zone 3m;
- (c) for lots fronting Stirling Highway, the minimum set back from the Highway adjacent shall be 3m and shall be landscaped to the satisfaction of Council.

5.6 CAR PARKING

The following provisions shall apply to land in this zone:

- (a) maximum height above existing ground level at the boundary 3m;
- (b) minimum set back from adjoining land within a residential zone 6m.

5.7 PRIVATE CLUBS AND INSTITUTIONS

The following provisions shall apply to land in this zone:

- (a) maximum plot ratio 0.7;
- (b) minimum set back from adjoining land within a residential zone 6m.

- (c) in the Private Clubs and Institutions Zone no parcel of land shall be used for the purpose of a school unless it has an area of 4,000m² per hundred pupils with a minimum area of 8,000m².

5.8 CAR PARKING PROVISIONS

5.8.1 A person shall not erect or use a building unless paved parking spaces or garages with all necessary accessways are provided on the lot on which the building is erected at least to the extent specified in the table below and in compliance with the requirements of this Part.

<u>Use</u>	<u>Number of Parking Spaces</u>
Single House)	As provided in the Residential Planning Code
Attached House)	
Grouped Dwelling)	
Multiple Dwelling)	
Shops	8 car spaces to each 100m ² of gross leasable floor area or part thereof.
Restaurants, Cafes, Winehouses and Reception Centres	1 to every four seats available for the public.
Offices	1 to each 25m ² of gross floor area or part thereof.
Places of Public Assembly, Public Amusement and Public Worship	1 to every six seats available for the public.
Education Establishments	1 to each teaching and administration staff member, and canteen helper, plus 1 to every 25 students the school is designed to accommodate for the final 2 years of education.
Showrooms	1 to each 100m ² of gross floor area or part thereof or 1 to every 2 employees whichever is the greater.
Private Clubs	1 to each 2m ² of bar and lounge floor area.
Any other use	The number specified in and conditions of approval imposed by the Council.

5.8.2 No car parking bay and accessway shall be less than the dimensions shown in Schedule No. 6.

5.8.3 Car Parking Conditions

When considering an application for planning consent the Council shall have regard to and may impose conditions relating to the location and design of car parking spaces and loading facilities.

The Council shall take into account and may impose conditions in respect of:

- (a) the proportion of spaces to roofed or covered (if any);
- (b) the proportion of spaces to be below natural ground (if any);
- (c) the means of access to each space and the adequacy of any manoeuvring area;
- (d) the location of the spaces on the site and their effect on the amenity of adjoining areas including the potential effect if spaces should later be roofed or covered;
- (e) the adequacy of proposed screening or planting;
- (f) the extent to which spaces are located within required areas;
- (g) the location of proposed footpaths, the vehicular access points in relation to and the effect on traffic and safety;
- (h) that each parking space be clearly marked in accordance with the plans and specifications approved by the Council;
- (i) that parking area be landscaped.

5.8.4 In the case of development other than a single dwelling house, car parking shall be designed so as not to require vehicles to reverse into a public street.

5.8.5 Vehicular Access

A person shall not use any land for the purpose of a car park, or for the parking of vehicles (including motor cycles), a loading bay or service ways unless the land and all accessways thereto have been paved, drained, landscaped, marked out, sign posted and illuminated to specifications approved by the Council.

5.9 MISCELLANEOUS PROVISIONS

5.9.1 All buildings shall be set back from lot boundaries, including the street alignment, and from each other so as to:

- (a) preserve the amenity of the area; and
- (b) maintain adequate standards of privacy, daylighting, sunshine and safety on the site and in relation to the adjoining lot or lots.

5.9.2 For the purposes of clause 5.9.1 the setting back of building in accordance with the foregoing provisions of Part V of this Scheme Text shall be deemed to provide adequate privacy and daylighting

on the site of the development, but in determining an application for approval to commence development the Council may vary these requirements after taking into consideration the following matters:

- (a) any unusual conditions including any relationship of the shape of the lot to the size and shape of any adjoining lot or lots or right-of-ways;
- (b) the desirability of protecting the amenity of adjoining lots, having regard to the development, zoning and use of such lots;
- (c) any additional provisions as set out in the Residential Planning Codes;
- (d) the relative ground levels of the lot and adjoining lots providing that where any doubt exists as to the natural or existing ground levels, this shall be determined by the Council; and
- (e) where adequate standards of daylighting, sunshine, privacy and amenity may be satisfied by a lesser or greater setback.

5.9.3 Notwithstanding the specific provisions of this Scheme Text in considering a proposed development the Council may have regard to and may impose conditions relating to the following:

- (a) the need for limitation of height and location of buildings to preserve or enhance views;
- (b) the need for preservation of existing trees or areas or buildings of architectural or historical interest;
- (c) the choice of building materials and finishes where these relate to the preservation of local character and the amenity of the area generally;
- (d) the dispersal of building bulk into two or more separate buildings on a lot in order to minimise the effect of building bulk;
- (e) an increase in building setbacks where the adjoining land is controlled under a different zoning or residential code in order to ensure adequate protection for adjoining residents; and
- (f) the location and orientation of a building or buildings on a lot in order to achieve higher standards of daylighting, sunshine or privacy or to avoid visual monotony in the street scene as a whole.

5.9.4 Battleaxe lot subdivisions shall not be permitted within the Residential Zone in the Scheme Area.

5.9.5 For R10, R12.5 and R15 Coded areas the maximum plot ratio for any residential development shall be 0.5 unless otherwise determined by Council. (Approval Gazetted 22/9/89)

5.10 POLICY ON RIGHT-OF-WAYS

The development of the right-of-ways within the Scheme Area shall be in accordance with the document entitled "Policy on Right-of-Ways" attached to this Scheme Text. Council may vary from time to time the provisions contained in the policy document.

In determining set backs from boundaries adjoining right-of-ways, Council shall take into account its "Policy on Right-of-Ways" document. When Council considers that the right-of-way will or may be dedicated as a street then the set back shall apply from the future street boundary as if the dedication has occurred.

PART VI—PLANNING CONSENT

6.1 APPLICATION FOR PLANNING CONSENT

6.1.1 Every application for planning consent shall be made in the form prescribed in Schedule 2 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.

6.1.2 Unless Council waives any particular requirement every application for planning consent shall be accompanied by:

- (a) A plan or plans to a scale of not less than 1:500 showing:
 - (i) Street names, lot number(s), north point and the dimensions of the site;
 - (ii) The location and proposed use of any existing building to be retained and the location and use of buildings proposed to be erected on the site;
 - (iii) The existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (iv) The location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (v) The location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (vi) The location, dimensions and design of any landscaped, open storage or trade display area and particulars of the manner in which it is proposed to develop same;
 - (vii) The existing and proposed site levels.
- (b) Plans, elevations and sections at a scale of 1:100 of any building proposed to be erected or altered and of any building it is intended to retain.
- (c) Any other plan or information such as position and height of buildings on adjoining lots, existing trees and structures of historical interest that the Council may reasonably require to enable the application to be determined.

6.2 ADVERTISING OF APPLICATIONS

6.2.1 Where an application is made for planning consent which involves an 'SA' use the Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of this clause.

6.2.2 Where an application is made for planning consent which involves an 'AA' use, or for any other development which requires the planning consent of the Council, the Council may give notice of the application in accordance with the provisions of this clause.

6.2.3 Where the Council is required or decides to give notice of an application for planning consent the Council shall cause one or more of the following to be carried out:

- (a) Notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning consent stating that submissions may be made to the Council within twenty-one days of the service of such notices;
- (b) Notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
- (c) A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph b) of this clause.

6.2.4 The notice referred to in clause 6.2.3 a) and b) shall be in the form contained in Schedule 4 with such modifications as circumstances require.

6.2.5 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.

6.3 DETERMINATION OF APPLICATIONS

6.3.1 In determining the application for planning consent Council may consult with any authority which, in the circumstances, it thinks appropriate.

6.3.2 The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any application for planning consent or may grant its approval unconditionally or subject to conditions as it thinks fit.

6.3.3 The Council shall issue its decisions in respect of any application for planning consent in the form prescribed in Schedule 3 of the Scheme.

6.3.4 Where the Council approves an application for planning consent under this Scheme the Council may limit the time for which that consent remains valid.

6.4 DEEMED REFUSAL

6.4.1 Where the Council has not within sixty days of the receipt by it of an application for planning consent either conveyed its decision to the applicant or given notice of the application in accordance with clause 6.2 the application may be deemed to have been refused.

6.4.2 Where the Council has given notice of an application for planning consent in accordance with clause 6.2 and where the Council has not within ninety days of receipt by it of the application conveyed its decision to the applicant, the application may be deemed to have been refused.

6.4.3 Notwithstanding that an application for planning consent may be deemed to have been refused under clauses 6.4.1 or 6.4.2 the Council may issue a decision in respect of the application at any time after the expiry of the sixty day or ninety day period specified in those clauses, as the case may be.

PART VII—ADMINISTRATION

7.1 POWERS OF THE SCHEME

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

- (a) The Council may enter into any agreement with any owner, occupier or other person having an interest in the land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.
- (b) The Council may acquire any land or buildings within the district pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with law and for such purpose may make such agreements with other owners as it considers fit.
- (c) An officer of the Council, authorised by the Council for the purpose, may at all reasonable times enter any buildings or land for the purpose of ascertaining whether the provisions of the Scheme are being served.

7.2 OFFENCES

7.2.1 A person shall not erect, alter or add to or commence to erect, alter or add to a building or use or change the use of any land, building or part of a building for any purpose:

- (a) otherwise than in accordance with the provisions of the Scheme;
- (b) unless all consents required by the Scheme have been granted and issued;
- (c) unless all conditions imposed upon the grant and issue of any consent required by the Scheme have been and continue to be complied with;
- (d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that land or building or that part have been and continue to be complied with.

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

7.3 NOTICES

7.3.1 Twenty-eight (28) days written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act.

7.3.2 The Council may recover the expenses under Section 10 (2) of the Act in a court of competent jurisdiction.

7.4 CLAIMS FOR COMPENSATION

Except where otherwise provided in the Scheme, the time limit for the making of claims for compensation pursuant to Section 11 (1) of the Act is six (6) months after the date of publication of the Scheme in the Government Gazette.

7.5 APPEALS

An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.

SCHEDULE 1

PLANNING SCHEME INTERPRETATIONS

“basement or basement storey” means any storey of a building of which 50% by Volume or more is below the natural ground level and is also under the ground storey. (Approval Gazetted 22/9/89)

“board” means the Town Planning Board constituted under the Act;

“building” means any structure or appurtenance thereto whether fixed or movable, temporary or permanent, placed or erected upon land, and the term shall include dwellings and buildings appurtenant to dwellings such as carports, garages, verandahs and outhouses, but shall exclude a boundary fence;

“building line” means the line between which and any public place or public reserve a building may not be erected except by or under the authority of any Act;

“care/restaurant” means land and buildings for sale of prepared food and drinks for consumption;

“caretaker’s dwelling” means a building used as a dwelling by the proprietor or manager of a business carried on upon the same site or by a person having the care of the building or plant of the business;

“car park” means a site or building used primarily for parking private cars or taxis whether as a public or private car park, but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings on or in which cars are displayed for sale;

“civic building” means a building designed, used or intended to be used by Government Departments, statutory bodies representing the Crown, or councils as offices or for administrative or other purposes;

“consulting rooms” means a building or part of a building (other than a hospital) used in the practice of his profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments;

“development” shall have the same meaning given to it in and for the purposes of the Act;

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

“dwelling” means a separate self contained place of residence containing at least one living room and includes rooms and outbuildings separate from such building but ancillary thereto;

“educational establishment” means a school, college, university, technical institute, academy or other educational centre, or a lecture hall, but does not include a reformatory institution or institutional home;

“existing use” means use of any land or building for the purpose for which it was lawfully used immediately prior to the gazettal date of the Scheme, in accordance with the conditions set out in Part IV of the Scheme Text;

“fish shop” means a shop where the goods kept exposed or offered for sale include wet fish or fish fried on the premises for consumption off the premises;

“floor area” shall have the same meaning as is given to it in and for the purposes of the Building Code of Australia;

“frontage” means the width of a lot at the average permissible front setback line, provided that in the case of battle-axe or other irregular shaped lots, it shall be as determined by the Council;

“gazettal date” means the date on which notice of the approval of the Minister to a planning scheme is published in the Government Gazette;

“health centre” means a maternal or X-ray centre, a district clinic, a masseur’s establishment, or a medical clinic;

“height” has the same meaning as is given to it in and for the purposes of the Residential Planning Codes;

“home occupation” means a business carried on with the permission of the responsible authority within a house or the curtilage of the house that;

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products;

- (b) does not entail the employment of any person not a member of the occupier's family, except in the case of a professional person;
 - (c) does not occupy an area greater than 20 square metres;
 - (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and
 - (e) is restricted in advertisement to a sign not exceeding 0.2 square metres in area;
- "kennel" means any land or building being used for the boarding, housing and or breeding of domestic animals for remuneration or offered for sale or purchase;
- "land" shall have the same meaning given to it in and for the purpose of the Act;
- "lot" has the meaning given to it in and for the purpose of the Act, and "allotment" has the same meaning;
- "new street alignment" See "street alignment";
- "newsagency" means a building or place operated by an accredited newsagent approved by the Newsagency Council of Western Australia; (Approval Gazetted 22/9/89)
- "non-conforming use" means the use of land which, though lawful immediately prior to the coming into operation of this Scheme is not in conformity with the Scheme;
- "office" means 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 or, where not conducted on the site thereof, the administration of or the accounting in connection with an industry;
- "open air display" means the use of land as a site for the display and/or sale of goods and equipment;
- "owner" in relation to any land includes the Crown and every person who, jointly or severally, whether at law or in equity:
- (a) is entitled to the land for any estate in fee simple in possession; or
 - (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or
 - (c) is a lessee or licensee from the Crown; or
 - (d) is entitled to receive or is in receipt of, or, if the lands were let to a tenant, would be entitled to receive, the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession or otherwise;
- "pharmacy" means a building or place operated by a pharmacist for the dispensing of therapeutic medicines, medications and other products; (Approval Gazetted 22/9/89)
- "plot ratio" means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries and in calculating the gross total of the areas of all floors the areas shall be measured over any walls but shall not include lift shafts, stairs or stair landings, machinery rooms, air conditioning, equipment rooms, non-habitable floor space in basements, areas used exclusively for the parking of wheeled vehicles at or below ground level, lobbies or amenities common to more than 1 dwelling or private open balconies of not more than 2.4m depth;
- "private recreation" means the use of land for parks, gardens, playgrounds, sports arenas or other grounds for recreation which are not normally open to the public without charge;
- "public amusement" means the use of land as a theatre, a cinema, a dance hall, a skating rink, swimming pool or gymnasium, or for games;
- "public assembly - place of" means any special place of assembly including grounds for athletics, all sports ground with spectator provision, racecourses, trotting tracks, stadia, or show grounds;
- "public authority" means a Minister of the Crown acting in his official capacity, a State Government Department, State trading concern, State instrumentality, State public utility and any other person or body, whether corporate or not, who or which, under the authority of any Act, administers or carried on for the benefit of the State, a social service or public utility;
- "public recreation" means the use of land for a public park, public gardens, foreshore reserve, playground or grounds for recreation which are normally open to the public without charge;
- "public utility" means any works or undertaking constructed or maintained by a public authority or municipality as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services;
- "public worship - place of" includes buildings used primarily for the religious activities of a church, but does not include an institution for primary, secondary or higher education or a residential training institution;
- "redevelopment" means revision or replacement of an existing land use according to a controlled plan;
- "residential building" means a building, other than a dwelling house, designed for use for human habitation together with such outbuildings as are ordinarily used therewith, and the expression includes a hostel, an hotel designed primarily for residential purposes and a residential club;
- "restricted premises" means any premises, part or parts thereof, used or designed to be used primarily for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of:
- (a) publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902 (as amended); or

(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; (Approval Gazetted 22/9/89)

“service industry” means a light industry carried out on land and in buildings having a retail shop front and in which goods may be manufactured only for sale on the premises, or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced;

“stable” means any structure where horses, asses or mules are housed, kept or fed;

“street alignment” means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed, means the new street alignment so prescribed;

“warehouse” means any building or enclosed land, or part of a building or enclosed land, used for storage of goods and the carrying out of commercial transactions involving the sale of such goods by wholesale;

“zone” means a portion of the Scheme area shown on the map by distinctive colouring, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of building or for the use of land, but does not include land reserved.

SCHEDULE 2

Shire of Peppermint Grove

Town Planning Scheme No. 3.

APPLICATION FOR PLANNING CONSENT

OWNER OF LAND : Surname _____ Given Names _____
: Address _____

APPLICANT : Name/Company _____
: Address _____
(For Correspondence) _____

_____ Post Code _____
Telephone No. _____ Person to Contact _____

SITE DESCRIPTION : Lot No.____ Street No. ____ Street _____
Location No.____ Plan/Diag____ Vol____ Fol _____

DEVELOPMENT : Description of proposed development, including proposed use _____

Approximate Cost (Excl. Land) _____
Estimated time of completion _____

SIGNED BY THE OWNER: _____

DATE: _____

- NOTE:
1. This form is not to be used for applications to the Metropolitan Region Planning Authority (M.R.P.A.).
 2. Three copies of site plans, floor plans and elevations are to be submitted with this application.
 3. A separate application is required for a building licence (where applicable).

OFFICE USE ONLY: _____ Rec. No. _____

Form 1 to MRPA - Yes No Date sent _____

Refer - TBB Council Other _____

Comments _____

SCHEDULE 3

Shire of Peppermint Grove

Town Planning Scheme No. 3

PLANNING CONSENT/REFUSAL OF PLANNING CONSENT

OWNER OF LAND : Surname _____ Given Names _____
 APPLICANT : Name/Company _____
 : Address _____
 _____ Post Code _____
 LOCATION : Lot No. _____ Street No. _____ Street _____
 DEVELOPMENT : Description of Proposed Development _____

PLANNING CONSENT IN ACCORDANCE WITH THE APPLICATION DATED _____ IS
 SUBJECT TO THE SCHEDULE OF CONDITIONS SPECIFIED HEREUNDER:

This approval is valid for a period of twelve months only. If development is not completed within this period, a fresh approval must be obtained before commencing or continuing development.

Except where the land the subject of this approval is the subject of a notice under Clause 32 of the Metropolitan Region Scheme or is reserved by that Scheme, this approval shall be deemed to be an approval under the Metropolitan Region Scheme.

Should the applicant be aggrieved by this decision, a right of appeal may exist pursuant to the provisions of Clause 33 of the Metropolitan Region Scheme or Clause 7.5 of the Shire of Peppermint Grove Town Planning Scheme No. 3 as the case may be. Such an appeal shall be made in accordance with Part V of the Town Planning and Development Act 1928 (as amended).

SCHEDULE OF CONDITIONS

NOTE: THIS IS NOT A BUILDING LICENCE

Signed _____ Date _____
 SHIRE CLERK

SCHEDULE 4

Shire of Peppermint Grove

Town Planning Scheme No. 3

NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL

It is hereby notified for public information and comment that the Council has received an application to develop land for the purpose described hereunder.

Land Description : Lot No. _____ House No. _____
 Street _____
 Proposal _____

Details of the proposal are available for inspection at the Council Office. Comments on the proposal may be submitted to Council in writing on or before

 Shire Clerk

 Date

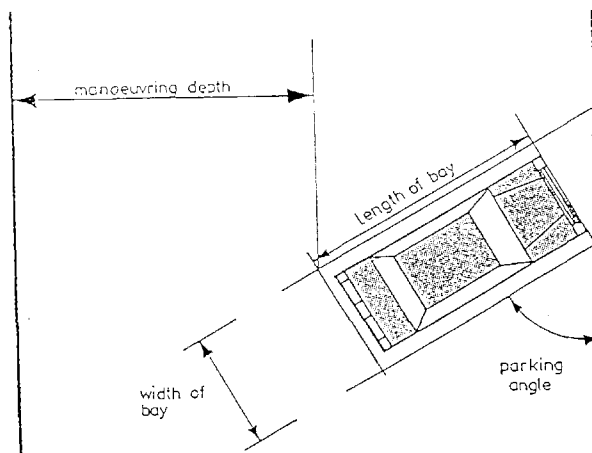
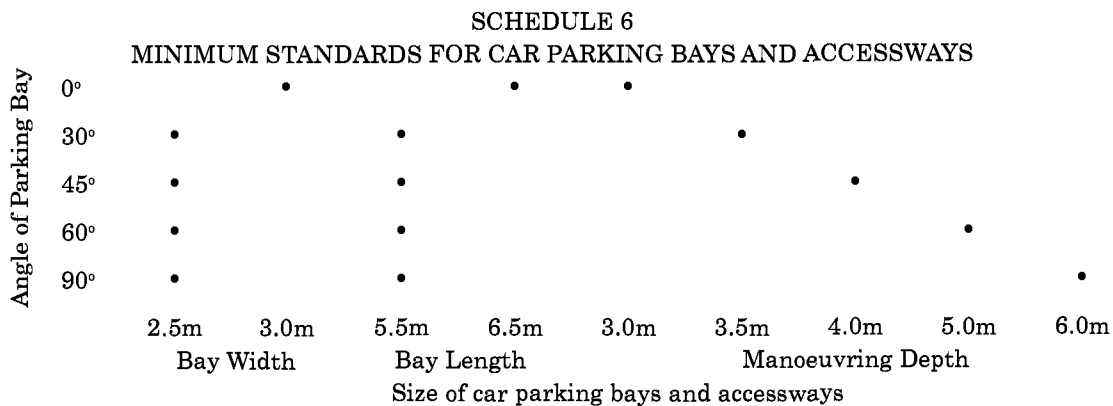
SCHEDULE 5

SCHEDULE OF NON CONFORMING USES

The existing uses of the following properties do not conform to the uses permitted in the Scheme.

Description of Property	Zone	Existing Use
1. Loc. 84 Sec VIII Pt. Lot 5 490 Stirling Highway	Commercial	Dry Cleaning
2. Loc. 84 Sec V, Pt. Lot 1 502 Stirling Highway	Residential	Liquor Store
3. Loc. 84 Sec V, Lot 4 512 Stirling Highway	Residential	Showroom-Office

Description of Property	Zone	Existing Use
4. Loc. 84 Sec V, Lot 102 514 Stirling Highway	Residential	Offices and Health Centre
5. Railway Reserve 611 Stirling Highway	Railway Reserve	Car Yard
6. Railway Reserve 607 Stirling Highway	Railway Reserve	Take-away food stand



Car Parking Bay Calculation Diagram

SCHEDULE 7
RESTRICTED USES

Lot No.	Street	Zone	Restricted Use Permitted
Lot 24, Pt 3 & 4	Hurstford Close	R40	Development of the land is restricted to four (4) single storey residential units and to be restricted in occupation to persons who have attained the qualifying age for a Commonwealth Aged Pension except where the occupants are married or live in a defacto relationship in which case one of those occupants shall initially be required to qualify for the Commonwealth Aged Pension. (Approval Gazetted 18/9/87)
330	Stirling Highway	Commercial	Permitted uses are restricted to consulting rooms and offices. (Approval Gazetted 6/7/90)

Lot No.	Street	Zone	Restricted Use Permitted
11 and 12	Johnston	Commercial	Development of the land is restricted to six (6) dwellings in accordance with drawings approved subject to conditions imposed by Council. (Approval Gazetted 28/5/93)

Adopted by Resolution of the Council of the Shire of Peppermint Grove at the ordinary meeting of the Council held on the 21st day of August 1995.

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

Adopted for final approval by resolution of the Council of the Shire of Peppermint Grove at the Ordinary Meeting of the Council held on the 19th day of February 1996 and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

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

This Scheme text is to be read in conjunction with the approved map of the Scheme described in clause 1.4 and to which formal approval was given by the Minister for Planning on the 11th day of July, 1996. Recommended/Submitted for final approval

NEIL FOLEY, for Chairman, Western Australian Planning Commission.

Date 4 July 1996.

Final approval granted

RICHARD LEWIS, Hon. Minister for Planning.

Date 11 July 1996.

POLICY ON RIGHT-OF-WAYS

1. BACKGROUND

1.1 The right-of-ways in the Scheme Area were created when the land was initially subdivided in the 1880's. As elsewhere in the older urban areas of Perth their main purpose was to provide access for the collection of garbage and for sanitary disposal.

1.2 The introduction of deep sewerage to the area and more sophisticated methods of garbage disposal had made right-of-ways redundant.

1.3 Their use, since these changes have occurred, have been primarily pedestrian ways and vehicle accessways.

1.4 The pressure to subdivide the large lots in the Scheme Area became apparent in the late 1960's.

1.5 The value of land during the boom years of the 1960's escalated so much that for many people in the Shire it became uneconomic to hold the surplus land as an unproductive adjunct to the single family dwelling.

1.6 This was especially the case with older residents who could not maintain large areas of land and their houses.

1.7 Pressure on Council to allow subdivision of large lots into battleaxe lots became very strong and this together with the Town Planning Board's policy on battleaxe subdivision adopted on 18 April 1967 was the starting point of land fragmentation in the Shire.

1.8 Since 1967, 62 battleaxe lots have been created and numerous other large properties have been subdivided into smaller lots.

1.9 Many original lots in the Shire were large and hence were able to be subdivided in conformance with the Town Planning Board's policy. As more battleaxe lots were created the little used right-of-ways became an integral part of the new subdivisional system.

2. TOWN PLANNING BOARD POLICY ON BATTLEAXE LOTS

2.1 The Town Planning Board on 18 April 1967 adopted a policy for battleaxe subdivision. See attachment 1.

2.2 The Council expanded the above conditions of the Board's policy to include the surrender of land at rear of right-of-ways as a condition of subdivision.

2.3 The Town Planning Board imposed the Council's recommended condition on subdivision applications which read as follows:

".... where subdivision of land abuts on a right-of-way, it shall be a condition of agreement to the subdivision that the subdivider surrenders a strip of land 14 feet (4.27m) in width along the boundary or boundaries abutting the right-of-way to be vested in the Crown for future road purposes."

2.4 As a result of the approval of battleaxe subdivisions and the above condition, problems with right-of-ways in the Scheme Area became apparent over the 16 years following implementation of the policy.

3. THE PROBLEM

3.1 The Town Planning Board approved the battleaxe subdivisions on the understanding that the Council intended to widen the existing right-of-ways and create future streets. Refer items 2.1 and 2.3 above.

3.2 The purchasers of the battleaxe lots bought on the clear understanding of a stated intent by Council that future streets to the rear would be created. They were aware of the excision of land at the time of subdivision was made to provide for the future streets.

3.3 The existing right-of-ways are a problem in the following ways.

- (a) they are unsurfaced and vehicles passing over the unpaved surface is creating a dust problem in the drier months;
- (b) rubbish is often deposited causing a health and fire hazard;
- (c) drainage problems exist in many areas especially in right-of-ways that are on a slope causing soil erosion;
- (d) a security problem exists as the areas are secluded and unlit; security is likely to become an increasing problem in the future;
- (e) the unkempt and unsightly appearance detracts from the otherwise high quality of environment.

3.4 The creation of battle-axe lots has caused a deterioration in the quality of the street environment and a diminution of amenity for the street front properties by:

- (a) creation of more crossovers and consequent reduction of verge parking available;
- (b) directing traffic past street front houses to the houses behind;
- (c) increasing the number of cars parking on the road;

3.5 In order to create future streets as originally intended when battleaxe subdivisions were approved the following design problems exist which are not easily resolved

- (a) the north south right-of-ways are 3.5m wide and will require services to be laid under the pavement;
- (b) the east west right-of-ways are not 12m wide continuously due to subdivision taking place irregularly. As a consequence, there may be difficulties in achieving continuity of verge for provision of services in the standard manner;
- (c) approval for an underwidth street must be obtained from the Minister for Local Government.

4. POLICY STATEMENT

4.1 Objective

The general objective is to overcome the problem as set out in item 3 above.

4.2 Detailed action statements.

4.2.1 Council intends to achieve development of the right-of-ways including the adjoining excised portions of land to incorporate the following:

- (a) a pavement suitable for vehicles, pedestrians and bicycles;
- (b) parking;
- (c) landscaping;
- (d) areas suitable for children to play;
- (e) services including lighting.

4.2.2 The development is intended to:

- (a) provide a streetscape of different character to that already existing;
- (b) provide an added facility;
- (c) enhance the quality of the locality.

4.2.3 The development should be designed by competent professional consultants and should take into account practical and aesthetic considerations.

4.2.4 In doing the detailed design it may be found that it is desirable for the rear portions of one or more lots to be excised. It is intended that agreement for such excision be obtained from the owners. The advantage offered to those owners is the ability for them to be able to subdivide in the future.

4.2.5 The creation of further battleaxe subdivisions is contrary to the objectives of Council and are therefore not permitted in the Scheme.

4.2.6 At the time of application for subdivision of lots abutting all right-of-ways, Council will request that a strip of land 4.27m wide along the right-of-way be surrendered by the subdivider for the purposes of a future street. In addition where lots are at the intersection of a right-of-way or at the intersection of a right-of-way and a street, a truncation will be required.

Where lots adjoin two right-of-ways, Council may vary the 4.27m excision requirement to one of the two frontages.

4.2.7 Generally lots whose rear boundaries adjoin north south right-of-ways are of such size that subdivision may not be possible even if the right-of-way is dedicated as a street.

It is therefore intended that when dedicated they will become a one way access road connecting to the two way access roads running east and west.

In the event that subdivision into a north south street is possible the same conditions of excision as for the east west right-of-ways shall apply.

The 4.27m excision will provide the extra width to the street necessary to provide adequate access to the newly created lot, street parking and visual relief to the narrow street.

4.3 When right-of-ways currently having access onto Stirling Highway are developed as a street they shall be so designed as to have no direct access onto the Highway.

5. PROCEDURE FOR IMPLEMENTING DEVELOPMENT OF RIGHT-OF-WAYS

5.1 The Council will decide to initiate development of right-of-ways within one superblock. This may be entirely upon its own initiative or upon representation from an owner or owners within a superblock.

5.2 The Council will have complete control in developing the right-of-ways in a systematic and orderly manner to create the type of environment it wishes to achieve for the locality.

5.3 Preparation of detailed design for the right-of-ways may be arranged by Council.

5.4 Council may enter into agreement with affected land owners to comply with conditions imposed by Council in developing the right-of-ways.

5.5 Council may enter into agreements with affected landowners in regard to financial contribution for the preparation of design and for work associated with development of right-of-ways.

5.6 Upon completion of detailed plan and execution of agreements, Council will apply to the Minister for Local Government for the affected right-of-ways and adjoining excised portions of land to be declared as an underwidth street.

ATTACHMENT 1

TOWN PLANNING BOARD POLICY STATEMENT

The following policy statement was adopted at a meeting of the Town Planning Board on 18 April 1967.

"The Board resolved to adopt a Departmental minute dated 11th April 1967, and set out hereunder, as the general basis of policy in dealing with "Battleaxe" lots.

1. The conditions in which blocks for "battleaxe" subdivision arise are generally : where the original subdivision produced residential lots having areas in the range of half an acre and depths in excess of 2-1/2 chains, and where the value of land has risen to a level at which it is uneconomic to hold the surplus land as an unproductive adjunct to a single family dwelling.

In these conditions the investment in dwelling houses is generally high and the environment often select, so that flat development, which could possibly obviate the demand for resubdivision, is not desirable. In other areas, where the original subdivision produced the odd over-large block of awkward proportions, applications for "battleaxe" subdivision may be received infrequently. In such cases the position is much clearer, so long as the quality of the environment is protected, subdivision should be approved.

2. If the Board is to approve "battleaxe" subdivision more often in the future than it has done in the past, then approval will only be granted where post-subdivision development will not depreciate the value of adjoining land, nor reduce the residential amenities of a locality through the diminution of privacy or reduction of environment quality. "Battleaxe" subdivision should not be approved where there is some real prospect of comprehensive redevelopment occurring or where there is some possibility of a subdivision producing several lots by way of an underwidth road.

3. There are circumstances where, in the subdivision of land not previously used for residential purposes, "battleaxe" blocks could be created on subdivision with advantage to the residential quality of an area and to the economics of development. In such circumstances, which would generally occur in hilly localities, the Board could look with favour on applications to subdivide land which produced a limited number of "battleaxe" blocks.

4. These conditions govern the consideration by the Board of applications for rear lot subdivision. Standards have been prepared which might vary from locality to locality and which would consist of:

- (a) Minimum lot area (exclusive of access leg) 32 perches.
- (b) Minimum width of access leg 12 feet.
- (c) In cases where more than one block is applied for, the maximum number of blocks which would be permitted to have legal access over the right-of-way and the minimum right-of-way width could be permitted: 2 blocks and 16'6" respectively.

5. In the few cases where this form of subdivision has been permitted the Uniform Building By-Laws seem to have been adequate : there is probably no need, if the Board is to approve "battleaxe" subdivision more frequently, to amend the By-Laws to ensure that dwellings are not erected hardup on the rear boundaries of adjoining property.

POLICE

PE501

POLICE ACT 1892

POLICE AUCTION

Under the provisions of the Police Act 1892, unclaimed found and stolen property will be sold by public auction at Ross's Auctions, 241 Railway Parade, Maylands on Saturday August 17, 1996 at 9.00 am.

Auction to be conducted by Mr Frank Lee.

R. FALCONER, Commissioner of Police.

PE502**POLICE ACT 1892
POLICE AUCTION**

Under the provisions of the Police Act 1892, unclaimed stolen bicycles will be sold by public auction at Ross's Auctions, 241 Railway Parade, Maylands on Saturday August 24, 1996 at 9.00 am.

Auction to be conducted by Mr Frank Lee.

R. FALCONER, Commissioner of Police.

PREMIER AND CABINET**PR401****APPOINTMENT OF DEPUTY OF THE GOVERNOR**

It is hereby notified for public information that His Excellency the Governor, under clause XVI of the Letters Patent relating to the Office of Governor of the State of Western Australia dated 14 February 1986, has appointed the Lieutenant-Governor, the Honourable David Kingsley Malcolm AC, to be the deputy of the Governor and in that capacity to perform and exercise all the powers and functions of the Governor for the following periods (all dates inclusive)—

31 July to 5 August 1996; and

17 August to 21 August 1996.

M. C. WAUCHOPE, Chief Executive.

PR402**MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that His Excellency the Governor in accordance with Section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon G. D. Kierath, MLA in the period 29 July to 2 August 1996 inclusive—

Minister for Labour Relations; Housing; Lands—Hon P. D. OMODEI, MLA.

M. C. WAUCHOPE, Chief Executive.

PR403**MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that His Excellency the Governor in accordance with Section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon K. R. Lewis, MLA in the period 5 to 9 August 1996 inclusive—

Minister for Planning; Heritage—Hon P. D. OMODEI, MLA.

M. C. WAUCHOPE, Chief Executive.

PR404**MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that His Excellency the Governor in accordance with Section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon P. D. Omodei, MLA in the period 20 September to 2 October 1996 inclusive—

Minister for Local Government; Multicultural and Ethnic Affairs—Hon A. K. R. Prince, MLA.

M. C. WAUCHOPE, Chief Executive.

RACING, GAMING AND LIQUOR

RA401

LIQUOR LICENSING ACT 1988

SUMMARY OF LIQUOR LICENSING APPLICATIONS

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

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR TRANSFER OF LICENCE			
1408/95	Zone View Pty Ltd	Application for the transfer of a Hotel Licence in respect of premises situated in Roebourne and known as Victoria Hotel, from William Colthart & James Brenton.	11/8/96
1409/95	Golden Outback Pty Ltd	Application for the transfer of a Hotel Licence in respect of premises situated via Norseman and known as Madura Hotel, from Highway Shells Motel Pty Ltd.	12/8/96
APPLICATIONS FOR THE GRANT OF A LICENCE			
869/95	Rasiplu Pty Ltd	Application for the grant of a Restaurant Licence in respect of premises situated in Sorrento and known as The Plum Restaurant.	28/8/96
870/95	Snag Island Nominees Pty Ltd	Application for the grant of a Restaurant Licence in respect of premises situated in Leeman and known as Leeman Restaurant.	22/8/96
871/95	Julie Margaret Harris and Donna Marie Thackwell	Application for the grant of a Restaurant Licence in respect of premises situated in West Perth and known as Mango Bluez.	19/8/96
873/95	Benjamin & Co Pty Ltd	Application for the grant of a Wholesale Licence in respect of premises situated in Malaga and known as Benjamin & Co Pty Ltd.	25/8/96

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

G. B. AVES, Director of Liquor Licensing.

STATE REVENUE

SX401

LAND TAX ASSESSMENT ACT 1976

Notice Pursuant to Section 50

To: Marcelle Joy Bertoli of 57 Forrest Avenue, East Perth in the State of Western Australia, being the owner of all that land contained in Certificate of Title Volume 1167 Folio 841 being portion of Canning Location 5 and being Lot 713 on Plan 3736 and all that land contained in Certificate of Title Volume 956 Folio 48 being portion of Perth Town Lot E36 and being Lot 6 on Diagram 7509.

Take notice: the amount of Land Tax due and owing by you as owner of the abovementioned land is as follows—

1.	1982/1983	Assessment	\$300.00
2.	1983/1984	Assessment	\$355.75
3.	1984/1985	Assessment	\$476.61
4.	1985/1986	Assessment	\$520.81
5.	1986/1987	Assessment	\$637.69
6.	1987/1988	Assessment	\$622.97
7.	1988/1989	Assessment	\$712.23
8.	1989/1990	Assessment	\$763.34
9.	1990/1991	Assessment	\$848.36
10.	1991/1992	Assessment	\$943.84
11.	1992/1993	Assessment	\$943.85
12.	1993/1994	Assessment	\$730.00
TOTAL			\$7 855.45

If the amount of \$7 855.45, being the amount of land tax due and owing for a period of 2 years, is not paid within 1 year from the date of the first publication of this Notice, the Commissioner of State Taxation intends to apply to the Supreme Court for an order for the sale of the abovementioned land. Upon the sale of the abovementioned land, the Commissioner of State Taxation shall be entitled to apply the proceeds to payment of all land tax due and owing up to the time of sale and all costs of and attending to the Application, and of attending the sale of the land.

A. BRYANT, Commissioner of State Taxation.

TENDERS

ZT201

MAIN ROADS WESTERN AUSTRALIA

Tenders

Advertised from 24/7/96 to 30/7/96

Tenders are invited for the following projects.

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

Tender No.	Description	Closing Date
		1996
723/95	Provision of design and documentation services, Sandstone Leinster Project	20 August
135/96	HR Consultancy to develop, market, implement, and review a mentoring program with Main Roads	16 August
96D6	Purchase and removal of 3m 2800 camera with consumables	8 August

ZT202

Acceptance of Tenders

Contracts awarded from 24/7/96 to 30/7/96

Contract No.	Description	Successful Tenderer	Amount
			\$
616/95	Load and cart Gravel to the Chapman River Bridge Realignment, North West Coastal Highway, Mid West Region.	Patience Bulk Haulage	\$125 400.00
709/95	Supply and erect Stock Fencing, Great Eastern Highway, Kellerberrin to Baandee, Wheatbelt North Region.	Jay-En Contracting	\$70 449.28
23/96	Supply and Spray Bitumen, Derby-Gibb River Road, West Kimberley Region.	Boral Asphalt	\$71 625.00
25/96	Provision of Cleaning Services of offices and depot buildings, Construction and Maintenance Branch, Planet St, Carlisle.	Dominant Property Services	\$6 623.00
96D4	Purchase and removal of one (1) only 1988 Mitsubishi Crew Cab Truck, Model FK415W16, Air con, MRWA A024, 338 756 kms.	R Masiello	\$12 576.00

D. R. WARNER, Director Corporate Services.

DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES

Tenders Invited

Tender forms and full particulars of the Schedule hereunder may be obtained on application at the Tenders Office, 6th Floor, 2 Havelock Street, West Perth, WA 6005, or by contacting 222 5498, Fax Nos. 222 5152 or 222 5150. Internet Address <http://www.wa.gov.au/contracts/>

Date of Advertising	Schedule No.	Description	Date of Closing
1996			1996
		<i>Supply and Delivery</i>	
June 28	496A1996	Supply, Implementation, Support and Maintenance of a Records Management System for the Western Australian Building Management Authority	August 8
August 3	024A1996	Supply of Dairy Products (Including Ice-Cream) to Various Government Departments	August 22
August 3	029A1996	Supply of Bread to Various Government Departments	August 22
August 3	510A1996	Supply of One Wheel Loader Vehicle for the Department of Conservation and Land Management	August 22
		<i>Request for Proposal</i>	
July 23	RFP45/96	Development of Regional Domestic Violence Plans for Women's Policy Development Office	August 9
July 23	RFP44/96	Provision of Evaluation Services to Determine Healthway's Effectiveness and Provide Advice on Healthway Projects	August 15
		A Briefing Session will be held in the Conference Room, 46 Parliament Place at 10.00am on 30th July, 1996.	
		Please Ring Ms Shirley Frizzell on 321 4355 Before Close of Business on the 29th July, 1996.	
		<i>Provision of Service</i>	
July 23	503A1996	Provision of a Property Management Service for the Topical Aquaculture Park in Broome (W.A.) for the Fisheries Department of Western Australia	August 8
August 3	508A1996	Provision of the 1996 Western Australian Tafe Graduate Satisfaction and Destination Survey on behalf of the Western Australian Department of Training	August 8
August 3	509A1996	Provision of a Survey, on behalf of the Western Australian Department of Training, to Determine Employer Satisfaction with the Vocational Education and Training System	August 8
July 26	516A1996	Provision of Service to Prepare the Goldfields Esperance Regional Development Strategy Infrastructure Sub Study for the Western Australian Planning Commission	August 13
July 26	265A1996	Provision of Cleaning Services for the Tourist Accommodation on Rottnest Island for the Rottnest Island Board	August 15
		Mandatory Site Inspection to be held on Rottnest Island on Wednesday August 7, 1996 at 9.00am	
July 26	336A1996	Provision of Cleaning Services for the General Facilities on Rottnest Island for the Rottnest Island Board	August 15
		Mandatory Site Inspection to be held on Rottnest Island on Wednesday August 7, 1996 at 1.30pm	
July 26	337A1996	Provision of Fire Services for the Perth Concert Hall for the Perth Theatre Trust	August 15
		Mandatory Site Inspection to be held at the Perth Concert Hall on Monday August 5, 1996 at 9.00am	
July 26	338A1996	Provision of Cleaning Services for the Perth Concert Hall for the Perth Theatre Trust	August 15
		Mandatory Site Inspection to be held at the Perth Concert Hall on Tuesday August 6, 1996 at 10.30am	
July 26	339A1996	Provision of Window Cleaning for the Perth Concert Hall for the Perth Theatre Trust	August 15
		Mandatory Site Inspection to be held at the Perth Concert Hall on Tuesday August 6, 1996 at 9.00am	

Tenders Invited—continued

Date of Advertising	Schedule No.	Description	Date of Closing
1996		<i>Provision of Service—continued</i>	1996
July 23	505A1996	Supply of Services to Develop a Set of Assessments for the Hairdressing Industry Standards at ASF Levels 1-3 Suitable for on and off-the-job Assessments	August 15
July 23	506A1996	Supply of Services to Develop Flexible Learning Resources (Self Study Learning Guide) to Support National Clerical/Administrative Competency Based Curriculum	August 15
July 23	507A1996	Supply of Services to Develop Flexible Learning Resources (Action Packs) to Support National Clerical/Administrative Competency Based Curriculum	August 15
July 26	511A1996	Provision of Services to Develop an Employer's Handbook, Student Guide and Logbook to Support National Transition Program Vocational Placement Infrastructure on behalf of the Western Australian Department of Training	August 15
July 26	512A1996	Provision of Services to Develop a Skills Assessment System across ASF Levels 2-4 for Employees/Trainees within an Organisation to Support National Competency Based Hydrocarbons Curriculum	August 15
July 26	517A1996	Provisions of a Prime Mover for a Road Safety Display Unity on a Sponsorship Arrangement for the Department of Transport	August 15
August 3	520A1996	Provision of Service of Brochure Storage and Distribution for the Western Australian Tourism Department	August 20
August 3	260A1996	Provision of Cleaning Services for the Alexander Library Building on behalf of the Library Board of Western Australia	August 22
August 3	521A1996	Consultancy Service to Develop and Assist in the Implementaiton of a Business Strategy for the BOCS Ticketing and Marketing Services for the Perth Theatre Trust	August 22
<p>A Compulsory Briefing Session will be held at the Wardle Room, Perth Concert Hall on 9 August, 1996 at 3.00pm. Consultants should Register for this Briefing Session by contacting Ms Marlene Cream on 231 2220.</p>			

Tenders addressed to the Tenders Office, 6th floor, Dumas House, 2 Havelock Street, West Perth, WA 6005, before 2.30 pm W.S.T. on the nominated closing date.

Tenders must be properly endorsed on envelopes otherwise they are liable to rejection. No tender necessarily accepted.

CRAIG LAWRENCE, Chairman, State Supply Commission.

ZT302*Accepted Tenders*

Schedule No.	Particulars	Contractor	Rate
<i>Supply and Delivery</i>			
334A1996	Supply and Free Delivery to the Department of Transport of Magnetic Stripe Tickets	Magnetic Ticket and Labels Corp	Details on request
481A1996	Supply and Free Delivery to Central Metropolitan College of Tafe for Photocopy Paper	Boomerang Paper WA Pty Ltd	Details on request

PUBLIC NOTICES

ZZ101**PUBLIC TRUSTEE ACT 1941**

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

Dated at Perth the 26th day of July 1996.

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

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

Gardiner, Violet May; Bluff Point; 23rd February 1996; 19th July 1996.
Holt, Leslie James; Nedlands; 19th January 1996; 19th July 1996.
Jozsa, Arpad; Midland; 2nd March 1994; 19th July 1996.
McCarley, Laura Jessie; Shoalwater; 3rd May 1996; 19th July 1996.
Mitchell, Cecil Edwin Douglas; Kalgoorlie; 2nd April 1994; 19th July 1996.
Wilkins, Dorothy; Subiaco; 3rd April 1996; 19th July 1996.
Cross, Douglas Frederick; Kensington; 10th June 1996; 22nd July 1996.
Joy, Alice; Lockridge; 27th June 1996; 22nd July 1996.
Petak, Robert; Nedlands; 25th March 1996; 22nd July 1996.
Williams, Doris Isabel Amelia; Fremantle; 19th June 1996; 22nd July 1996.
Love, Russell Graham; Brookton; 21st March 1989; 23rd July 1996.
Tinkler, Edith May; Wilson; 8th July 1995; 23rd July 1996.
Robertson, Victoria Alexander Mary; Bentley; 7th June 1996; 23rd July 1996.

ZZ102**TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 2nd September 1996 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Beard, Albert Harold, late of 18/19 Mackie Street, Victoria Park, died 25/6/96. (DEC 293721 DS2)
Gillam, Ellen Jane, late of Hillview Nursing Home, 21 Angelo Street, Armadale, died 9/6/96. (DEC 293571 DC2)
Goldspink, Jean Graham, late of Chrystal Halliday Nursing Home, 61 Jeanes Road, Karrinyup, died 7/7/96. (DEC 294416 DL4)
Gray, Mavis Ethel, late of 11 Booth Street, Mount Barker, died 14/6/96. (DEC 294386 DA3)
Higgs, Ian Eric, late of 4 Oats Court, Midland, died 29/6/96. (DEC 294174 DP4)
Itzstein, Kathleen Patricia, late of 7 Sandpiper Street, Sorrento, died 27/6/96. (DEC 294582 DG3)
Norris, Elsie May, late of Kimberley Nursing Home, Kimberley Street, Leederville, died 1/7/96. (DEC 294503 DD1)
Paterson, Adelaide Irene, late of 3 Burke Place, Orelia, died 26/6/96. (DEC 294551 DG4)
Roberts, Albert Edward, late of Braille Nursing Home, Kitchener Avenue, Victoria Park, died 4/4/96. (DEC 292414 DP3)
Shepherd, Olive May, late of 12 Keera Court, Maddington, died 28/6/96. (DEC 293928 DP3)
South, Arthur, also known as South, Arthur Oswald, late of Leighton Nursing Home, 40 Florence Street, West Perth, died 7/6/96. (DEC 293760 DD2)
Szaja, Ludwik, late of 393 Hardey Road, Cloverdale, died 3/7/96. (DEC 294033 DC2)
Taaffe, Patrick Francis, late of 16A Tanson Street, Attadale, died 1/7/96. (DEC 294175 DS2)
Taylor, Eunice, late of Howard Solomon Nursing Home, 91 Hybanthus Avenue, Ferndale, died 23/12/95. (DEC 294456 DS4)
Withers, Gladys Ellen Joyce, late of 14/356 Hector Street, Tuart Hill, died 24/4/96. (DEC 292309 DE3)

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

ZZ201**TRUSTEES ACT 1962**

In the matter of the Estate of Maxine Anne Morrell late of 99 Natham Square, Swan View, in the State of Western Australia, Teacher, Deceased.

Creditors and other persons who have claims (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of the abovenamed deceased who died on the 4th day of November 1995 at Swan View in the State of Western Australia are required by the Executor of his estate, Richard William Affleck of 18 Oxley Place, Darlington in the State of Western Australia, to send particulars of their claims to him at the address hereunder by the 30th day of August 1996 after which date the Executor may convey or distribute the assets, having regard only to the claims of which he has notice.

Dated the 25th day of July 1996.

BOSTOCK & RYAN, Solicitors for the Executor,
4th Floor, 172 St Georges Terrace, Perth WA 6000.

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

Robert Walton late of Villa Maria Homes, Bussell Highway, Busselton in the State of Western Australia, Retired Earthmover and Carrier, deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 of WA relates) in respect of the estate of the deceased, who died on the 20th day of March 1996 at Villa Maria Homes, Bussell Highway, Busselton in the said State are required by the trustee to send particulars of their claims to the trustee Peter Soulos c/- Peter J. Griffin & Co., Solicitors of 10 Edward Street, Bunbury (P.O. Box 677, Bunbury WA 6231) by the 30th day of August 1996, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice and the trustee shall not be liable to any person of whose claim he has no notice at the time of administration or distribution.

Dated this 19th day of July 1996.

Signed: PETER J. GRIFFIN.

ZZ203**TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Gradimir Filipovic (also known as George Filipovic and Vladimir Filipovic) late of Bunbury Nursing Home, 39 Hayes Street, Bunbury in the State of Western Australia, Retired Labourer, deceased. deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 of WA relates) in respect of the estate of the deceased, who died on the 23rd day of July 1995 at Bunbury Nursing Home, 39 Hayes Street, Bunbury in the said State are required by the trustee to send particulars of their claims to the trustee Mary Duchesne c/- Peter J. Griffin & Co., Solicitors of 10 Edward Street, Bunbury (P.O. Box 677, Bunbury WA 6231) by the 30th day of August 1996, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice and the trustee shall not be liable to any person of whose claim she has no notice at the time of administration or distribution.

Dated this 19th day of July 1996.

Signed: PETER J. GRIFFIN.

ZZ301**INQUIRY AGENTS LICENSING ACT 1954****APPLICATION FOR LICENCE IN THE FIRST INSTANCE**

To the Court of Petty Sessions at Bunbury.

I, Clifford George Edward Hagart of 3 Baxter Street, Donnybrook, Security Agent, having attained the age of twenty-one years, hereby apply on my own behalf for a licence under the abovementioned Act. The principal place of business will be at 3 Baxter Street, Donnybrook.

Dated the 2nd day of July 1996.

C. G. E. HAGART, Signature of Applicant.

Appointment of Hearing

I hereby appoint the 2nd day of September 1996 at 10.00 o'clock in the forenoon as the time for the hearing of the foregoing application at the Court of Petty Sessions at Bunbury.

Dated the 25th day of July 1996.

G. HOLKER, Clerk of Petty Sessions.

Objection to the granting of the application may be served on the applicant and the Clerk of Petty Sessions at any time prior to seven days before the date appointed for the hearing.

ZZ401

NOTICE OF DISSOLUTION OF PARTNERSHIP

Notice is hereby given that the partnership previously subsisting between William Edwards of 1 Koojarra Crescent, South Hedland and Steven John Phelps of Dixons Caravan Park, Port Hedland carrying on the business of Water Carriers has been dissolved as from the 20th day of June 1996. All debts due to and owing by the said firm will be received and paid by Steven John Phelps who will continue to carry on the said business under his own name.

Dated this 18th day of July 1996.

HAYDN DIXON & CO,
3 Edgar Street, Port Hedland WA 6721.
Solicitors for the Retiring Partner.

WESTERN AUSTRALIA

NURSES ACT 1992

*Price: \$6.70 Counter Sales
Plus Postage on 150 grams

NURSES RULES 1993

*Price: \$5.30 Counter Sales
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