



**WESTERN  
AUSTRALIAN  
GOVERNMENT**  
**Gazette**



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	\$
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Over 2 pages .....	4.60
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Industrial Gazette .....	11.60
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JOHN A. STRIJK,  
Acting Government Printer.

**AGRICULTURE****AG401****AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**Agriculture Protection Board,  
South Perth.

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

- (i) appoints persons whose names are listed below to be members of the Authorities for the Zone designated to hold office until 1 August in the year specified.

Name	ZCA	Retires
Donald Alexander McTaggart	3	1996
Lynette Coleman	5	1998

Dated 6 June 1996.

KERYL ENRIGHT, Chairman,  
Agriculture Protection Board.**CEMETERIES****CC401****CEMETERIES ACT 1986**

Metropolitan Cemeteries Board

In pursuance of the powers conferred by section 53 of the Cemeteries Act 1986, the Metropolitan Cemeteries Board hereby records having resolved on May 30th 1996, to set the following fees and charges effective from July 1st, 1996. The fees shall be payable upon application for services detailed hereunder.

**SCHEDULE OF FEES AND CHARGES**

Karrakatta, Pinnaroo, Midland, Guildford Cemeteries

1996  
\$

## 1. Burial Fees—

## (a) Interment—

## Adult burial—

Karrakatta .....	475
Other Cemeteries .....	420
Government burial .....	420
Child burial (under thirteen years) .....	310
Stillborn burial area (without memorial service) .....	130

- (b) Grant of Right of Burial: Approval to any refund on an unexpired Grant of Right of Burial shall be at the absolute discretion of the Board and in any event, the refund approved shall not exceed the amount originally paid for the Grant of Right of Burial.

## Ordinary land (2.4m x 1.2m)—

Karrakatta .....	705
Pinnaroo .....	635
Other Cemeteries .....	530

## Renewal of Grant prior to expiry—

Karrakatta .....	1 060
Pinnaroo .....	955
Other Cemeteries .....	795

Pre-need purchase, land selected by applicant or land reserved in advance (plus ordinary land fee). ....

140

## Children's memorial garden—

Standard .....	485
Special .....	710

Jewish Orthodox lawn .....

Construction of vault (plus land fee) .....

Special land in view of position (by quotation) 3 980

	1996 \$
Footpath—	
600mm path—One Half of the total cost of the adjacent grave (including pre-need fee)	
300mm path—One Quarter of the total cost of the adjacent grave (including pre-need fee)	
150mm path—One Eighth of the total cost of the adjacent grave (including pre-need fee)	
(c) Mausoleum Crypts (by quotation)	
(d) Memorial Plaques—	
380mm x 280mm .....	410
560mm x 305mm .....	550
Detachable Plate .....	145
Jewish Orthodox Lawn .....	540
Stillborn plaques .....	150
2. Exhumation Fee .....	950
Re-interment after exhumation .....	475
Lift and deepen .....	475
3. Monumental Work—	
(a) Licence Fee—	
Monumental Mason's annual licence .....	210
Single permit (new monument) .....	80
(b) Permit for each memorial—	
New monument with kerbing .....	175
New lawn area type monument .....	140
Park section memorial plaque .....	85
Additions to any monument .....	85
Renovations and additional inscriptions .....	70
4. Service Fee—	
Hourly Rate .....	55
Minimum Rate .....	110
5. Funeral Director's licence—	
(a) Annual Fee—	
Licence .....	460
Branch account fee .....	140
(b) Single funeral permit .....	85
6. Re-issue of Grant of Right of Burial or registration of assigned grant or refund ....	70
7. Penalty fees (chargeable in addition to scheduled fees)—	
Late arrival, departure or insufficient notice .....	75
Interment of oblong or oversized casket .....	140
Interment or cremation on Saturday, Sunday or Public Holidays .....	250
8. Cremation fees—	
(a) Adult cremation .....	550
(b) Child (under thirteen years) .....	330
(c) Government cremation .....	380
(d) Stillborn cremation (without chapel and including scattering of ashes to the winds) .....	90
(e) Pre-need cremation certificate .....	625
(f) Use of Chapel/Condolence lounge (service only or extended time) .....	240
9. Disposal of ashes: The tenure on all cremation memorials shall be twenty five (25) years from the date of receipt of the scheduled fee.	
(a) Niche wall—	
Single Niche .....	265
Double Niche—	
Modified .....	410
Traditional .....	370
Granite Niche wall—	
Single .....	330
Double .....	545
Second Inscription (Admiralty bronze plaque) .....	125
Plaque for pre-purchased position—	
Single .....	115
Double .....	185
Military Niche (not including plaque) .....	205

	1996 \$
(b) Memorial wall including Columbarium—	
Single position (including standard plaque) .....	415
Double position (including standard plaque) .....	610
Second inscription .....	125
(c) Garden of Remembrance/Memorial Garden includes plaque and reservation only for second interment .....	305
Plaque for stillborn gardens .....	145
(d) Ground Niche .....	580
Special Position .....	715
(e) Memorial rose bush—	
Garden position with reservation of three (3) .....	1 045
Plaque for pre-purchased position .....	145
Each further interment .....	200
(f) Family shrub—	
Individual shrub with reservation for three (3) further interments .....	1 325
Plaque for pre-purchased position .....	145
Each further interment .....	200
Ground Niche plaque—extra .....	180
(g) Memorial park seat— .....	1 380
Second inscription .....	140
(h) Memorial granite seat (including plaque) .....	2 225
(i) Other fees—	
Family grave .....	110
Postage of ashes—	
overseas .....	180
within Australia .....	100
Collection of ashes from office .....	65
Transfer of ashes to new position (plus cost of plaque if required) .....	65
Acceptance and registration of ashes from outside crematoria .....	65
Scattering of ashes to the winds .....	65
Attendance at placement of ashes (additional) .....	65
Storage in safe custody after six (6) months (per month) .....	5
(j) Non-standard memorials by quotation	
(k) Book of Remembrance—	
(i) Fees for new inscriptions—	
Two line inscription .....	135
Each additional line (maximum eight lines overall) .....	30
Inclusion of emblem (minimum of five lines) .....	95
(ii) Personal copies—	
Copy of book of entry in folder .....	120
10. Search Fee—	
(a) Involving Board staff—	
For up to two (2) interments or memorial locations only .....	No Charge
For each additional location inquiry or each search requiring information additional to location (per registration) .....	5
Photocopies of records (per copy) .....	5
(b) Without staff assistance—	
Access to computer or microfilm readers .....	10
Charge per hour or part thereof .....	10

The fees and charges in the above schedule were set by resolution at a duly convened meeting of the Metropolitan Cemeteries Board held on 30th May 1996.

P. D. MACLEAN PSM, General Manager.  
F. H. CAVANOUGH, Chairman.

## FISHERIES

### FI401

#### FISH RESOURCES MANAGEMENT ACT 1994

#### APPLICATION FOR THE TRANSFER OF AN ENDORSEMENT OF A FISH PROCESSOR'S LICENCE

FD 1467/80

Pursuant to section 148 of the Fish Resources Management Act 1944, notice is hereby given that I propose to grant an application to transfer the Southern Rock Lobster Endorsement off Licence No. 1038; Dolth Pty Ltd, lot 120 Allerton Road, Albany to Licence No. 1182; Mulataga Aquaculture, Units 1 to 3 block E2, Market City, Canning Vale.

In accordance with the provisions of section 149 of the Act, any affected person, being a person who;

- (i) holds a fish processor's licence; and
- (ii) is likely to be significantly affected by the proposed transfer of the endorsement.

may within 21 days after publication of this notice, object to the proposal. A person may object by giving to the Executive Director, notice in writing, in a form approved by the Executive Director, setting out the grounds of objection. (Notice of Objection forms are available from the address below).

Notices of objection together with the prescribed fee of \$300.00 are to be forwarded to:

the Executive Director, Fisheries Department, 3rd Floor, SGIO Atrium, 168-170 St George's Terrace Perth, WA 6000.

P. P. ROGERS, Executive Director.

## HEALTH

### HE401

#### HEALTH ACT 1911

Health Department of WA,  
Perth, 30 April 1996.

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

Officer	Date Effective	Local Authority
Lino Lawrence Diletti	9 May 1996 to 11 June 1996	Shire of Northampton
Lino Lawrence Diletti	9 May 1996 to 11 June 1996	Shire of Chapman Valley
Nigel Hume	19 March 1996	City of Belmont
Linda Jayne Norris	26 March 1996	City of Fremantle
Mette Warming	25 March 1996	City of Nedlands
John Cameron Mitchell	1 July 1995	Shire of Dalwallinu
John McCleary	22 April 1996	Shire of Leonora
Robert Cavazzi	18 March 1996	City of Kalgoorlie-Boulder
Maria Hatgivasiliou	29 April 1996	City of Kalgoorlie-Boulder
Neil Robert Duffin	15 April 1996	City of Stirling
Rebecca Louise Marson	6 May 1996	City of Stirling

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

Officer	Date Effective	Local Authority
George Raymond Sharp	12 April 1996	Shire of Leonora
Mette Warming	15 March 1996	City of Kalgoorlie-Boulder
Nicola Slavin	15 March 1996	City of Kalgoorlie-Boulder
Neil John McQuinness	26 April 1996	City of Stirling

BRIAN DEVINE, delegate of Executive Director, Public Health.

### HE403

#### HEALTH ACT 1911

Health Department of WA,  
Perth, 16 May 1996.

6155/94.

The cancellation of the appointment of Dr Richard Baker as a Medical Officer of Health to the City of Wanneroo effective 27 March 1996 is hereby notified.

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

**HE402****HEALTH ACT 1911**

Health Department of WA,  
Perth, 31 May 1996.

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

<b>Officer</b>	<b>Date Effective</b>	<b>Local Authority</b>
Brian Stuart Davey	6 May 1996	Shire of Coorow
Neil John McGuinness	29 April 1996	City of Wanneroo
Gary John Barbour	13 May 1996	Shire of Busselton
Tracy Ann Waddington	9 April 1996	Shire of Busselton
Andrew James Hawthorne	10 June 1996	Shire of Leonora
Sari Vanessa Hoglin	15 April 1996	Town of Cottesloe
Ruth Constance Levett	5 March 1996	Town of Cottesloe
John William Burton	6 May 1996 to 2 August 1996	Shire of Esperance
Rodney Alexander Wood	30 May 1996	Shire of Waroona

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

<b>Officer</b>	<b>Date Effective</b>	<b>Local Authority</b>
Rodney Alexander Wood	7 May 1996	Shire of Coorow
Dejan Guga	18 March 1996	City of Wanneroo
Ruth Constance Levett	1 March 1996	City of Fremantle
John McCleaty	3 May 1996	Shire of Leonora
Tracy Ann Waddington	16 May 1996	Shire of Dardanup
Hugh McClean	16 May 1996	Shire of Dardanup
Andrew Denham	16 May 1996	Shire of Dardanup
Rachel Starling	16 May 1996	Shire of Dardanup

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

<b>Officer</b>	<b>Date Effective</b>	<b>Local Authority</b>
Keith John Reeves	16 May 1996	Shire of Dardanup
Basil Phillip Stanton	16 May 1996	Shire of Dardanup

BRIAN DEVINE, delegate of Executive Director, Public Health.

**HE404****HEALTH ACT 1911**

Health Department of WA,  
Perth, 10 June 1996.

8381/92.

The cancellation of the appointment of Dr Hon Kin Choy as a Medical Officer of Health to the City of Fremantle effective 22 April 1996 is hereby notified.

The appointment of Dr James William Gherardi as a Medical Officer of Health to the City of Fremantle, effective 22 April 1996 is approved.

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

**HE405****HEALTH ACT 1911**

Health Department of WA,  
Perth, 14 May 1996.

7829.90.

The cancellation of the appointment of Dr Joseph Maurice Lubich as a Medical Officer of Health to the Shire of Albany effective 1 May 1996 is hereby notified.

The appointment of Dr Heath Andrew Kelly as a Medical Officer of Health to the Shire of Albany, effective 1 May 1996 is approved.

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

**HE406****HEALTH ACT 1911**Health Department of WA,  
Perth, 6 June 1996.

8156/92.

I, Kevin Prince, being the Minister administering the Health Legislation Administration Act 1984, hereby appoint Philippe Georges Porigneaux effective 13 November 1995 and Patrick Yann Le Map effective 31 July 1995 as Environmental Health Officers for the purposes of the Health Act 1911.

KEVIN PRINCE, Minister for Health.

**HE407****PSYCHOLOGISTS REGISTRATION ACT 1976****PSYCHOLOGISTS BOARD APPOINTMENTS INSTRUMENT 1996**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. This instrument may be cited as the *Psychologists Board Appointments Instrument 1996*.

**Appointments**

2. The following persons are appointed to be members of The Psychologists Board of Western Australia—

- (a) John Hewlett Hogben of the Department of Psychology, The University of Western Australia (under section 9 (1) (a) of the Act);
- (b) Anthony John Mander of PO Box 672, Nedlands (under section 9 (1) (b) of the Act);
- (c) Alison Barbara Warner Bevan of the Education Department of Western Australia and Lynette Clayton of Unit 2, 211 Park Street, Subiaco, (under section 9 (1) (c) of the Act); and
- (d) Stephen Dexter Crooks of DCH Legal Group (under section 9 (1) (d) of the Act)

for the period ending on 20 April 1999.

3. Under section 12 of the Act the following persons are appointed to be deputy members of The Psychologists Board of Western Australia—

- (a) Douglas Ralph Caldwell of Chandler & Macleod Consultants Pty. Ltd. to act in place of Alison Barbara Warner Bevan;
- (b) Leslie John Harrison of the Department of Family and Children's Services to act in place of Lynette Clayton; and
- (c) Janette Maria Tavelli of Liscia & Tavelli to act in place of Stephen Dexter Crooks.

Dated 4 June 1996.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

**HE408****HOSPITALS AND HEALTH SERVICES ACT 1927****HOSPITALS AND HEALTH SERVICES (APPOINTMENT OF MEMBERS) NOTICE (No. 6) 1996**

Made by His Excellency the Governor in Executive Council under section 15.

1. This instrument may be cited as the *Hospitals and Health Services (Appointment of Members) Notice (No. 6) 1996*.

2. The board of a public hospital the name of which is specified in column 1 of the Schedule is to include the persons whose names are specified opposite and corresponding to the name of the hospital in column 2 of the Schedule each of whom is appointed to hold office as a member for the period ending at the close of business on the date specified opposite and corresponding to his or her name in column 3 of the Schedule.

Column 1 Name of Hospital	Column 2 Member	Column 3 Expiry Date
Albany Health Service	John Simpson	30 September 1996
Kukerin Nursine Post	Shelley Anne Joyce	30 September 1997
Williams Medical Centre	Helen Glenda Williamson	30 September 1996
Yalgoo Nursing Post	Charmaine Joy Hodder	30 September 1998
	Ann Louise Kitching	30 September 1998

Dated 4 June 1996.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.



## LAND ADMINISTRATION

**LA401****LAND ACT 1933****NAMING OF ROADS**

It is hereby notified for general information that His Excellency the Governor has been pleased to approve under Section 10 of the Land Act, 1933, of the Naming of the following:

**CITY OF FREMANTLE**

DOLA File No. 667/982

Dermer Road as shown coloured yellow at page 54.

**SHIRE OF ALBANY**

DOLA File No. 3948/976 V3

Browns Road as shown coloured green at page 440.

**SHIRE OF CAPEL**

DOLA File No. 564/983

Urquhart Road as shown coloured pink on page 180.

Bentley Drive as shown coloured pink at page 182.

Clapp Road as shown coloured pink on page 183.

Emmett Road as shown coloured blue at page 168A.

**SHIRE OF GREENOUGH**

DOLA File No. 1567/983 V2

Drovers Way as shown coloured green at page 23.

**SHIRE OF PLANTAGENET**

DOLA File No. 1432/983

Kirkwood Road as shown coloured green at page 102.

Kirkwood Road to Filmer Road as shown coloured orange at page 100.

**SHIRE OF SWAN**

DOLA File No. 1711/955 V3

Lorries Court as shown coloured yellow at page 487.

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

**LA403****FORFEITURES**

## Department of Land Administration

The following leases and licences together with all rights, title and interest therein have this day been forfeited to the Crown under the Land Act 1933 for the reasons stated.

Dated 12 June 1996.

A. A. SKINNER, Chief Executive Officer.

Name; Lease or Licence No.; District; Reason; Corres. No.; Plan.

Carroll, Roland Haydn & Lisa Adriana; 338/20596; Lancelin Lot 876; Non payment of Instalments; 3104/995; OP19026 BF37 21.08.

Moss, Pauline Elizabeth; 345B2719; Southern Cross Lot 925; Non payment of Instalments; 439/990; OP17516 BM36 18.24.

Booth, Neil George; 345B1577; Bullfinch Lot 615; Non compliance with Conditions; 1293/993; DIA 91569 BM 37 07.10.

Nepean Pty Ltd; 345B/2613; Derby Lot 1224; Non payment of Instalments; 2442/987; OP16847 CK75 03.05.

**LA402**

**EAST PERTH REDEVELOPMENT ACT 1991**  
**LOCAL GOVERNMENT ACT 1960**  
**DECLARATION OF CLOSURE OF STREETS**

Made by the Minister for Lands  
Under Section 288A

At the request of the Authority nominated, the street described in the Schedule is now declared to be closed.

SCHEDULE

East Perth Redevelopment Authority (DOLA File No: 2728/1995; Closure No E275)

All that portion of Royal Street now comprised in Office of Titles Diagram 91287.

Public Plan: BG34 (2) 14.25

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

**LB701**

SCHEDULE NO: A14/1996  
EXCO. NO. 0568  
DOLA 70/1996

**LOCAL GOVERNMENT ACT 1960**  
**LAND ACQUISITION AND PUBLIC WORKS ACT 1902**  
**NOTICE OF RESUMPTION OF LAND**

For the purposes of the public work described in the Schedule, the land described in the Schedule ("the resumed land") has been set apart, taken or resumed. A plan and a more particular description of the resumed land may be inspected between 8.00 a.m. and 5.00 p.m. on working days at: Department of Land Administration, Midland Square, Midland.

The resumed land shall, by force of the Land Acquisition and Public Works Act 1902 and Local Government Act 1960, be vested in Her Majesty for an estate in fee simple (except those lands being under the Land Act or dedicated or reserved for a public purpose, which will be vested in Her Majesty absolutely) for the public work, freed and discharged of all trusts, mortgages, charges, obligations, estates, interest, right-of-way, or other easements whatsoever.

SCHEDULE

1. Public Work: Widening of Cobbler Pool Road (Road No. 4875).

Local Authority: Shire of Toodyay

Plan/Diagram No. showing Land resumed: Plan 18464

Council Resolution Date: 19 December, 1991. DOLA Ref:3617/1988

Owner or Reputed Owner	Occupier or Reputed Occupier	Description of Land	Area (approx.)
Norman Frederick Moore and Lee Moore	N F and L Moore	Part of Lot 340 on Diagram 62438 being part of the land contained in Certificate of Title Volume 1636 Folio 86.	54m <sup>2</sup>
Cheryle Vicky Sinclair and Rhonda Leonie Sinclair	C V and R L Sinclair	Part of Lot M1379 on Diagram 6048 being part of the land contained in Certificate of Title Volume 1901 Folio 460.	183m <sup>2</sup>

2. Public Work: Widening of William Street (Road No. 14290).

Local Authority: Shire of Esperance

Plan/Diagram No. showing Land resumed: Diagram 92655

Council Resolution Date: 20 November, 1995. DOLA Ref:3178/1995

Owner or Reputed Owner	Occupier or Reputed Occupier	Description of Land	Area (approx.)
Garry Lennard Rokich and Terrene Margaret Rokich	G L and T M Rokich	Part of Lot 5 on Plan 1337 being part of the land contained in Certificate of Title Volume 1526 Folio 2.	8m <sup>2</sup>

3. Public Work: Widening of Serpentine Road (Road No. 12246).  
 Local Authority: City of Rockingham  
 Plan/Diagram No. showing Land resumed: Diagram 92657  
 Council Resolution Date: 30 January, 1996. DOLA Ref:486/1996

Owner or Reputed Owner	Occupier or Reputed Occupier	Description of Land	Area (approx.)
Joseph Baff and Betty Baff	J and B Baff	Portion of Peel Estate Lot 998 being part of the land contained in Certificate of Title Volume 1675 Folio 503.	784m <sup>2</sup>

Dated 27 May 1996.

GRAHAM KIERATH, Minister for Lands.

Dated 4 June 1996.

MICHAEL JEFFERY, Governor in Executive Council.

#### ROAD DEDICATION

It is hereby notified that the Minister for Lands has approved, pursuant to Section 288 of the Local Government Act, the dedication as public street the roads in the various Municipalities as described in the abovementioned resumption notices.

By Order of the Minister for Lands

Dated this 14th day of June 1996.

A. A. SKINNER, Chief Executive.

#### LB801

#### GOLDFIELDS GAS PIPELINE AGREEMENT ACT 1994

#### LAND ACQUISITION AND PUBLIC WORKS ACT 1902

#### LAND ACQUISITION

Notice is hereby given, and it is hereby declared, that the easement comprising the Easement Rights defined in the First Schedule in respect of the Easement Land defined in the Second Schedule has pursuant to the provisions of Clause 26 of the Agreement ("the Agreement") ratified and authorised by the Goldfields Gas Pipeline Agreement Act 1994 and of Section 17(1) of the Land Acquisition and Public Works Act 1902 and with the approval of His Excellency the Governor, acting by and with the advice of the Executive Council, been compulsorily taken set apart and resumed for all the purposes of the Pipeline defined in the Agreement as and for a public work AND further notice is hereby given that a plan and more particular description of the Easement Land may be inspected at the Department of Land Administration, Midland Square, Midland.

AND it is hereby directed that the Easement Rights over the Easement Land shall vest in Her Majesty for the said purpose as and for a public work as herein expressed, freed and discharged from all trusts mortgages charges obligations estates interests rights-of-way and other interests or easements whatsoever AND it is further declared that this Notice does not affect any native title which may exist within the Easement Land.

#### FIRST SCHEDULE

The Easements Rights are defined as follows:

The full right and liberty for the State for itself and for its assignees and for all persons deriving rights under them ("such persons") and the agents servants contractors subcontractors of each of the State and its assignees and of all such persons and each of their respective officers servants and agents and all persons authorised by the State and by its assignees and by all such persons, from time to time and at all times hereafter until the expiration or termination of the Agreement.

1. (1) Subject to the depth limitation in the succeeding paragraph (2) with or without plant equipment vehicles (including motor or other mechanised vehicles) laden or unladen to enter upon the Easement Land and remain thereon for all or any of the purposes of constructing extending maintaining taking up altering improving fixing repairing relaying examining operating or removing
  - (a) the Pipeline defined in the Agreement ("the Pipeline")
  - (b) all works buildings machinery equipment and apparatus connected with and requisite to secure the safe and proper working of the Pipeline (which works buildings machinery equipment and apparatus is hereinafter referred to as "the Apparatus") and for all or any of such purposes
    - (i) to make surveys and take levels of the Easement Land and set out such parts as it may think fit.
    - (ii) to construct extend maintain alter improve remove and replace the Pipeline and Apparatus or any one or more of them through under or upon the Easement Land.

- (iii) to open and break up the soil of the Easement Land and excavate and sink trenches for the purpose of constructing extending maintaining altering or improving removing or replacing the Pipeline and Apparatus or any one or more of them.
  - (iv) to open cleanse and repair the Pipeline and Apparatus or any one or more of them or alter the position or construction thereof.
- (2) The said rights defined in the preceding paragraph (1) are limited to a depth of 30 metres below the natural surface
2. To use the Pipeline and Apparatus and any replacement for the passage or conveyance of natural gas.

#### SECOND SCHEDULE

The Easement Land is defined as follows:

The corridor of land of width 30 metres or thereabouts with interspersed areas of width 400 metres or thereabouts and other variations all of which is delineated by a broken line designated easement deviation on each of Department of Land Administration Plans numbered 18773, 18809, 18812, 18816, 18833, 19090 to 19095 inclusive and Diagrams numbered 92524 and 92525.

Certified Correct this 14th day of May 1996.

GRAHAM KIERATH, Minister for Lands.

Certified Correct this 21st day of May 1996.

MICHAEL JEFFERY, Governor in Executive Council.

#### LB802

### WESTERN AUSTRALIAN LAND AUTHORITY ACT 1992 LAND ACQUISITION AND PUBLIC WORKS ACT 1902 LAND ACQUISITION

File No. 525/1996  
Ex. Co. No. 0569

#### ADDITIONS TO KEMERTON INDUSTRIAL PARK—LANDCORP

NOTICE is hereby given, and it is hereby declared, that the piece or parcel of land described in the schedule hereto being in the Wellington District has, in pursuance of the written consent under the Western Australian Land Authority Act, 1992 and approval under Section 17(1) of the Land Acquisition and Public Works Act, 1902 of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 4th day of June 1996, been compulsorily taken and set apart for the purposes of the following public work, namely: Additions to Kemerton Industrial Park—LandCorp.

And further notice is hereby given that the said piece or parcel of land so taken and set apart is shown marked off on LTO Diagram 58866 which may be inspected at the Department of Land Administration, Midland. The additional information contained in the Schedule after the land description is to define locality only and in no way derogates from the Transfer of Land Act description.

And it is hereby directed that the said lands shall vest in Western Australia Land Authority for an estate in fee simple in possession for the public work herein expressed, freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way, or other easements whatsoever.

#### Schedule

Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
Barry James Gibson	B J Gibson	Lot 26 on Diagram 58866 being the whole of the land contained in Certificate of Title Volume 1564 Folio 138.	4.9213 ha

Certified correct this 27th day of May 1996.

GRAHAM KIERATH, Minister for Lands.

Dated this 4th day of June 1996.

MICHAEL JEFFERY, Governor in Executive Council.

**LB803**

**WESTERN AUSTRALIAN LAND AUTHORITY ACT 1992  
LAND ACQUISITION AND PUBLIC WORKS ACT 1902  
LAND ACQUISITION**

File No. 526/1996  
Ex. Co. No.0569

**ADDITIONS TO KEMERTON INDUSTRIAL PARK—LANDCORP**

NOTICE is hereby given, and it is hereby declared, that the piece or parcel of land described in the schedule hereto being in the Wellington District has, in pursuance of the written consent under the Western Australian Land Authority Act, 1992 and approval under Section 17(1) of the Land Acquisition and Public Works Act, 1902 of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 4th day of June 1996, been compulsorily taken and set apart for the purposes of the following public work, namely: Additions to Kemerton Industrial Park—LandCorp.

And further notice is hereby given that the said piece or parcel of land so taken and set apart is shown marked off on LTO Plan 7790 which may be inspected at the Department of Land Administration, Midland. The additional information contained in the Schedule after the land description is to define locality only and in no way derogates from the Transfer of Land Act description.

And it is hereby directed that the said lands shall vest in Western Australian Land Authority for an estate in fee simple in possession for the public work herein expressed, freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way, or other easements whatsoever, apart from the easement contained in Transfer D324967.

Schedule

Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
Procters Holdings Pty Ltd	Procters Holdings Pty Ltd	Part of Lot 20 on Plan 7790 being the whole of the land contained in Certificate of Title Volume 2005 Folio 517.	155.8741 ha

Certified correct this 27th day of May 1996.

GRAHAM KIERATH, Minister for Lands.

Dated this 4th day of June 1996.

MICHAEL JEFFERY, Governor in Executive Council.

**LB804**

**LOCAL GOVERNMENT ACT 1960  
LAND ACQUISITION AND PUBLIC WORKS ACT 1902  
LAND ACQUISITION**

File No. 1776/1995  
Ex. Co. No.0570

**RIGHTS OF WAY—TOWN OF VINCENT**

NOTICE is hereby given, and it is hereby declared, that the several pieces or parcels of land described in the Schedule hereto being all in the Swan District have, in pursuance of the written consent under the Local Government Act, 1960 and approval under Section 17(1) of the Land Acquisition and Public Works Act, 1902 of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 4th day of June 1996, been compulsorily taken and set apart for the purposes of the following public work, namely: Rights of Way—Town of Vincent.

And further notice is hereby given that the said pieces or parcels of land so taken and set apart are shown marked off on LTO Diagram 2786 and LTO Plan 2824 which may be inspected at the Department of Land Administration, Midland. The additional information contained in the Schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description.

And it is hereby directed that the said lands shall vest in Town of Vincent for an estate in fee simple in possession for the public work herein expressed, freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way, or other easements whatsoever.

Schedule

Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
The Intercolonial Investment Land and Building Company Limited	The Intercolonial Investment Land and Building Company Limited	The land coloured brown and marked ROW on Diagram 2786 being the land remaining in Certificate of Title Volume 416 Folio 129.	231m <sup>2</sup>

Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
The Intercolonial Investment Land and Building Company Limited	The Intercolonial Investment Land and Building Company Limited	The Right of Way on Plan 2824 bounded by Chamberlain, Pennant and Kadina Streets being part of the land remaining in Certificate of Title Volume 370 Folio 6.	420m <sup>2</sup>

Certified correct this 27th day of May 1996.

GRAHAM KIERATH, Minister for Lands.

Dated this 4th day of June 1996.

MICHAEL JEFFERY, Governor in Executive Council.

## LOCAL GOVERNMENT

### LG401

#### SHIRE OF BROOME

Authorised Officer

It is hereby notified for public information that Mr Colin Stanley John Griffiths has been appointed as an authorised officer for the Shire of Broome, for the period 31 May 1996 to 18 August 1996, under the following Acts—

Dog Act 1976  
Litter Act 1979  
Bush Fires Act 1954  
Local Government Act 1960

GREG POWELL, Shire Clerk.

### LG402

#### LOCAL GOVERNMENT ACT 1960

*Shire of Carnarvon*

Town Oval Hire Charges

It is advised that at the Council meeting held on 22 May 1996 the following hire charges for the Carnarvon Town Oval were adopted—

Hire	Fee
Football— Training— with lights .....	\$70.00/wk
without lights .....	\$35.00/wk
Matches— with lights .....	\$95.00/day
without lights (to 6pm) .....	\$50.00/day
Jim Richards Pavilion .....	\$35.00/day
Other Hirers Training— with lights .....	\$20.00/day
without lights .....	\$10.00/day
Matches— with lights .....	\$50.00/day
without lights .....	\$40.00/day

B. G. WALKER, Shire Clerk.

### LG403

#### CITY OF NEDLANDS

It is hereby notified for public information that the following charges for 1996/97 have been set by Council resolution on 28 May 1996 in accordance with section 191A of the Local Government Act.

#### HALL HIRE CHARGES—1996/97

DALKEITH HALL	Main Hall
Functions:	\$
Evenings to Midnight .....	215.00
Daytime to 5 p.m. ....	109.00
Commercial Hire .....	Standard Charge + 200%

		Main Hall	
		\$	
Meetings Mon.-Thurs.			
Evenings .....			54.50
Daytime (per hour) .....			8.00
Classes			
Commercial (per hour) .....			22.00
Semi Commercial (per hour) (as determined by Council) .....			13.30
Non Commercial (per hour) .....			8.00
Sunday Services .....			26.00
<b>DRABBLE HOUSE</b>	<b>Main Room</b>	<b>Side Room</b>	<b>Front Room</b>
Functions			
Evenings .....	215.00	Includes all rooms	
Daytime .....	172.00		
Meetings Mon.-Thurs.			
Evenings .....	27.25	27.25	27.25
Daytime (per hour) .....	8.00	8.00	8.00
Classes			
Commercial (per hour) .....	16.25	16.25	16.25
Non Commercial (per hour) .....	8.00	8.00	8.00
Sunday Services .....	27.00	27.00	27.00
		Allen Park Pavilion	John Leckie Music Centre
Functions			
Evenings .....		172.00	170.00
Daytime—Mon.-Fri. ....		86.00	85.00
Daytime—Sat./Sun. ....		172.00	170.00
Commercial Hire .....		Standard Charge + 200%	
Meetings			
Evenings .....		27.00	26.00
Daytime (per hour) .....		7.78	8.00
Classes			
Commercial .....		13.60	13.60
Sunday Services .....		27.00	27.00
<b>HACKETT HALL</b>			
Functions			
Evenings to midnight .....		215.00	
Daytime (to 5 pm) .....		109.00	
Commercial Hire .....		Standard Charge + 200%	
Meetings (Mon.-Thurs.)			
Evenings .....		57.00	
Daytime (per hour) .....		8.00	
Classes			
Commercial (per hour) .....		21.00	
Non Commercial (per hour) .....		8.00	
Sunday Services .....		27.00	
<b>J.C. SMITH PAVILION</b>			
Functions			
Evenings .....		172.00	
Daytime—Mon.-Fri. ....		86.00	
Daytime—Sat./Sun. ....		172.00	
Commercial Hire .....		Standard Charge + 200%	
Meetings			
Evenings .....		27.00	
Daytime (per hour) .....		8.00	
Classes			
Commercial .....		13.60	
Sunday Services .....		27.00	

\*\*CONCESSIONS—HALL HIRE

Meetings and Classes are to be charged a maximum of 3 hours at the appropriate rate for half day bookings.

One third rebate of the hire fee can be authorised by the Town Clerk for functions only for approved City organisations and charitable organisations.

## FEES AND CHARGES—GROUND USAGE

1996/97

TENNIS COURT HIRE	Seniors	Juniors
College Park (per hour) .....	\$6.50	\$3.50
Hollywood (per hour) .....	\$6.50	\$3.50
Mt Claremont (per hour) .....	\$6.50	\$3.50
Hackett (per hour) .....	\$6.50	\$3.50
<b>GOLF PRACTICE PERMITS</b>		
Seniors (per annum) .....		\$33.00
Juniors (per annum) .....		\$21.00
<b>SEASONAL GROUND FEES</b>		
Fixtures—Seniors (per player per season) .....		\$17.00
Fixtures—Juniors from under 17's (per season) .....		No charge
Training—per club per night (Both Juniors and Seniors) .....		\$5.00
<b>TURF FACILITIES</b>		
Fixtures—per club per day .....		\$75.00
Fixtures—Assoc. ....		\$190.00
Training—per club per night .....		\$15.00
<b>COUNCIL RESERVES</b>		
Casual Social Bookings (per day) .....		\$60.00
Commercial Use—Application Fee .....		\$50.00

N. G. LEACH, Town Clerk.

**LG404****LOCAL GOVERNMENT ACT 1960***Town of Bassendean*

It is hereby notified for public information that Council authorises all Council officers/staff who hold the following positions from time to time to be Registration Officers to effect the registration of dogs pursuant to the Dog Act 1976—

1. Cashier
2. Receptionist
3. Rangers
4. Administration Officer (Health Department)
5. Environmental Health Officer
6. Principal Environmental Health Officer
7. Senior Accounts Clerk
8. Rates Clerk

Council revokes all officers previously authorised as Registration Officers pursuant to the Dog Act 1976.

**LG405****TOWN OF ALBANY**

It is hereby notified for public information that Gary Cooper has been appointed as—

- Authorised Officer under By-law No. 11 (Street Lawns & Gardens) and By-law No. 3 (Pest Plants),

effective from 28 May 1996.

The appointment of David Leonard Lyons as an authorised officer under By-law 11 (Street Lawns & Gardens) and By-law No. 3 (Pest Plants), is hereby cancelled, effective from 28 May 1996.

R. W. JEFFERIES, Acting Chief Executive Officer.



LG901

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

Proposed Loan (No. 102) of \$25 000

Pursuant to section 610 of the Local Government Act 1960, the Shire of Ashburton hereby gives notice of its intention to borrow money for the following purposes—

\$25 000 for a period of five years based upon a ten year repayment table, with interest at ruling Treasury rates, repayable at the Offices of the Council, in equal half yearly or quarterly instalments of principal and interest.

Purpose: Part cost of construction of a Tourist Bureau at Onslow. The Onslow Tourism & Progress Association Inc will support 100% of the loan repayments.

Plans, specification and estimates of costs thereof are open for inspection at the offices of the Council, at Onslow and Tom Price, during normal office hours for a period of 35 days following the publication of this notice.

E. G. ROBBINS, President.  
D. G. CAREY, Chief Executive Officer.

**MAIN ROADS**

MA301

**MAIN ROADS ACT 1930****MAIN ROADS (CONTROL OF ADVERTISEMENTS)  
REGULATIONS 1996**

Made by His Excellency the Governor in Executive Council on the recommendation of the Commissioner of Main Roads.

**Citation**

1. These regulations may be cited as the *Main Roads (Control of Advertisements) Regulations 1996*.

**Commencement**

2. These regulations come into operation on 1 July 1996.

**Definition**

3. In these regulations, unless the contrary intention appears—

“**exhibit**”, in relation to an advertisement, includes —

- (a) putting the advertisement in place;
- (b) affixing the advertisement to any structure;
- (c) painting or drawing any figure, letter or representation comprising the advertisement or part of the advertisement;
- (d) inserting, deleting or changing any figure, letter or representation comprising the advertisement or part of the advertisement; and
- (e) maintaining the advertisement.

**Application**

4. (1) These regulations do not apply —

- (a) to a sign that does not exceed 1.0 m<sup>2</sup> in area and indicates that the premises to which the sign is affixed or on which the sign is erected are for sale or for letting;

- (b) to a sign that does not exceed 0.4 m<sup>2</sup> in area and indicates the name, or the name and the business, of the occupier of premises if the sign —
    - (i) is affixed to a building on the premises; or
    - (ii) is erected or affixed on or behind the building line of the premises;
  - (c) to a sign that does not exceed 0.2 m<sup>2</sup> in area and indicates the name, or the name and the business, of the occupier of premises if the sign is erected on or affixed to a place that is between the boundary of a road and the building line of the premises;
- or
- (d) subject to subregulation (2), to a sign inside a building.
- (2) These regulations apply to a sign inside a building if the sign —
- (a) can be lighted internally or externally by artificial light provided, or mainly provided, for that purpose; and
  - (b) is directed primarily at persons travelling in or on vehicles.
- (3) For the purposes of subregulation (1) —
- (a) the area of a sign is to be ascertained by reference to a notional rectangle enclosing the outermost portions of the sign; and
  - (b) only that part or those parts of the sign which are reasonably capable of being seen and discerned from any one direction at a time are to be counted when computing the area.

#### **Commissioner's approval required for certain advertisements and structures**

##### **5. A person must not —**

- (a) erect or construct, or cause to be erected or constructed, a hoarding or other advertising structure; or
- (b) exhibit, or cause to be exhibited, an advertisement,

on or in the vicinity of a highway or a main road without the Commissioner's approval to do so.

Penalty: \$40.

#### **How to apply for Commissioner's approval**

6. (1) An application for the Commissioner's approval to erect or construct a hoarding or other advertising structure or to exhibit an advertisement is to be —

- (a) made in a form approved by the Commissioner; and
- (b) lodged at any office of the Commissioner.

(2) An applicant is to provide such other information as the Commissioner may request for the purposes of making a decision in relation to the application.

#### **Approvals**

7. (1) Subject to subregulation (4), on an application under regulation 6(1) the Commissioner may approve the erection or construction of a hoarding or other advertising structure or the exhibition of an advertisement that is a subject of the application.

(2) The Commissioner's approval may be given on any condition that is set out in, or provided with, the notification of the approval.

(3) The duration of the period of approval is to be set out in, or provided with, the notification of the approval.

(4) The Commissioner is not to approve the erection or construction of a hoarding or other advertising structure or the exhibition of an advertisement unless the Commissioner is satisfied —

- (a) that the local government of the district in which the hoarding or other advertising structure or advertisement is to be located has approved the hoarding, structure or advertisement for the purposes of the *Local Government Act 1995* and the *Town Planning and Development Act 1928*; and
- (b) that each condition imposed by the local government for the purposes referred to in paragraph (a) would be consistent with an approval for the purposes of these regulations.

### Appeals

8. (1) A person who is dissatisfied with —

- (a) the Commissioner's refusal to approve a matter that is the subject of an application under regulation 6(1);
- (b) any condition that is set out in, or provided with, the notification of an approval under regulation 7; or
- (c) the duration of the period of an approval set out in, or provided with, the notification of an approval under regulation 7,

may, within 28 days after receiving notification of the refusal or the approval, as the case may be, appeal in writing to the Minister.

(2) The Minister is to hear and determine an appeal under this regulation and may appoint a committee to investigate and report on any matters referred to the committee by the Minister in connection with the appeal.

(3) The decision of the Minister on an appeal under this regulation is final and is to be given effect by the parties.

### Offences in relation to approvals

9. (1) A person must not, in relation to an application under regulation 6(1), provide information in written or oral form that the person knows, or could reasonably be expected to know, to be —

- (a) false or misleading in a material particular; or
- (b) likely to deceive in a material way.

(2) A person who has obtained the Commissioner's approval under regulation 7 must not contravene or fail to comply with a condition set out in, or provided with, the notification of the approval.

Penalty: \$40.

### Revocation of approvals

10. (1) The Commissioner may revoke an approval under regulation 7 if, in the Commissioner's opinion —

- (a) a hoarding or other advertising structure or an advertisement that is a subject of the approval is, or has become, hazardous to traffic safety or aesthetically objectionable;
- (b) a person who has obtained the Commissioner's approval under regulation 7 has contravened, or failed to comply with a condition set out in, or provided with, the notification of the approval; or

- (c) a person has, in relation to an application under regulation 6(1), provided information in written or oral form that the person knew, or could reasonably be expected to have known, to be —
  - (i) false or misleading in a material particular; or
  - (ii) likely to deceive in a material way.

(2) A revocation of an approval under regulation 7 is not effective unless the Commissioner has caused written notice of the intention to revoke the approval to be served personally or by post on the person who obtained the approval stating the grounds on which the revocation is to be made and has allowed the person 7 days to —

- (a) remove the hoarding or other advertising structure or the advertisement;
- (b) make the hoarding or other advertising structure or the advertisement non-hazardous to traffic safety or aesthetically unobjectionable; or
- (c) provide reasons as to why the Commissioner should not revoke the approval,

as the case requires.

#### **Directions as to advertisements etc.**

11. (1) If —

- (a) a hoarding or other advertising structure has been erected or constructed; or
- (b) an advertisement is being exhibited,

on or in the vicinity of a highway or a main road and the Commissioner is of the opinion that any of the circumstances mentioned in subregulation (2) apply then the Commissioner may issue directions in accordance with subregulation (3).

(2) The circumstances referred to in subregulation (1) are —

- (a) that the hoarding or other advertising structure has been erected or constructed or the advertisement is being exhibited without the Commissioner's approval under regulation 7;
- (b) that the hoarding or other advertising structure has been erected or constructed or the advertisement is being exhibited in contravention of, or with failure to comply with, a condition set out in, or provided with, the notification of the relevant approval under regulation 7;
- (c) that the hoarding or other advertising structure or the advertisement is, or has become, hazardous to traffic safety or aesthetically objectionable.

(3) The Commissioner may direct any of the following persons to remove the hoarding or other advertising structure or the advertisement or transfer it to another site acceptable to the Commissioner —

- (a) the person who obtained the approval under regulation 7, if any, in relation to the hoarding or structure or the advertisement;
- (b) if the hoarding or other advertising structure has been erected on private property, the property owner.

(4) A direction under this regulation —

- (a) is to be in writing;
- (b) is to specify the period for compliance with the direction and the consequences of non-compliance under regulations 12(2), 13 and 14; and
- (c) is to be served either personally or by post.

**Removal of certain advertisements etc.**

12. (1) The Commissioner, any of the Commissioner's officers or any other person who has been authorized in writing by the Commissioner for that purpose may enter land, other than private property, on or in the vicinity of a highway or a main road and obscure, modify, reposition or remove a hoarding or other advertising structure or advertisement on that land, without notice to either —

- (a) the person who obtained the approval under regulation 7, if any, in relation to the hoarding or structure or the advertisement; or
- (b) the owner of the hoarding, structure or advertisement.

(2) If, under regulation 11(3)(b), a property owner has been directed to remove a hoarding or other advertising structure or an advertisement or to transfer it to another site acceptable to the Commissioner but has not complied with the direction within the period specified in the direction then the Commissioner, any of the Commissioner's officers or any other person who has been authorized in writing by the Commissioner for that purpose may enter the private property and obscure, modify, reposition or remove the hoarding or other advertising structure or advertisement.

**Costs of action taken by Commissioner**

13. If —

- (a) a person directed under regulation 11 does not comply with the direction within the period specified in the direction; and
- (b) after that period the Commissioner, any of the Commissioner's officers or any other person who has been authorized in writing by the Commissioner for that purpose enters land and obscures, modifies, repositions or removes a hoarding or other advertising structure or an advertisement,

then the costs of such action by or on behalf of the Commissioner are a debt due to the Commissioner and may be recovered in a court of competent jurisdiction from the person who was so directed.

**Commissioner may dispose of or sell removed items**

14. (1) The Commissioner is entitled to dispose of anything removed under regulation 12 (1) or (2) in such manner as the Commissioner thinks fit.

(2) Where any materials in the possession of the Commissioner as a result of the removal of a hoarding or other advertising structure or advertisement are disposed of by way of sale, the Commissioner is to apply the proceeds of sale firstly towards the costs incurred by or on behalf of the Commissioner, secondly towards the payment of any penalty imposed under these regulations in respect of the hoarding, structure or advertisement and any balance is to be paid to such person who proves an entitlement to the balance.

**Repeal, savings and transitional**

15. (1) The *Main Roads (Control of Signs) Regulations 1983* are repealed.

(2) A consent to the erection and display of any sign which was granted, or deemed to be granted, under regulation 7 of the regulations repealed by subregulation (1) and which had effect immediately before the commencement of these regulations is to be treated as an approval under regulation 7 and any term or condition of such consent is to be treated as applying to the approval under regulation 7.

(3) Regulations 11 (1), (2) (c), (3) (b) and (4), 12 (1) and (2), 13 and 14 (1) and (2) apply to —

- (a) hoardings or other advertising structures that were erected or constructed; and

(b) advertisements that were exhibited,

before 2 February 1973 and which continued to be in place or to be exhibited, as the case may be, at the commencement of these regulations.

(4) If an application for consent had been made under the regulations repealed by subregulation (1) but the application had not been finalised before the commencement of these regulations then the application is to be treated as if it were made under regulation 6(1).

(5) The provisions of this regulation do not prejudice or affect the application of the *Interpretation Act 1984* to and in relation to the repeal effected by subregulation (1).

Recommended—

Commissioner of Main Roads.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

MA401

MRWA 41-25-209VC

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

The Minister for Works hereby gives notice, in accordance with the provisions of section 17 (2) of the Land Acquisition and Public Works Act 1902, that it is intended to take or resume under section 17 (1) of that Act the piece or parcel of land described in the Schedule hereto and being all in the Canning District, for the purpose of the following public works namely, provision of a Right of Way associated with the Albany Highway Policy Plan (7.78 SLK) and that the said piece or parcel of land are marked off on LTO Diagram 90941 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

Schedule

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area
1.	Joseph M. O'Dea Nominees Pty Ltd	Joseph M. O'Dea Nominees Pty Ltd	Portion of Canning Location 2 and being part of Lot 76 on Plan 132 now contained in Diagram 90941 and being part of the land comprised in Certificate of Title Volume 1971 Folio 475.	252 m <sup>2</sup>

Dated this 3rd day of June 1996.

D. R. WARNER, Director Corporate Services.

MA402

**LAND ACQUISITION AND PUBLIC WORKS ACT 1902**  
**SALE OF LAND**

MRWA 41-25-122

Notice is hereby given that his Excellency the Governor has authorised under section 29 (7) (a) (ii) of the Land Acquisition and Public Works Act 1902, the sale by public auction or private contract of the land hereunder described, such land being no longer required for the work for which it was acquired.

LAND

Portion of Canning Location 2 and being Lot 3 on Diagram 12859 and being part of the land contained in Certificate of Title Volume 219 Folio 200A.

Portion of Canning Location 2 and being Lot 4 on Diagram 11374 and being part of the land contained in Certificate of Title Volume 1067 Folio 164.

Portion of Canning Location 2 and being Lot 5 on Diagram 11374 and being part of the land contained in Certificate of Title Volume 1422 Folio 227.

Portion of Canning Location 2 and being Lot 11 the subject on Diagram 55549 and being part of the land contained in Certificate of Title Volume 1521 Folio 525.

Portion of Canning Location 2 and being Lot 12 on Plan 62299 and being part of the land contained in Certificate of Title Volume 1614 Folio 060.

Portion of Canning Location 2 and being Lot 576 on Plan 2609 and being part of the land contained in Certificate of Title Volume 1761 Folio 896.

Portion of Canning Location 2 and being Lot 577 on Plan 2609 and being part of the land contained in Certificate of Title Volume 1113 Folio 433.

Portion of Canning Location 2 and being Lot 559 on Plan 2609 and being part of the land contained in Certificate of Title Volume 1101 Folio 652.

Portion of Canning Location 2 and being Lot 554 on Plan 2609 and being part of the land contained in Certificate of Title Volume 1936 Folio 997.

Dated this 14th day of June 1996.

D. R. WARNER, Director Corporate Services.

## MINERALS AND ENERGY

MN301

### EXPLOSIVES AND DANGEROUS GOODS ACT 1961

#### EXPLOSIVES AND DANGEROUS GOODS (AUTHORISED EXPLOSIVES) AMENDMENT ORDER 1996

Made by the Minister for Mines under section 14.

#### Citation

1. This Order may be cited as the *Explosives and Dangerous Goods (Authorised Explosives) Amendment Order 1996*.

#### Commencement

2. This Order shall take effect on and from the day on which notice of the Order is published in the *Government Gazette*.

#### Principal Order Varied

3. The Schedule to the *Explosives and Dangerous Goods (Authorised Explosives) Order 1988\** is varied—

(a) under the heading "Classification 1.1B" by deleting the following—

"(0029)	Tecnel Trunkline Delays	(ERT)	(Z)
(0029)	Tecnel MS Connectors	(ERT)	(Z)
(0029)	Tecnel Non-Electric Detonators (MS & LP Series)	(ERT)	(Z)";

and by inserting in their appropriate alphabetical position the following—

"(0030)	Electric Instantaneous II Detonators	(ICI)	(Z)
(0360)	Exel Bunchdet Detonators	(ICI)	(Z)
(0360)	Exel Connectadet 6 Detonators	(ICI)	(Z)
(0360)	Exel Enduradet Detonators	(ICI)	(Z)
(0360)	Exel Goldet 6 Detonators	(ICI)	(Z)
(0360)	Nonel MS Connectors	(DWL)	(Z)
(0030)	Tecnel Seismic Electric Detonators	(ERT)	(Z)";

(b) under the heading "Classification 1.1C" by inserting in their appropriate alphabetical position the following—

"(0160)	Shotgun Powder PSB1	(ERT)	(ZZ)
(0160)	Shotgun Powder PSB5	(ERT)	(ZZ)";

(c) under the heading "Classification 1.1D" by inserting in their appropriate alphabetical position the following—

"(0082)	Anfo-S	(ERT)	(ZZ)
(0475)	Dynoseis	(DWL)	(ZZ)
(0042)	HDP 120	(DWL)	(ZZ)

- |        |                     |       |        |
|--------|---------------------|-------|--------|
| (0042) | HDP 400 LP Booster  | (DWL) | (ZZ)   |
| (0042) | HDP 900             | (DWL) | (ZZ)   |
| (0241) | Powergel Buster     | (ICI) | (ZZ)   |
| (0241) | Powergel Magnum 365 | (ICI) | (ZZ)   |
| (0241) | Powergel Powerfrag  | (ICI) | (ZZ)   |
| (0042) | UEE Booster 26      | (ERT) | (ZZ)"; |
- (d) under the heading "Classification 1.4B" by inserting in their appropriate alphabetical position the following —
- |         |  |                |       |
|---------|--|----------------|-------|
| "(0255) | Electric Instantaneous II Detonators (in original packaging) | (ICI)          | (X)   |
| (0361)  | Exel Connectadet Detonators (in original packaging)          | (ICI)          | (X)   |
| (0361)  | Exel Detonators (MS and LP Series) (in original packaging)   | (ICI)          | (X)   |
| (0361)  | Exel Goldet Detonators (in original packaging)               | (ICI)          | (X)   |
| (0361)  | Exel Trunkline Delay (in original packaging)                 | (ICI)          | (X)   |
| (0255)  | Initiator Type EB 1A8  | (Fire Science) | (X)   |
| (0255)  | Initiator Type EB 106  | (Fire Science) | (X)   |
| (0361)  | Tecnel MS Connectors   | (ERT)          | (X)   |
| (0361)  | Tecnel Non-Electric Detonators (MS and LP Series)            | (ERT)          | (X)"; |
- (e) under the heading "Classification 1.4S" by inserting in their appropriate alphabetical position the following—
- |         |                   |       |           |
|---------|-------------------|-------|-----------|
| "(0349) | Nonel Extendaline | (DWL) | (X)       |
| (0105)  | TEC Safety Fuse   | (ERT) | (X)"; and |
- (f) under the heading "Classification 1.5D" by inserting in their appropriate alphabetical position the following—
- |         |                                   |       |        |
|---------|-----------------------------------|-------|--------|
| "(0332) | Blastmax                          | (TES) | (ZZ)   |
| (0332)  | Detapower Hi Inhibited Heavy Anfo | (DWL) | (ZZ)". |

[\*Published in the Gazette of 13 May 1988 at pp. 1634-40. For amendments prior to 14 May 1996 see table 4 of the 1995 Index to Legislation of Western Australia.]

K. J. MINSON, Minister for Mines.

MN401

### MINING ACT 1978

#### Notice of Application for an Order for Forfeiture

Department of Mines

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 provisions of section 96 (1) (a) for breach of covenant, *viz.* non-payment of rent.

C. D. ROBERTS (S. M.), Warden.

To be heard in the Warden's Court, Kununurra.

#### KIMBERLEY MINERAL FIELDS

P80/1291—Witen Holdings Pty Ltd  
 P80/1292—K. Davidson, N. Macri & P. Petroniro  
 P80/1224—Westgold Mining & Resources P/L  
 P80/1301—Ostanberg Holdings P/L  
 P80/1247—Austla Pty Ltd  
 P80/1285—Graham Derrick Bloodworth  
 P80/1284—Molas Pty Ltd



## MN402

**MINING ACT 1978**

## Notice of Intention to Forfeit

Department of Minerals and 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 30 June 1996 it is the intention of the Hon Minister for Mines under the provisions of Sections 94A (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 Licences		
04/979	Bridge, Glen Richard Hodge, Christopher Michael Hoile, Jo-anne Patricia Hoile, Richard Anthony Hoile, Victor Robert Lee-Steere, Renny Robert John Loh, James William Stuart	West Kimberley
04/980	Dioro Exploration NL	West Kimberley
09/625	Williams, Paul	Gascoyne
24/83	Gemwest Australia Pty Ltd	Broad Arrow
28/543	Dalla-Costa, Troy Gavin	North East Coolgardie
29/263	Kelpie Mining NL Murchison Mining Co Pty Ltd	North Coolgardie
37/340	Black Mountain Gold NL	Mt Margaret
45/1539	Hart, Anthony Edwin	Pilbara
51/436	Bonaparte Resources NL	Murchison
52/809	Giralia Resources NL	Peak Hill
53/468	Fortuna NL	East Murchison
53/544	Taipan Resources NL	East Murchison
77/552	Black Range Exploration Pty Ltd	Yilgarn
80/2030	Warburton Gold NL	Kimberley
25/149	North Coolgardie Resources NL	East Coolgardie
Mining Leases		
37/432	McKnight, Russell Geoffrey	Mt Margaret
39/100	Chaytor, Maxwell Stanley Dowling, John Francis Locsei, Janos Wanless, Maria Retnowati Wanless, Robert James	Mt Margaret
47/276	Everdale Holdings Pty Ltd Gurra Bunya Stone Pty Ltd	West Pilbara
General Purpose Leases		
47/10	Specified Services Pty Ltd	West Pilbara
52/17	Tripe, Vivian William	Peak Hill

## MN403

**MINING ACT 1978**

Department of Minerals and 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 Exploration Licence is forfeited for breach of covenant, *viz*; non compliance with expenditure conditions, with prior right of applicaiton being granted to the plaintiff under Section 100.

KEVIN MINSON, Minister for Mines.

Number	Holder	Mineral Field
52/667	Black Range Exploration Pty Ltd	Peak Hill

**MN404****MINING ACT 1978**

## Notice of Intention to Forfeit

Department of Minerals and 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 is paid on or before 25 June 1996 it is the intention of the Hon Minister for Mines under the provisions of Section 96A (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 Licences	
04/846	Mansfield, Godfrey Alexander Winston Tavers, John Hunter	West Kimberley
04/847	Mansfield, Godfrey Alexander Winston Tavers, John Hunter	West Kimberley
15/381	Gill Mining Pty Ltd Plenty River Mining Co NL	Coolgardie
15/382	Gill Mining Pty Ltd Plenty River Mining Co NL	Coolgardie
38/148	Barron, Dean Mark Bonney, Barron Troy	Mt Margaret
70/1438	Gemwest Australia Pty Ltd	South West

**MN405****MINING ACT 1978**

## Notice of Intention to Forfeit

Department of Minerals and 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 leases is paid on or before 30 June 1996 it is the intention of the Hon Minister for Mines under the provisions of Section 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
	Mining Leases	
70/439	Consolidated Goldfields Australia Ltd Western Australian Kaolin Co Pty Ltd Western Titanium Ltd	South West
70/783	Australian Chalk & Mineral Resources NL	South West
70/784	Australian Chalk & Mineral Resources NL	South West

**MN406****MINING ACT 1978**

## Notice of Application for an Order for Forfeiture

Department of Minerals and Energy,  
Southern Cross.

In accordance with Regulation 49 (2) (c) of the Mining Regulations, 1981, notice is hereby given that the licences are liable to forfeiture under the provisions of Section 96 (1) (a) of the Mining Act 1978 for breach of covenant, *viz*, non-payment of rent.

S. A. HEATH, Warden.

To be heard in the Wardens Court, Southern Cross on the 17th July 1996.

**YILGARN MINERAL FIELD***Prospecting Licence*

77/3001—Cambrian Resources NL

**MN407****MINING ACT 1978**

## Instrument of Cancellation of Exemption of Crown Land

Pursuant to Section 19 (1) (b) of the Mining Act 1978 I hereby cancel the Exemption of Crown land dated—

- 14 September 1995 and published at page 4329 in the *Government Gazette* on 15 September 1995.

Dated at Perth this 10th day of June 1996.

KEVIN MINSON, Minister for Mines.

**PLANNING****PD301****TOWN PLANNING AND DEVELOPMENT ACT 1928****TOWN PLANNING NOTICE 1996**

Given by the Minister for Planning under section 29.

**Citation**

1. This notice may be cited as the *Town Planning Notice 1996*.

**Commencement**

2. This notice comes into operation on 1 July 1996.

**Fees**

3. In respect of things to be done under the Act, the fees set out in the Schedule shall be charged on and from 1 July 1996.

**SCHEDULE**

1. For approval of subdivision or re-subdivision according to the following scale:

Number of Allotments	On lodgement of Application	On approval of each survey document
	\$	\$
1 .....	155	45
2 .....	160	55
3 .....	165	75
4 .....	170	90
5 .....	175	115
6-10 .....	200	130
11-15 .....	200	150
16-20 .....	200	175
21-25 .....	220	200
26-30 .....	220	230
31-35 .....	220	265
36-40 .....	265	300
41-45 .....	265	340
46-50 .....	265	375
51-55 .....	275	415
56-60 .....	275	450
61-65 .....	275	490
66-70 .....	290	525
71-75 .....	290	565
Over 75 .....	\$5 per lot in excess of 75 lots	

2. For approval of every transfer, conveyance, lease or mortgage [regulation 10 (2) of the *State Planning Commission Regulations 1962*] . . . . . \$40.00
3. On application to the Commission for a class of lease or licence to use or occupy or to be approved under section 20 (1c) of the Act . . . . . \$40.00
- and for each lease or licence proposed . . . . . \$ 6.00

No application or approval fees are payable on lots to be shown on a plan or diagram as being reserved for the purpose of a pedestrian accessway, right of way, truncation, road widening, or reserve for drainage or recreation.

### Revocation

4. The *Town Planning Notice 1995* given under section 29 of the *Town Planning and Development Act 1928* and published in the *Gazette* 16 June 1995, pp. 2335-6 is revoked.

RICHARD LEWIS, Minister for Planning.

### PD302

#### TOWN PLANNING AND DEVELOPMENT ACT 1928

#### TOWN PLANNING APPEAL TRIBUNAL AMENDMENT RULES 1996

Made by the Town Planning Appeal Tribunal under section 55 (2).

### Citation

1. These rules may be cited as the *Town Planning Appeal Tribunal Amendment Rules 1996*.

### Commencement

2. These rules come into operation on 1 July 1996.

### Rule 5 amended

3. Rule 5 (2) of the *Town Planning Appeal Tribunal Rules 1979\** is amended by deleting "\$130" and substituting the following —

" \$160 ".

[\* *Published in Gazette 25 June 1979, pp. 1761-66. For amendments to 22 March 1996 see 1994 Index to Legislation of Western Australia, Table 4, p. 287, and Gazette 16 June 1995.*]

JULIE BISHOP, Chairman.  
(Signed) Member.  
(Signed) Member.

PD303

## TOWN PLANNING AND DEVELOPMENT ACT 1928

TOWN PLANNING AND DEVELOPMENT ACT (APPEAL)  
AMENDMENT REGULATIONS 1996

Made by His Excellency the Governor in Executive Council.

## Citation

1. These regulations may be cited as the *Town Planning and Development Act (Appeal) Amendment Regulations 1996*.

## Commencement

2. These regulations come into operation on 1 July 1996.

## Regulation 4 amended

3. Regulation 4 (3) of the *Town Planning and Development Act (Appeal) Regulations 1979\** is amended by deleting "\$130" and substituting the following —

" \$160 ".

[\* *Published in Gazette 25 June 1979, pp. 1758-60.*  
*For amendments to 22 March 1996 see 1994 Index to Legislation of Western Australia, Table 4, p. 286, and Gazette 16 June 1995.*]

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

PD401

TOWN PLANNING AND DEVELOPMENT ACT 1928  
APPROVED TOWN PLANNING SCHEME AMENDMENT

*City of Canning*

Town Planning Scheme No. 17—Amendment No. 5

Ref: 853/2/16/21 Pt 5

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 Canning Town Planning Scheme Amendment on 9 June, 1996 for the purpose of making the following text alterations—

Add a new Clause 8A as follows—

"8A. To clarify the intent of the Scheme, subdivision as defined under the Town Planning and Development Act, 1928 and all strata subdivision requiring the certification of the Council under Sections 23 and 24 of the Strata Titles Act, 1985. In case of any dispute as to the application of this clause on the interpretation of the Scheme, the provisions of this clause apply retrospectively to the date of gazettal of the Scheme."

Add a new clause 27A as follows—

"27A. In the case of any subdivision receiving or which has received approval or final approval after the date of gazettal of the Council's Town Planning Scheme No. 40 on 18 February, 1994, the required contribution of land by an owner for Public Open Space shall be one twentieth of the total area of that owner's land being subdivided instead of one tenth. Where the Council between 18 February, 1994 and the coming into operation of this clause has collected more than one twentieth of the total of an owner's area provided for herein, the Council as soon as practicable shall return the excess money, or money value where land was contributed, to the person who made the contribution and if that person cannot be located after 12 months, the excess money may be used by the Council to acquire additional POS, or to develop or upgrade POS, in the locality."

Add a new Clause 27B as follows—

"27B. Where an owner of land in the Scheme Area has fulfilled obligations for contributions of land or moneys for Public Open Space pursuant to the provisions of this Scheme, no further contribution shall be required if that land is the subject of further subdivision."

M. S. LEKIAS, President.  
I. F. KINNER, Town Clerk.

PD402

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

*City of Rockingham*

Town Planning Scheme No. 1—Amendment No. 251

Ref: 853/2/28/1 Pt 251

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Rockingham Town Planning Scheme Amendment on 5 June, 1996 for the purpose of—

1. Rezoning Lots 1063 to 1068 from "Rural" to "Special Rural" as shown on the accompanying Amendment Map.
2. Inserting the following new clauses, in Table IV of the Scheme Text.

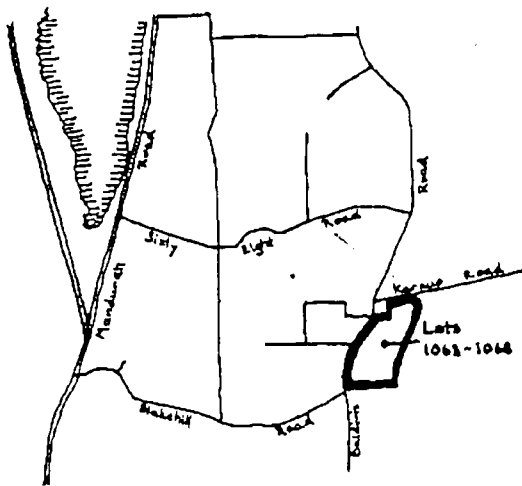
Amendment No. Area

Column (a) Locality

Lots 1063 to 1068 Cnr Baldvis Road and Karnup Road, Baldvis

Column (b) Provisions

The following provisions shall apply specifically to the Special Rural Zone Area referred to in column (a)—



1. Subdivision to be generally in accordance with the Subdivisional Guide Plan certified by the Town Clerk as the subdivision plan related to the areas as described in Column (a) and shall form part of the Scheme.
2. The Council will not recommend lot sizes less than 2ha's.

3. a) The following uses are permitted "P" within the Special Rural Zone as described in Column (A);

Single House/Dwelling. Healing Clinic and Retreat Centre are permitted uses only within that land identified on the Subdivision Guide Plan. These uses are defined as follows—

Healing Clinic: means a building or part of a building, designed or adapted for the use of practitioners who are suitably qualified in the prevention or treatment of physical or mental injuries or ailments.

Retreat Centre: means a building with short stay accommodation facilities designed or adapted for conducting group workshops and seminars.

With regard to the permitted Healing Clinic and Retreat Centre, the following car parking requirements shall apply.

Healing Clinic: ten parking bays.

Retreat Centre: one parking bay per short stay accommodation unit.

- b) The following uses are not permitted within the Special Rural Zone, as described in Column (A) unless approval is granted by the Council "AA"; Agriculture, Home Occupation, Industry Rural, Stables, Veterinary Hospital.
4. The symbols used in paragraph 3 above have the same meaning as those set out in Clause 3.4 of the Scheme Text.
5. Within the estate land uses other than a single residence, that are permitted or may be permitted by the Council pursuant to the Scheme shall only be permitted when the Council is satisfied that the land use does not involve excessive nutrient application or the clearing of the land.
6. With the intention of preserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, the approval of the Council is required for any intensive agricultural pursuit. The Council will have regard to limits

## Column (a) Locality

## Column (b) Provisions

- on stockings, the limited groundwater resources, tree and vegetation preservation and the effects on the environment of the locality and residents of the estate when considering the application and may, should approval be granted, impose any conditions as practical and may modify or vary such conditions to take account of seasonal changes.
7. On-site effluent disposal systems servicing development on the lots shall be to the specifications of the Local Authority. Every dwelling shall have connected to it a nutrient fixing effluent disposal system that—
    - a) has a vertical separation of 2 or more metres between the base of the leach drain or soak well and the highest recorded groundwater level; and
    - b) has been approved in writing by Council.
  8. The land is situated within the Stakehill Groundwater Area and a well license for a bore must be obtained from the Water Authority of Western Australia. The siting of bores shall be to the requirements of the Authority having regard to the location of any effluent disposal systems, water bodies, drains and neighbouring bores.
  9. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the Water Authority and the Council. The developer of the estate shall obtain the approval of the Water Authority and the Council for drainage proposals prior to commencement of site works.
  10. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate obtaining the prior consent in writing of the Council where such vegetation and trees are dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence and/or house driveway(s).
  11. The developer of the estate shall within the Strategic Revegetation Area depicted on the Subdivision Guide Plan, plant indigenous and native trees and shrubs of a species and at a density and distribution to be determined by the Council. Tree planting shall occur and be undertaken to the satisfaction of the Council prior to clearance of the Diagram of Survey.
  12. The developer of the estate shall maintain the trees and shrubs planted within the Strategic Revegetation Area and vegetation to be retained on each lot to the satisfaction of the Council until the land as a whole or in lots is sold.

Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council.
  13. The developer shall notify in writing any prospective purchaser of the requirement for the continued maintenance of strategic revegetation areas within the estate.
  14. Any residence and all other outbuildings shall only be constructed within building envelopes which shall be identified on each lot at the time of subdivision. The location and area of building envelopes shall be to the satisfaction of Council and may be varied at the discretion of Council.

## Column (a) Locality

## Column (b) Provisions

15. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by the Agriculture Department of Western Australia for the applicable pasture types.

Council may approve the grazing of animals provided that Council is satisfied that nutrient input to the land can be controlled and that such will not result in the removal or damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval Council may require the animals to be stabled or corralled.

Where in the opinion of Council the continued presence of animals on any portion of land in the estate is likely to contribute, or is contributing to dust pollution or soil erosion, notice may be served on the owner of the said land, requiring the immediate removal of the animals specified in the notice for a period specified in the notice.

16. At the time of 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.

17. For the purposes of maintaining Beenyup Pool, the following "Beenyup Pool Management Provisions" shall apply.

- i) No new dams, artificial retention of water, pumping, diversion of water or modification of the Pool's natural form shall be undertaken without the prior approval of the City of Rockingham.
- ii) The activities of stock on the land immediately surrounding Beenyup Pool shall be controlled such that problems of erosion, pollution and vegetation degradation do not occur.
- iii) A no spray (pesticide/herbicide), non cultivation and non nitrogenous fertiliser application buffer of 50 metres from the foreshore of Beenyup Pool shall apply. The no spray requirement will not preclude carrying out of noxious weed control in accordance with Agricultural Protection Board Requirements or Pest Control as authorised by the Council.
- iv) No indigenous trees or substantial vegetation shall be removed without the prior approval of Council, except where—
  - Trees are dead, diseased or dangerous.
  - The establishment of a fire access track is required under regulation or bylaw.
  - access to an approved development site is required.
- v) Commencement of any form of development within 100 metres of Beenyup Pool shall require the prior approval of Council.



Column (a) Locality

Column (b) Provisions

18. The developer of the estate, the Council and property owners shall be mindful of and comply with the provisions of the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 and Statement of Planning Policy No. 2—The Peel-Harvey Coastal Plain Catchment. The developer shall notify in writing any prospective purchaser of this provision.

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

**PD403**

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

District Planning Scheme No. 2—Amendment No. 183

Ref: 853/2/20/34 Pt 183

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Stirling District Planning Scheme Amendment on 5 June, 1996 for the purpose of rezoning Lots 54 and 55 Whatley Crescent, Maylands from "Residential R80" to "Restricted Business".

T. W. CLAREY, Mayor.  
G. S. BRAY, Town Clerk.

**PD404**

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

Town Planning Scheme No. 2—Amendment No. 131

Ref: 853/7/2/3 Pt 131

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 Broome Town Planning Scheme Amendment on 9 June, 1996 for the purpose of—

1. Rezoning Lots 1202 and 384 Hamersley Street from 'Residential' and 'Industry' respectively, to 'Special Sites'.

2. Amend Schedule B Special Sites by adding the following—

Site	Permitted Use	Development Conditions
Lot 1202 & 384 Hamersley Street	Holiday Accommodation, Tourist Development, Residential (single, grouped and multiple dwellings)	At the discretion of Council. Residential development at maximum R40 density.

3. Amend the Scheme maps accordingly.

R. J. JOHNSTON, President.  
G. S. POWELL, Shire Clerk.

**PD405**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*Shire of Donnybrook-Balingup*

Town Planning Scheme No. 4—Amendment No. 7

Ref: 853/6/4/4 Pt 7

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 Donnybrook-Balingup Town Planning Scheme Amendment on 9 June, 1996 for the purpose of—

1. Rezoning Lots 360, 364 and 385 Marshall Road Argyle, from "Intensive Farming" to "Rural Residential" in accordance with the Scheme Amendment Map; and

2. Amending the Scheme Text by adding to "Schedule 3 Rural Residential Zones" in the Scheme Text the following—

Specified  
Area

Special Provisions

Lots 360, 364 & 385  
Marshall Rd, Argyle.

Subdivision

1. Subdivision is to be generally in accordance with the Subdivision Guide Plan endorsed by the Shire Clerk.
2. The minimum lot size shall be 2 hectares unless specifically provided for in the Subdivision Guide Plan.
3. No further subdivision of lots shall occur.

Building Envelopes

4. All buildings, structures and on-site effluent disposal systems shall be contained within an area not greater than 2500m<sup>2</sup> (the Building Envelope), which cannot be located—
  - Where areas of significant vegetation exist;
  - Closer than 20 metres from any lot boundary
  - Closer than 30 metres from the creek or stream, indicated on the Subdivision Guide Plan as Drainage Line Protection Area;
  - Within the Fuel Reduction Area;

Services

5. Prior to occupation of any dwelling, landowners are required to provide their own liquid and solid waste disposal systems to Council specifications and satisfaction.
6. The minimum vertical clearance between the underside of any leach drain and the highest known ground water level shall be 2.0 metres. Where achievable, septic tank and leach drain effluent disposal systems shall not be constructed closer than 100 metres from any well, stream or underground water source.
7. A well licence must be obtained from the Water Authority of Western Australia prior to the construction of a well or bore to draw ground water.

Bush Fire Protection

8. Fuel reduction areas (areas clear of all flammable material with the exception of live trees) shall be maintained in the location indicated in the Subdivision Guide Plan and around all buildings for a minimum distance of 20 metres or such greater distance as the Council may consider reasonable having regard for the slope of the land and the general vegetation.
9. As a condition of subdivision the subdivider will be required to make satisfactory arrangement with the Council and the Bush Fires Board to ensure adequate ongoing fire protection within the site.
10. Fire breaks must be established around all lots to a width of 3 metres to allow for access for fire fighting vehicles. All residue from clearing these fire breaks to be disposed of prior to sale of the lots as necessary.
11. No buildings to be established within 100 metres of State Forest, where achievable.
12. All domestic water supply tanks to be fitted with a gate valve with 50mm male thread to draw water. The installation of these fittings to be positioned so as to leave 25% of the capacity of the water in the tank.

Fencing

13. Boundary fencing shall be post and six strand wire, 1.0 metre to 1.3 metres high, or post and ringlock or similar as approved by Council. Solid fencing such as super 6 or pickets shall not be permitted on boundaries and shall be only permitted on boundaries and shall only be permitted in proximity to buildings where Council determines that it will not adversely affect the rural amenity of the area.
14. Fencing to State Forest will be required to be provided as a condition of subdivision approval and constructed to the specifications and satisfaction of the Department of Conservation and Land Management.

Vegetation Protection and Tree Planting

15. No trees or substantial vegetation shall be felled or removed from the site except where—
  - required for approved development works;
  - the establishment of a firebreak is required by regulation or by-law;
  - trees are dead, diseased or dangerous.
16. There shall be no clearing within 30 metres of the centreline of watercourses indicated on the Subdivision Guide Plan as Drainage Line Protection Area.

Specified  
Area

## Special Provisions

17. On lots substantially denuded of natural vegetation by previous agricultural clearing, Council will require as a condition of building approval, the planting and maintenance of 50 trees and shrubs, capable of growing to not less than three metres in height, to be maintained by the property owner.

## Stocking Rates

18. Only sheep are permitted on these lots, unless Council grants specific approval for other stock, following application from eventual lots owners for planning consent. Council may by the service of a notice on the owner or occupier of a lot impose a stock reduction order. An owner or occupier who has received such a notice shall comply with the terms set out in the notice forthwith.

## Dams

19. No dams may be constructed. Any dams existing prior to the gazettal of this Amendment are to be maintained in a safe condition to the satisfaction of Council.

## Drainage Line Protection Area

20. Modification of watercourses, and pumping or diversion of water from the Protection Area are not permitted, unless the prior approval of the Water Authority and Council has been obtained in writing by the lot owner or occupier.

Activities such as cultivation of land or spraying of pesticides or herbicides, because they may contribute to erosion or pollution of the watercourse, are not permitted within the Protection Area. This provision does not preclude the carrying out of control for weeds or pests in accordance with the requirements of the Agriculture Protection Board.

## Road Upgrading

21. Both Amendment No. 7 and Amendment No. 8 are part of the Argyle Policy Area, identified in the Shire of Donnybrook Balingup "Rural Residential Planning Strategy".

Council has adopted a preferred Structure Plan (dated 20 April 1994) for the Policy Area, involving a road which links the subject land of the two amendments and depicts access to the South Western Highway. The structure plan is depicted on Figure No. 5: Page 13 of Amending Documents. Council shall at the subdivision stage request—

- (i) Appropriate access links between Amendments No. 7 and No. 8.
- (ii) Sealed access to the South Western Highway which reflects the structure plan and eliminates the sharp corner adjacent to CG377 and CG400, as indicated on Engineering detail; Page 13A of amending document.

A. R. COMPARTI, President.  
J. ATTWOOD, Shire Clerk.

**PD406**

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

*Shire of Dundas*

Town Planning Scheme No. 2—Amendment No. 4

Ref: 853/11/5/3 Pt 4

Notice is hereby given that the Shire of Dundas has prepared the abovementioned scheme amendment for the purpose of rationalising Table 1, Zoning Table, of the planning scheme text as related to interpretations as listed in Appendix 1 of the text.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Prinsep Street, Norseman 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 26 July 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 26 July 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. A. GILBERT, Shire Clerk.

**PD407****TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION***Shire of Shark Bay*

Town Planning Scheme No. 2—Amendment No. 41

Ref: 853/10/5/3 Pt 41

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

1. rezoning part of vacant Crown land, Vlamingh Crescent and Dampier Road, from “Rural/Pastoral” zone to “Industry” zone; and
2. rezoning part of vacant Crown land from “Rural/Pastoral” zone to “Industry” zone to cover the extension of existing Lots 243 to 250 inclusive, Dampier Road.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 42 Hughes Street, Denham 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 26 July 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 26 July 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.

T. PEARSON, Shire Clerk.

**PD408****TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION***Shire of Shark Bay*

Town Planning Scheme No. 2—Amendment No. 42

Ref: 853/10/5/3 Pt 42

Notice is hereby given that the Shire of Shark Bay has prepared the abovementioned scheme amendment for the purpose of rezoning Lots 149 and 150 Durlacher Street, Denham, from Public Purposes Reserve to Residential and applying a Residential Planning Code of R10/20 to the lots.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 42 Hughes Street, Denham 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 19 July 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 19 July 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. TURNOUR, A/Shire Clerk.

**PD409****TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION***Shire of Wyndham-East Kimberley*

Town Planning Scheme No. 6—Amendment No. 9

Ref: 853/7/5/8 Pt 9

Notice is hereby given that the Shire of Wyndham-East Kimberley has prepared the abovementioned scheme amendment for the purpose of—

1. Rezoning Lot 1370 Great Northern Highway, Wyndham, from Special Rural Zone to Special Site Zone (Alcohol and Drug Rehabilitation).
2. Rezoning Lot 1371 Great Northern Highway, Wyndham, from Special Site Zone (Alcohol and Drug Rehabilitation) to Special Rural Zone.
3. Amending Appendices No. 2 and 3, accordingly.

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 26 July 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 26 July 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, Shire Clerk.

**PD410**

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

Town Planning Scheme No. 4—Amendment No. 32

Ref: 853/8/4/5 Pt 32

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 Port Hedland Town Planning Scheme Amendment on 9 June, 1996 for the purpose of—

1. Rezoning Lot 5822 at Point Moore, Port Hedland, from Rural to Special Site and adding to the Scheme Map the notation "Caravan Park & Holiday Accommodation".
2. Modifying the notation on Lot 1312 from Caravan Park to "Caravan Park & Holiday Accommodation".
3. Adding to line 3 of Schedule 3 the words "and Lot 5822" following the words "Lot 1382".

G. J. BLACKMAN, Mayor.  
 J. E. ROBERTS, Town Clerk.

**PD411**

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

Town Planning Scheme No. 4—Amendment No. 33

Ref: 853/8/4/5 Pt 33

Notice is hereby given that the Town of Port Hedland has prepared the abovementioned scheme amendment for the purpose of rezoning Part VCL Lot 203 off Leehey Street, Boodarie from "Rural" to "Industry 2".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, McGregor Street, Port Hedland 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 19 July 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 19 July 1996.

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

J. ROBERTS, Chief Executive Officer.

**PD703**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME**  
*Shire of Mount Marshall*

Town Planning Scheme No. 2

Ref: 853/4/19/5

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 Mount Marshall Town Planning Scheme No. 2 on 9 June, 1996—the Scheme Text of which is published as a Schedule annexed hereto.

L. W. O'NEIL, President.  
 M. SIMMONDS, Shire Clerk.

Schedule

**SHIRE OF MOUNT MARSHALL**  
**TOWN PLANNING SCHEME No. 2**

The Mount Marshall 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), hereby makes the following Town Planning Scheme for the purposes laid down in the Act.

SCHEME TEXT  
ARRANGEMENT

Part 1—Preliminary

- 1.1 Citation
- 1.2 Responsible Authority
- 1.3 Scheme Area
- 1.4 Revocation
- 1.5 Contents of Scheme
- 1.6 Arrangement of Scheme Text
- 1.7 Scheme Objectives
- 1.8 Interpretations

Part 2—Reserves

- 2.1 Scheme Reserves
- 2.2 Matters to be Considered by the Council
- 2.3 Compensation

Part 3—Zones

- 3.1 Zones
- 3.2 Zoning Table
- 3.3 Special Use Zone

Part 4—Non-conforming Uses

- 4.1 Non-conforming Use Rights
- 4.2 Extension of Non-conforming Use
- 4.3 Change of Non-conforming Use
- 4.4 Discontinuance of Non-conforming Use
- 4.5 Destruction of Buildings

Part 5—Development Requirements

- 5.1 Development of Land
- 5.2 Site Requirements
- 5.3 Car Parking Requirements
- 5.4 Discretion to Modify Development Standard
- 5.5 Residential Development—Residential Planning Codes
- 5.6 Special Application of Residential Planning Codes
- 5.7 Development of Lots Abutting Unconstructed Roads
- 5.8 Home Occupation
- 5.9 Relocated Dwelling or Building
- 5.10 Special Rural Zone

Part 6—Heritage—Precincts and Places of Cultural Significance

- 6.1 Purpose and Intent
- 6.2 Heritage List
- 6.3 Designation of Heritage Precincts
- 6.4 Applications for Planning Consent
- 6.5 Formalities of Application
- 6.6 Variations to Scheme Provisions

Part 7—Planning Consent

- 7.1 Application for Planning Consent
- 7.2 Advertising of Application
- 7.3 Determination of Application
- 7.4 Deemed Refusal

Part 8—Administration

- 8.1 Powers of the Scheme
- 8.2 Offences
- 8.3 Act
- 8.4 Claims for Compensation
- 8.5 Appeals
- 8.6 Power to make Policies
- 8.7 Delegation

SCHEDULES

1. Interpretations
2. Special Use Zone
3. Special Rural Zone

PART 1—PRELIMINARY

1.1 Citation: This Town Planning Scheme may be cited as the Shire of Mount Marshall Town Planning Scheme No. 2 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 Mount Marshall hereinafter called “the Council”.

1.3 Scheme Area: The Scheme applies to the whole of the land within the Municipal District of the Shire of Mount Marshall hereinafter called “the Scheme Area”.

1.4 Revocation: The Shire of Mount Marshall Town Planning Scheme No. 1 published in the *Government Gazette* of 7 February 1969 and all amendments thereto is hereby revoked.

1.5 Contents of Scheme: The Scheme comprises—

- (a) this Scheme Text
- (b) the Scheme Map

1.6 Arrangement of Scheme Text: The Scheme Text is divided into the following parts—

PART 1—PRELIMINARY

PART 2—RESERVES

PART 3—ZONES

PART 4—NON-CONFORMING USES

PART 5—DEVELOPMENT REQUIREMENTS

PART 6—CONSERVATION OF BUILDINGS AND PLACES OF HERITAGE SIGNIFICANCE

PART 7—PLANNING CONSENT

PART 8—ADMINISTRATION

1.7 Scheme Objectives: The objectives of the Scheme are—

- (a) to encourage and control orderly development in the Scheme Area in such a way that will promote and safe guard the health, safety, convenience, and economic and general welfare of its inhabitants and the amenities of the area.
- (b) to provide for possible future residential, commercial, industrial, and rural (hobby farm) development.
- (c) to control quality of development throughout the Shire.
- (d) to adopt a set of policies which will achieve the stated objectives.

1.8 Interpretations

1.8.1 Except as provided in clauses 1.8.2 and 1.8.3 the words and expressions of the Scheme have their normal and common meaning.

1.8.2 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 and the Residential Planning Codes.

1.8.3 Where a word or term is defined in the Residential Planning Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the Residential Planning Codes.

#### PART 2—RESERVES

2.1 Scheme Reserves: The land shown as Scheme Reserves on the Scheme Map, hereinafter called 'Reserves' are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder—

PUBLIC PURPOSE

RECREATION AND OPEN SPACE

RAILWAY

ROAD

2.2 Matters to be Considered by the Council: Where an application for planning consent is made with respect to land within a 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.

2.3 Compensation

2.3.1 Where the Council refuses planning consent for the development of a 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.

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

2.3.3 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 3—ZONES

3.1 Zones

3.1.1 There are hereby created the several zones set out hereunder:

RESIDENTIAL

TOWN CENTRE

INDUSTRIAL

SPECIAL USE

SPECIAL RURAL

RURAL

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

### 3.2 Zoning Table

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 uses 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 meaning—

“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 7.2.

3.2.3 Where no symbol appears in the cross reference of a use against a zone in the Zoning Table that use 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 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 purposes 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 7.2 in considering an application for planning consent.

3.3 Special Use Zone: No person shall use any land, or any building or structure thereon in a Special Use zone, except for the purpose set against that land in Schedule 2 and subject to compliance with any conditions specified in the schedule with respect to the land.

TABLE 1  
ZONING TABLE

USES	Residential	Town Centre	Industrial	Special Rural	Rural
1 abattoir					SA
2 aged or dependent persons dwelling	AA			AA	
3 caretaker's dwelling		AA	AA		AA
4 civic building	AA	AA	AA		
5 dwelling	P	SA		P	P
6 educational establishment	AA	AA			AA
7 fuel depot			AA		
8 home occupation	AA			AA	P
9 hotel		SA			
10 industry—cottage	AA			AA	P
11 industry—extractive			AA		SA
12 industry—general			P		
13 industry—light		AA	P		
14 industry—noxious					SA
15 industry—rural			P		P
16 motel		P			SA
17 piggery					SA
18 poultry farm			AA		P
19 public recreation	AA	AA	AA		AA
20 public utility	AA	AA	AA	AA	AA
21 public worship	AA	AA			AA
22 residential building	AA	P			
23 restaurant		P			
24 rural pursuit				AA	P
25 service station		AA	P		
26 shop		P			
27 tavern		SA			

### PART 4—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 gazettal date 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 authorize 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.

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 building 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 the occupier of that property, and may enter into an agreement with the owner for that purpose.

4.5 Destruction of Buildings: 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 building 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.

## PART 5—DEVELOPMENT REQUIREMENTS

5.1 Development of Land

5.1.1 Subject to clause 5.1.2 a person shall not commence or carry out development of any land zoned under the Scheme without first having applied for and obtained the planning consent of the Council under the Scheme.

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

- (a) the use of land in a 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 erection on a lot of a single house, including ancillary outbuildings, in a zone where the proposed use is designated with symbol "P" in the cross-reference to that zone in the zoning table, except where the lot on which the single house is proposed does not have frontage to a constructed road in a dedicated road reserve in which case an application for planning consent is required.
- (d) the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act;
- (e) 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; or
- (f) the carrying out of works urgently necessary for public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

5.2 Site Requirements: The site building requirements for land in various zones shall be as set out in Table 2.

TABLE 2  
SITE REQUIREMENTS—MINIMUM SETBACKS FROM BOUNDARIES

ZONE	STREET	REAR	SIDE
Residential	As in the R Codes		
Town Centre	0m	At the Council's Discretion	
Industrial	7.5m	7.5m	5m on 1 side
Special Rural	15.0m	10.0m	10.0m
Rural	20.0m	15.0m	15.0m

5.2.1 Where a lot has frontage to two streets the Council may reduce the minimum setback from one only of those streets to not less than 50% of the distance specified in Table 2.

5.2.2 In the Industrial zone the first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the Council. Where a lot has frontage to two streets the Council may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the Council.

5.3 Car Parking Requirements: A person shall not develop or use any land or erect use or adapt any building unless car parking spaces specified by the Council are provided and such spaces are constructed and maintained in accordance with the requirements of the Council.

5.4 Discretion to Modify Development Standards: If a development, other than a residential development or development of a lot fronting an unconstructed road, and which is 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 effect 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.

#### 5.5 Residential Development: Residential Planning Codes

5.5.1 For the purpose of the Scheme “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 (hereinafter called the “R Codes”).

5.5.2 A copy of the R Codes, as amended, shall be kept and made available for public inspections at the offices of the Council.

5.5.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the R Codes shall conform to the provisions of those Codes.

5.5.4 The R Code density applicable to land within the residential zone shall be determined by reference to the Residential Planning code density numbers superimposed on the particular areas shown on the Scheme Map as being contained within the outer edges of the solid black line borders or, where such an area abuts on another area having a Residential Planning code density, as being contained within the centre lines of those borders.

#### 5.6 Special Application of Residential Planning Codes

Notwithstanding anything elsewhere appearing in the Scheme, in areas coded R10 the development of grouped dwellings in accordance with the provisions of the R17.5 Code may be permitted at the Council’s discretion subject to the procedures set out at clause 7.2 of this Scheme.

5.7 Development of Lots Abutting Unconstructed Roads: Notwithstanding anything elsewhere appearing in the Scheme where an application for planning consent is made in respect of land abutting an unconstructed road or a lot which does not have frontage to a constructed road the Council shall either—

- (a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or
- (b) grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or
- (c) require such other arrangements are made for permanent access as shall be to the satisfaction of the Council.

#### 5.8 Home Occupation

5.8.1 The Council shall not grant planning consent to a home occupation unless it is satisfied that the use—

- (a) will not prejudicially affect the amenity of the neighbourhood by way of emissions of any nature;
- (b) will not occupy an area greater than 20 square metres;
- (c) 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;
- (d) does not entail the sale of any goods not produced on the site unless approved by the Council;
- (e) is compatible with the principal uses to which the land in the zone it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area; and
- (f) does not display a sign exceeding 0.2 sq. metres in area.

5.8.2 A planning consent to conduct a home occupation is issued to a specific occupier of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which planning consent for a home occupation is issued the planning consent is cancelled.

5.8.3 If, in the opinion of the Council, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality the Council may rescind the planning consent.

#### 5.9 Relocated Dwelling or Building

5.9.1 Within the Scheme area a building may not be placed on a lot and occupied as a dwelling following transportation as a whole or as parts of a building unless, in the opinion of the Council, such building is in a satisfactory condition and will not detrimentally affect the amenity of the area, or if such a building has been specifically constructed as a transportable dwelling.

5.9.2 An applicant for a building licence for a transported building may be required by the Council to enter into a contract and provide a bond to reinstate the building to an acceptable standard of presentation within a period of twelve months from the issue of a building licence for such a dwelling.

#### 5.10 Special Rural Zone

Objectives: It is the intention of the Council to consider only those proposals for Special Rural development for land within a 10 kilometre radius of the Bencubbin or Beacon townsites.

Each application for a Special Rural Zone is to be accompanied by a land capability and land suitability assessment prepared at the proponents' cost to the satisfaction of the Council and the Commission.

5.10.1 General Provisions: The provisions for controlling subdivision and development in a Special Rural zone shall comply with the requirements of Schedule 3 and with the following—

- (a) subdivision shall generally accord with the plan of subdivision for the specified area referred to in Schedule 3 and such plan of subdivision shall show the minimum lot size for subdivision.
- (b) in addition to a building licence, the Council's prior planning consent is required for all development (excluding a single house) and such application shall be made in accordance with the provisions of the Scheme.
- (c) not more than one dwelling per lot shall be erected; the Council may approve ancillary accommodation in accordance with the R Codes.
- (d) in order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorized by the Council.
- (e) in order to enhance the rural amenity of the land in areas the Council considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the Council.
- (f) any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the Council. Where in the opinion of the Council the continued presence of animals is likely to contribute or is contributing to noise, odour, or dust pollution or soil erosion, notice may be served on the owner of the land requiring the removal within the period specified in the notice of those animals specified in the notice for a period specified in the notice.

### PART 6—HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE

6.1 Purpose and Intent: The purpose and intent of the heritage provisions is—

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

#### 6.2 Heritage List

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

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

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

#### 6.3 Designation of Heritage Precincts—

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

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

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

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

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

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

6.3.5 The Council may modify or may cancel a heritage precinct or any policy statement which relates to it by following the procedure set out in clause 6.3.4.

#### 6.4 Applications for Planning Consent:

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

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

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

6.5 Formalities of Application: In addition to the application formalities prescribed in clause 6.4 and any formalities or requirements associated with applications for planning consent contained in any other provision of the Scheme, the Council may require an applicant for planning consent, where the proposed development may affect a place of cultural heritage significance or a heritage precinct, to provide one or more of the following to assist the Council in its determination of the application—

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the applications, and the location, type and height of all existing structures and of all existing vegetation exceeding two (2) metres in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;
- (c) a detailed schedule of all finishes, including materials and colours of the proposed development, and unless the Council exempts the applicant from the requirement or any part of it, also the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
- (d) any other information which the Council indicates that it considers relevant.

#### 6.6 Variations to Scheme Provisions

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

- (a) consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to clause 7.2; and
- (b) have regard to any expressed views prior to making its decision to grant the incentive.

6.6.2 In granting variations under clause 6.6.1 the Council may enter into a heritage agreement under Part 4 of the Heritage of Western Australia Act 1990 with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

### PART 7—PLANNING CONSENT

7.1 Application for Planning Consent: Every application for planning consent shall be made in the form prescribed by the Council and in accordance with the directions thereon.

#### 7.2 Advertising of Applications

7.2.1 Where an application is made for planning consent to commence or carry out development 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.

7.2.2 Where an application is made for planning consent to commence or carry out development which involves an "SA" use the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions of this clause.

7.2.3 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 notice;
- (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.

7.2.4 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.

#### 7.3 Determination of Application

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

7.3.2 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 the 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 such conditions as it thinks fit.

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

#### 7.4 Deemed Refusal

7.4.1 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 7.2 the application may be deemed to have been refused.

7.4.2 Where the Council has given notice of an application for planning consent in accordance with clause 7.2 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.

7.4.3 Notwithstanding that an application for planning consent may be deemed to have been refused under clauses 7.4.1 or 7.4.2 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, and that decision shall be regarded as being valid.

### PART 8—ADMINISTRATION

8.1 Powers of the Scheme: In implementing the Scheme the Council 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 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 pursuant to the provisions of the Scheme or the Act.
- (c) the Council may deal with or dispose of any land which it has acquired pursuant to the Scheme or the Act in accordance with law and for such purpose may make such agreements with other owners as it considers fit.
- (d) an officer of the Council, authorized by the Council for the purpose, may at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

#### 8.2 Offences

8.2.1 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; and
- (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 part have been and continue to be complied with.

8.2.2 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.

#### 8.3 Act—Removal of Certain Buildings etc

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

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

8.4 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 gazettal date.

8.5 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 the rules and regulations made pursuant to the Act.

#### 8.6 Power to Make Policies

8.6.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.

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

- (a) the Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft Policy once a week for two consecutive weeks in a newspaper circulating in the Scheme Area giving details of where the draft Policy may be inspected and where, in what form, and during what period (being not less than twenty-one days) representations may be made to the Council.
- (b) the Council shall review its draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft Policy with or without amendment, or to not proceed with the draft Policy.
- (c) following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme for inspection during normal office hours.

8.6.3 A Town Planning Scheme Policy may only be altered or rescinded by—

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

8.6.4 A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but before making its decision the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve.

#### 8.7 Delegation

8.7.1 The Council may, either generally or in a particular case or cases, by resolution passed by an absolute majority of the Council, delegate to the staff of the Council the authority to deal with an application for planning consent made under this Scheme.

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

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

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

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

8.7.6 A resolution to revoke or amend a delegation under clause 8.7 may be passed by a simple majority.

8.7.7 The staff of the Council exercising the power delegated pursuant to the provisions of clause 8.7 shall comply with the provisions of the Scheme governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.

### SCHEDULE 1

#### INTERPRETATION

**abattoir:** means land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

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

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

**amusement facility:** means land and buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.

**amusement machine:** means any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.

**amusement parlour:** means any land or building, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.

**aquaculture:** means any fish farming operation for which a fish farm licence issued pursuant to the provisions of Part V of the Fisheries Act 1905 (as amended) and the Fisheries Regulations 1938 (as amended) is required.

**battle-axe lot:** means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.

**building envelope:** means an area of land within a lot marked on a plan within which all buildings on the lot must be contained.

**camping area:** means land used for the lodging of persons in tents or other temporary shelter.

**caravan park:** means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.

- caretaker's dwelling: means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.
- civic building: means a building designed, used or intended to be used by a public authority or the Council as offices or for administrative or other like purpose.
- civic use: means land and buildings used by a public authority or the Council, for administrative, recreational or other purpose.
- club premises: means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Licensing Act, 1988 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.
- Commission: means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act 1985 (as amended).
- conservation: means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will—
- (a) enable the cultural heritage significance of that place or precinct to be retained; and
  - (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilization, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting.
- constructed road: means a track which has been graded and stabilised within a dedicated road reserve.
- consulting rooms: means a building (other than a hospital or medical centre) used by practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors or persons ordinarily associated with a practitioner in the prevention or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.
- cultural heritage significance: means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.
- development: shall have the same meaning given to it in and for the purposes of the Act but shall also include in relation to any building, object, structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that—
- (a) is likely to change the character of the place or the external appearance of any building; or
  - (b) would constitute an irreversible alteration to the fabric of any building.
- District: means the Municipal District of the Shire of Mount Marshall.
- dog kennels: means land and buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.
- educational establishment: means a school or other educational centre, but does not include a reformatory.
- fuel depot: means any land or building used for the storage and sale in bulk of solid, liquid, or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises.
- gazettal date: means the date of which notice of the Minister's approval of this Scheme is published in the Government Gazette.
- heritage precinct: means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.
- heritage list: means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the Heritage of Western Australia Act 1990 (as amended), or such parts thereof as described in the Heritage List.
- hobby farm: means the use of land for the agistment of horses, the growing of vegetables, fruit and flowers and the keeping of domestic poultry for private use only and not for commercial purposes or sale and shall include any buildings normally associated therewith.
- home occupation: means a business or activity carried out within a dwelling or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling to which it is appurtenant that—
- (a) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;
  - (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
  - (c) does not detract from the residential appearance of the dwelling or domestic outbuilding;
  - (d) does not entail employment of any person not a member of the occupier's household;
  - (e) does not occupy an area greater than 20m<sup>2</sup>;

- (f) does not display a sign exceeding 0.2m<sup>2</sup> in area;
- (g) in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put;
- (h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- (i) does not entail the presence, parking, and garaging of a vehicle of more than two (2) tonnes tare weight.

hotel: means any land or building providing accommodation for the public the subject of a hotel licence granted under the provisions of the Liquor Licensing Act 1988 (as amended) and may include a betting agency operated in accordance with the Totalisator Agency Betting Board Act 1960 (as amended), but does not include a motel, tavern, or boarding house the subject of a limited hotel licence or other licence granted under that Act.

industry: means the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following—

- (a) the winning, processing or treatment of minerals;
- (b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing, or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;
- (c) the generation of electricity or the production of gas;
- (d) the manufacture of edible goods,

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include—

- (i) the carrying out of agriculture,
- (ii) on-site work on buildings or land,
- (iii) in the case of edible goods the preparation of food for retail sale from the premises.

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

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (b) where operated in a Residential Zone, does not entail the employment of any person other than a member of the occupier’s household;
- (c) is conducted in an outbuilding which is compatible within the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area greater than 50m<sup>2</sup>;
- (e) does not display a sign exceeding 0.2m<sup>2</sup> in area.

industry—extractive: means an industry which involves—

- (a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the storage, treatment, or manufacture of products from those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products;
- (b) the production of salt by the evaporation of salt water.

industry—general: means an industry other than a cottage, extractive, hazardous, light, noxious, rural, or service industry.

industry—hazardous: means an industry which, when in operation and when all measures proposed to minimize its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural, or service industries.

industry—light: means an industry—

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

industry—noxious: means an industry which is subject to licensing as “Prescribed Premises” under the Environmental Protection Act 1986 (as amended).

industry—rural: means an industry handling, treating, processing, or packing primary products grown, reared, or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.



- industry—service: means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.
- land: shall have the same meaning given to it in and for the purpose of the Act.
- local shop: means a building or part of a building wherein the only goods offered for sale are foodstuffs, toiletries, stationery or goods of a similar domestic nature intended for day to day consumption or use by persons living or working in the locality of the shop.
- lodging house: shall have the same meaning as is given to it in and for the purposes of the Health Act, 1911 (as amended).
- lot: shall have the same meaning given to it in and for the purposes of the Act and “allotment” has the same meaning.
- market: means land and buildings used for a fair, a farmer’s or producers’ market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.
- medical centre: means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretation of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.
- motel: means land and buildings used or intended to be used to accommodate patrons in a manner similar to a hotel or boarding house but in which special provision is made for the accommodation of patrons with motor vehicles and to which a licence under the Liquor Licensing Act 1988 (as amended) has been granted.
- motor vehicle and marine sales: means land and buildings used for the display and sale or hire of new or second-hand motorcycles, cars, trucks, caravans, and boats or any one or more of them and may include the servicing of motor vehicles sold from the site.
- motor vehicle repair: means land and buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis re-shaping.
- nett lettable area (NLA): means the area of all floors confined within the internal finished surfaces of permanent walls but excludes the following areas—
- (a) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
  - (b) lobbies between lifts facing other lifts serving the same floor;
  - (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
  - (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.
- non-conforming use: means any use of land or building which was lawful immediately prior to the coming into operation of the scheme, but is not in conformity with the provisions of the scheme.
- office: means a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial service, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.
- 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 an 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 lessor or licensee from the Crown; or
  - (d) is entitled to receive or is in receipt of, or if the land 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.
- piggery: shall have the same meaning given to it in and for the purposes of the Health Act 1911 (as amended).
- place: means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes—
- (a) an area of land situated in the bed of any watercourse or lake;
  - (b) any works or buildings situated there, their contents relevant to the purpose of the Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
  - (c) as much of the land beneath the place as is required for the purposes of its conservation.
- plant nursery: means any land or buildings used for the propagation, rearing, and sale of plants and the storage and sale of products associated with horticultural and garden decor.

potable water: means water in which the level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in "International Standards for Drinking Water" published by the World Health Organization.

poultry farm: means any land or buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act 1911 (as amended).

private recreation: means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.

produce store: means any land or buildings wherein fodders, fertilisers and grain are displayed and offered for sale.

public amusement: means land and buildings used for the amusement or entertainment of the public, with or without charge.

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

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

public utility: means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

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

restaurant: means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant.

restoration: means any work or process on at or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.

rural pursuit: means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- (a) the growing of vegetables, fruit, cereals or food crops;
- (b) the rearing or agistment of sheep, cattle, horses, goats or beasts of burden;
- (c) the stabling, agistment or training of horses;
- (d) the growing of crops or pasture for grazing or seed production;
- (e) the sale of produce grown solely on the said land;

but does not include the following except as approved by Council,

- (i) the processing, treatment or packing of produce;
- (ii) the breeding, rearing or boarding of domestic pets;
- (iii) the breeding, rearing or agistment of fauna including but not limited to emus, kangaroos, and ostriches.

schedule: means a schedule to the Scheme.

service station: means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating, spray painting, major repair to motor vehicles, or wrecking of vehicles.

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

showroom: means a building wherein goods are displayed and may be offered for sale by wholesale and/or by retail, excluding the sale by retail of: foodstuffs, liquor or beverages; items of clothing or apparel, magazines, books or paper products; medical or pharmaceutical products; china, glassware or domestic hardware; and items of personal adornment.

tavern: means land and buildings the subject of a Tavern Licence granted under the provisions of the Liquor Licensing Act, 1988 (as amended).

transport depot: means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

veterinary hospital: means a building used in connection with the treatment of sick animals and includes the care and accommodation of animals during or after such treatment.

zone: means a portion of the Scheme area shown on the Scheme Map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land, but does not include reserved land.

SCHEDULE 2  
SPECIAL USE ZONES

PARTICULARS OF LAND	REQUIREMENTS OF THE ZONE
Lot 40 Hamilton/Rowlands Street, Beacon	Uses shall be motor vehicle repair station and/or such other uses approved by the Council which in the opinion of the Council will not adversely impact on the amenity of adjacent residential uses
Lots 49-56 Lucas Street between Hamilton and Broadbent Streets, Beacon	Uses shall include machinery dealer, panel beater, tyre service, rural supplies and agricultural spraying and/or such other uses approved by the Council which in the opinion of the Council will not adversely impact on the amenity of adjacent residential uses

SCHEDULE 3  
SPECIAL RURAL ZONES

PARTICULARS OF LAND	REQUIREMENTS OF THE ZONE
Lot 68-76 Cook, Blight, and Kirby Streets, Beacon	Within this area a minimum lot size of 2 hectares shall apply

ADOPTION

Adopted by Resolution of the Council of the Shire of Mount Marshall at the meeting of the Council held on the 21st day of March 1995.

L. W. O'NEIL, President.  
M. SIMMONDS, Shire Clerk.

FINAL APPROVAL

1. Adopted by Resolution of the Council of the Shire of Mount Marshall at the meeting of the Council held on the 16th day of April 1996 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of—

L. W. O'NEIL, President.  
M. SIMMONDS, Shire Clerk.

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in clause 1.5 of the Scheme and to which formal approval was given by the Minister for Planning on the date shown below.

2. Recommended/Submitted for Final Approval—

Date: 5 June 1996.

EUGENE FARRARO, for Chairperson, Western Australian  
Planning Commission.

3. Final Approval Granted—

Date: 9 June 1996.

RICHARD LEWIS, Hon. Minister for Planning.

## 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
<b>APPLICATIONS FOR TRANSFER OF LICENCE</b>			
1347/95	Jendra Pty Ltd	Application for the transfer of a hotel licence in respect of premises situated in Cloverdale and known as Cloverdale Hotel, from Allamanda Pty Ltd.	24/6/96
1348/95	Barnard Cooper, Coral Cooper & Vernon Cooper	Application for the transfer of a hotel licence in respect of premises situated in Cranbrook and known as Cranbrook Hotel, from Ross Norgard.	3/7/96
1352/95	Tri Vi Mo and Jeremy Alain Goulet	Application for the transfer of a restaurant licence in respect of premises situated in Como and known as Frenchy's, from Vermonde Holdings Pty Ltd.	19/6/96
1353/95	Rafael Arias and Claudio Romano	Application for the transfer of a restaurant licence in respect of premises situated in Mt Hawthorn and known as Locos—Spanish Tapas Restaurant, from Quirino M. Palleschi and Rafael Arisa.	18/6/96
1355/95	Bruce Robert McGregor & Lisa Lorraine McGregor	Application for the transfer of a restaurant licence in respect of premises situated in Cannington and known as Burgundy Rose Restaurant, from Evagelia Kasserias.	20/6/96
<b>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
835/95	John Fraser & Marion Fraser	Application for the grant of a liquor store licence in respect of premises situated in Busselton and known as Bayside Liquor Store.	7/7/96
844/95	Victoria Park South Perth Sports Club Inc	Application for the grant of a club restricted licence in respect of premises situated in Lathlain and known as Victoria Park Sports Club.	5/7/96

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

G. B. AVES, Director of Liquor Licensing.

## STATE REVENUE

SX301

### STAMP ACT 1921 STAMP AMENDMENT REGULATIONS 1996

Made by His Excellency the Governor in Executive Council.

#### Citation

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

**Principal regulations**

2. In these regulations the *Stamp Regulations 1979\** are referred to as the principal regulations.

[\* *Published in Gazette 17 December 1979, pp. 3780-7.*  
*For amendments to 21 March 1996 see 1994 Index to Legislation of Western Australia, Table 4, pp. 262-3 and Gazette 15 December 1995.*]

**Regulation 7B inserted**

3. After regulation 7A of the principal regulations the following regulation is inserted —

“

**Defence Service Homes Insurance Scheme policies exempted**

7B. (1) In this regulation —

“**Defence Service Homes Insurance Scheme**” has the meaning given under section 38 of the *Defence Service Homes Act 1918* of the Commonwealth.

(2) A policy of insurance under the Defence Service Homes Insurance Scheme is a prescribed policy of insurance under item 8 (4) of the Third Schedule to the Act.

”.

**Regulation 8A repealed and regulations substituted**

4. Regulation 8A of the principal regulations is repealed and the following regulations are substituted —

“

**Prescribed forms in section 31B**

8A. (1) For the purposes of section 31B (1), the prescribed form of the statement required to be prepared and lodged with the Commissioner in respect of a transaction referred to in —

- (a) section 31B (1) (a), (d) or (e) is set out in Form 1A;
- (b) section 31B (1) (aa) is set out in Form 1AA;
- (c) section 31B (1) (b) is set out in Form 1B; and
- (d) section 31B (1) (c) is set out in Form 1C,

of the Third Schedule.

(2) For the purposes of section 31B (2), the prescribed form of the notification required to be made by that section is set out in Form 1D of the Third Schedule.

**Prescribed business licences**

8AA. For the purposes of section 31B (1) (e), the prescribed kinds of business licence are those set out in the Fourth Schedule.

”.

**Existing regulation 8AA renumbered**

5. Regulation 8AA of the principal regulations is amended by deleting the regulation designation “8AA.” and substituting the following designation —

“ 8AAA. ”.

**Third Schedule amended**

6. The Third Schedule to the principal regulations is amended —

- (a) in Form 1A by deleting “or (d)” in both places where it occurs and substituting the following —  
 “ , (d) or (e) ”; and
- (b) in Form 1D by deleting “or (d)” and substituting the following —  
 “ , (d) or (e) ”.

**Fourth Schedule added**

7. After the Third Schedule to the principal regulations the following Schedule is added —

“

**FOURTH SCHEDULE**

[Regulation 8AA]

**PRESCRIBED KINDS OF BUSINESS LICENCE**

1. An authorization or entitlement within the meaning of the *Fish Resources Management Act 1994*.
2. A pearling licence, hatchery licence or quota within the meaning of the *Pearling Act 1990*.
3. Taxi plates within the meaning of the *Taxi Act 1994*.
4. A licence within the meaning of the *Liquor Licensing Act 1988*.
5. A license within the meaning of Part IVA of the *Marketing of Eggs Act 1945*.
6. A commercial radio broadcasting licence or commercial television broadcasting licence within the meaning of the *Broadcasting Services Act 1992* of the Commonwealth.

”.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

**SX401**

NOTICE PURSUANT TO SECTION 50 OF THE LAND TAX ASSESSMENT ACT 1976

TO: Sun-Life Properties Pty Ltd ACN 009 455 912  
 Unit 8, 88 Walters Drive  
 Herdsman WA 6017

Being the owner of all that land being portion of Cockburn Sound Location 16 and being—

- (i) part of Lot 6 on Diagram 64032 contained in Certificate of Title Volume 1888 Folio 247;
  - (ii) the whole of Lot 128 on Plan 17950 contained in Certificate of Title Volume 1902 Folio 816;
  - (iii) the whole of Lot 139 on Plan 17950 contained in Certificate of Title Volume 1902 Folio 827;
  - (iv) the whole of Lot 152 on Plan 17950 contained in Certificate of Title Volume 1902 Folio 836;
  - (v) the whole of Lot 159 on Plan 17950 contained in Certificate of Title Volume 1902 Folio 843;  
 and
  - (vi) the whole of Lot 182 on Plan 17950 contained in Certificate of Title Volume 1902 Folio 854
- standing in the name of Sun-Life Properties Pty Ltd, take notice, the amount of land tax due and owing in respect to the abovementioned land is as follows—

Year of Assessment	Land Tax Owning
1991-1992	\$ 8 667.32
1992-1993	\$ 7 691.83
1993-1994	\$ 7 851.25
Total	\$24 210.40

And further take notice that if the amount of \$24 210.40, being the amount of land tax unpaid for a period of two years, is not paid within one year from 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 land. Upon such sale, the Commissioner shall be entitled to retain proceeds of the said sale sufficient to pay all arrears of land tax due up to the time of sale and all costs of and attending the application, and of attending the sale of the land.

A. BRYANT, Commissioner of State Taxation.

## TRANSPORT

TR301

### WESTERN AUSTRALIAN MARINE ACT 1982

#### WESTERN AUSTRALIAN MARINE (INFRINGEMENTS) AMENDMENT REGULATIONS 1996

Made by His Excellency the Governor in Executive Council.

#### Citation

1. These regulations may be cited as the *Western Australian Marine (Infringements) Amendment Regulations 1996*.

#### Schedule 1 amended

2. Schedule 1 to the *Western Australian Marine (Infringements) Regulations 1985\** is amended by inserting before item 49, under the heading "Western Australian Marine Act Section", the following item —

"

48A 66	Navigating a vessel in an area closed to navigation.	100	"
--------	--	-----	---

[\* *Published in Gazette 4 October 1985, pp. 3866-70. For amendments to 21 March 1996 see 1994 Index to Legislation of Western Australia, Table 4, p. 330.* ]

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

## VALUER GENERAL

VG301

### VALUATION OF LAND ACT 1978

#### VALUATION OF LAND AMENDMENT REGULATIONS 1996

Made by His Excellency the Governor in Executive Council.

#### Citation

1. These regulations may be cited as the *Valuation of Land Amendment Regulations 1996*.

#### Commencement

2. These regulations come into operation on 30 June 1996.

**Principal regulations**

3. In these regulations the *Valuation of Land Regulations 1979\** are referred to as the principal regulations.

[\* *Reprinted as at 23 April 1993.*  
*For amendments to 14 May 1996 see 1995 Index to Legislation of Western Australia, Table 4, p. 285.*]

**Regulation 5 repealed and a regulation substituted**

4. Regulation 5 of the principal regulations is repealed and the following regulation is substituted —

“

**Charges to be paid by rating or taxing authority**

5. (1) Subject to subregulation (2), the charges to be paid by a rating or taxing authority in respect of the matters referred to in section 38 of the Act are as follows —

- (a) where the valuation is not of the kind referred to in paragraph (b), the charges specified in Part 1 of Schedule 1; and
- (b) where the valuation is based on any of subparagraphs (i) to (vi) of paragraph (b) of the definition of “unimproved value” in section 4 (1) of the Act, the charges specified in Part 2 of Schedule 1.

(2) Where a valuation is carried out at the same time for more than one rating or taxing authority the charges to be paid by the authorities in respect of the valuation shall be borne by the authorities in the proportions determined by the Valuer-General.

(3) The minimum charges specified in item 8 of Part 1 and item 3 of Part 2 of Schedule 1 are irreducible despite any subsidy or allowance received by a rating or taxing authority in respect of the payment of charges specified in that Schedule.

”

**Schedule 1 added**

5. After regulation 7 of the principal regulations the following Schedule is added —

“

**SCHEDULE 1 — CHARGES PAYABLE BY RATING OR TAXING AUTHORITY**

[regulation 5]

**PART 1**

	\$
1. Gross rental value (metropolitan region) —	
(a) general valuation where value does not exceed \$10 000 (per assessment) . . . . .	8.20
(b) general valuation where value exceeds \$10 000 but does not exceed \$100 000 (per assessment) .	24.70
(c) general valuation where value exceeds \$100 000 (per assessment)	100.00



	\$
(d) interim valuation where value does not exceed \$10 000 (per assessment) . . . . .	23.80
(e) interim valuation where value exceeds \$10 000 but does not exceed \$100 000 (per assessment) .	45.00
(f) interim valuation where value exceeds \$100 000 (per assessment)	200.00
(In the case of multi-occupied properties a sub-assessment is charged as an assessment.)	
2. Gross rental value (country towns) —	
(a) general valuation where value does not exceed \$10 000 (per assessment) . . . . .	12.00
(b) general valuation where value exceeds \$10 000 but does not exceed \$100 000 (per assessment) .	25.50
(c) general valuation where value exceeds \$100 000 (per assessment)	100.00
(d) interim valuation where value does not exceed \$10 000 (per assessment) . . . . .	23.80
(e) interim valuation where value exceeds \$10 000 but does not exceed \$100 000 (per assessment) .	45.00
(f) interim valuation where value exceeds \$100 000 (per assessment) . . . . .	200.00
(In the case of multi-occupied properties a sub-assessment is charged as an assessment.)	
3. Unimproved value (metropolitan region excluding local government district of Perth) —	
(a) general valuation — residential (per value) . . . . .	3.60
(b) general valuation — non-residential (per value) . . . . .	7.10
(c) interim valuation — residential (per value) . . . . .	22.00
(d) interim valuation — non-residential (per value) . . . . .	26.00
4. Unimproved value (local government district of Perth) —	
(a) general valuation — residential (per value) . . . . .	3.60
(b) general valuation — non-residential (per value) . . . . .	65.00
(c) interim valuation — residential (per value) . . . . .	22.00

	\$
(d) interim valuation — non-residential (per value) . . . . .	120.00
5. Unimproved value (country towns) —	
(a) general valuation — residential (per value) . . . . .	3.70
(b) general valuation — non-residential (per value) . . . . .	7.20
(c) interim valuation — residential (per value) . . . . .	22.00
(d) interim valuation — non-residential (per value) . . . . .	26.00
6. Unimproved value (rural) —	
(a) general valuation (per value) . . . . .	12.00
(b) interim valuation (per value) . . . . .	40.00
7. Duplicate valuation roll . . . . .	45.00
8. Minimum charges —	
(a) valuation roll (per roll) . . . . .	100.00
(b) interim schedule (per schedule) . . .	40.00

### PART 2

	\$
1. Valuation charge (per value) . . . . .	3.50
2. Duplicate valuation roll . . . . .	40.00
3. Minimum charges —	
(a) general valuation (per schedule) . .	40.00
(b) interim schedule (per schedule) . . .	22.50

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

## WATER RESOURCES

**WA401**

### RIGHTS IN WATER AND IRRIGATION ACT 1914

#### NOTICE UNDER SECTION 13 OF THE ACT

[Regulation 14(1)]

The applications in the following schedule have been received for a licence to divert, take and use water from the Margaret River System.

Any owner or occupier of land within 4.8 kilometres of the applicants land and contiguous to the watercourse may object to that application.

Objections should be sent to reach me at the—Water and Rivers Commission, PO Box 261, Bunbury WA 6231 prior to 1 July 1996 by certified mail.

W. F. TINGEY, Regional Manager,  
South West Region.

## Schedule

Occupier	Postal Address	Description of Land
Arthur, R.	RMB 247 Rosa Brook WA 6285	Sussex 2278, 2279 and 2902
Bramston, B. & M.	3 Stoke St Mt Pleasant WA 6153	Lot 1 of Sussex 2278
Shire of Augusta- Margaret River	PO Box 61 Margaret River WA 6285	Sussex 2141 & 2142

**WA402****RIGHTS IN WATER AND IRRIGATION ACT 1914**

## NOTICE UNDER SECTION 13 OF THE ACT

[Regulation 14(1)]

The applications in the following schedule have been received for a licence to divert, take and use water from the Warren-Donnelly Rivers System.

Any owner or occupier of land within 4.8 kilometres of the applicants land and contiguous to the watercourse may object to that application.

Objections should be sent to reach me at the—Water and Rivers Commission, PO Box 261, Bunbury WA 6231 prior to 5 July 1996 by certified mail.

W. F. TINGEY, Water Resources Manager,  
Southern Operations.

## Schedule

Occupier	Postal Address	Description of Land
G. W. Rabbit	PO Box 88 Northcliffe WA 6262	Nelson Loc 1 Double Bridges Road
A. J. Ryan	PO Box 83 Pemberton WA 6260	Nelson Loc 5008 Grays Road

**TENDERS****ZT201**

MAIN ROADS  
WESTERN AUSTRALIA

*Tenders*

Tenders are invited for the following projects.

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

Tender No.	Description	Closing Date
		1996
35/96	Provision of Traffic Engineering Services, Wheatbelt North Region .....	27 June
736/95	Provision of survey services location and establishment of construction and SSM control, Sandstone-Leinster Road .....	24 June
412/95	Traffic counts various locations, Wheatbelt South Region .....	28 June
95D1	Purchase and removal scrap materials from MRWA Bunbury depot, South West Region .....	26 June
18/96	Provision of Detail Surveys for Traffic Design .....	21 June
728/95	Field investigations for pavement repairs, Albany-Lake Grace, Armadale-Ravensthorpe, Rollins-Lake King, Gorge Rock-Lake, Wheatbelt South Region .....	21 June

**ZT202**

MAIN ROADS WESTERN AUSTRALIA—*continued*  
*Acceptance of Tenders*

Contract No.	Description	Successful Tenderer	Amount
			\$
534/95	Project co-ordination and contract management for major works contract 426/95, Wheatbelt South Region.	Roadswest .....	39 395.00
447/95	Provision of road construction & maintenance personnel for a twelve month period, Wheatbelt North Region.	Integrated Workforce WA ...	1 222 322.00
689/95	Provision of Surveying Services, Digital Ground Model, Marble Bar-Woodie Woodie Road, Pilbara Region.	Whelans Survey & Mapping Group Pty Ltd .....	118 400.00
423/95	Provision of Design Services Midland-Goomalling Road, Wheatbelt North Region.	Evangelisti & Associates ....	177 027.00
691/95	Commercialisation Consultancy Service.	A1 Accounting Management	49 920.00
594/95	Refurbishment of five (5) timber bridges on various roads in the Great Southern Region.	G. W. Thackray Marine Construction Pty Ltd .....	90 484.00
695/95	Sale of land by tender, Lot 8 Poot Street, Munglinup.	J. A. Righton .....	1 000.00
246/95	Supply and broad band application of herbicides to roadside shoulders and drains within the South West Region.	Agriculture Contractor .....	29 324.00
95D47	1. Grant Drying Machine, MRWA 150050	No Tenders Received	
	2. Guillotine, MRWA 150042	Best Copy Service .....	8 200.00
	3. 3m Quantimatic Printer plus Consumables, MRWA 150064.	No Tenders Received	
	4. 3m Microfilm Camera plus Consumables, MRWA 150068.	No Tenders Received	
	5. Klimsch Vertical Camera, MRWA 50047.	No Tenders Received	

D. R. WARNER, Director Corporate Services.

**ZT301**

STATE SUPPLY COMMISSION  
*Tenders Invited*

Tender forms and full particulars of the Schedule hereunder may be obtained on application at the State Supply Commission 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/>

TELEPHONE No. 222 5498

FACSIMILE Nos. 222 5152 or 222 5150

Date of Advertising	Schedule No.	Description	Date of Closing
1996			1996
		<i>Supply and Delivery</i>	
May 31	481A1996	Photocopy Paper for the Central Metropolitan College of TAFE sites situated throughout the Metropolitan Area .....	June 20
June 14	274A1996	Printing of Western Fisheries Magazine on the behalf of the Fisheries Department of Western Australia ..	June 27
June 14	273A1996	Printing, Binding and Delivery of the Tertiary Examination Papers for the Secondary Education Authority .....	July 4
		<i>Request for Proposal</i>	
May 24	RFP33/96	Supply and Installation of a CD Rom Library Network for the Ministry of Justice .....	June 20
May 24	RFP34/96	Facilities Management of Supply West and the Western Australian Building Management Authority Furniture Service .....	June 27

STATE SUPPLY COMMISSION—*continued*  
Tenders Invited—*continued*

Date of Advertising	Schedule No.	Description	Date of Closing
1996			1996
		<i>Request for Proposal—continued</i>	
June 14	RFP41/96	Switchboard/Reception Services and Temporary Staff for the Aboriginal Affairs Department .....	July 4
		An Information Briefing Session will be held at the Aboriginal Affairs Department, 1st Floor, 197 St Georges Terrace, Perth on Friday 21st June, 1996 at 10.30 am.	
		<i>Purchase and Removal</i>	
May 31	482A1996	Disposal of Two (2) only Vehicles, (7QM502) and (7QM071) for W.A. Department of Agriculture, Derby	June 20
		<i>Provision of Service</i>	
May 31	478A1996	Consultancy Technical Assistance for Western Australian Land Information Systems .....	June 16
May 31	224A1996	Hire of Twin Engine Aircraft (With Pilot) for Aerial Fox Baiting Operations and Other Aerial Work for the Department of Conservation and Land Management	June 20
May 31	483A1996	Customer Service and Security Service at Secured Taxi Ranks for the Department of Transport .....	June 20
Only advertised in the West by Dept of Transport	484A1996	Provision and Installation of "Video Surveillance Equipment" on behalf of the Department of Transport	June 20
May 31	480A1996	Provision of Service to Advise on the Future Provision of Provision of Service to advise on the future provision of Essential Services to Remote Aboriginal Communities for Aboriginal Affairs Department .....	June 27
		A Briefing Session will be held at 10.00am on the 14th June, 1996. It will be held in the Conference Room of the Aboriginal Affairs Department, 1st Floor, 197 St Georges Terrace, Perth	
June 7	485A1996	Provision of a Consultant to Review Planning Options and Opportunities in South Hedland (South Hedland Enhancement Scheme) for the Department of Resources Development .....	June 27
June 7	486A1996	Provision of Consultancy to Identify Recreation Needs in Port and South Hedland (South Hedland Enhancement Scheme) for the Department of Resources Development .....	June 27
June 7	272A1996	Consultant to Provide High Level Expert Advice and to Assist With Policy and Strategy Formulation Pertaining to the Development of the Oil and Gas Industry in Western Australia for the Department of Resources Development .....	July 4
June 14	342A1996	Cleaning of South Metropolitan College of TAFE, Fremantle Campus .....	July 4
June 14	342E1996	Cleaning of South Metropolitan College of TAFE, South Terrace .....	July 4
June 14	343B1996	Cleaning of South East Metropolitan College of TAFE, Carlisle Campus .....	July 4
June 14	343C1996	Cleaning of South East Metropolitan College of TAFE, Armadale Campus .....	July 4
June 14	347A1996	Cleaning of Geraldton Regional College of TAFE, Geraldton Campus .....	July 4
June 14	354D1996	Gardening for South West Regional College, Manjimup Campus .....	July 4

STATE SUPPLY COMMISSION—*continued*  
Tenders Invited—*continued*

Date of Advertising	Schedule No.	Description	Date of Closing
1996			1996
		<i>Provision of Service—continued</i>	
June 14	488A1996	Provision of Consultancy of Town Planning Services for Waterbank Station, Broome for the Department of Land Administration .....	July 4
June 14	328A1996	Provision of an Inbound Mail Payment Processing Service for the Department of Transport .....	July 11

Tenders, addressed to the Chairman, State Supply Commission, 2 Havelock Street, West Perth WA 6005, before 2.30pm 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>Provision of Service</i>		
179A1996	Management and Technical Support of Information Technology for the Western Australian Museum.	Winthrop Technology Pty Ltd	Details on Request
454A1996	Conduct two (2) Research and Strategy Development Projects for the Department of Training—'Analysing Trends in Small Business Training' project.	Nexus Human Resource Solutions	Details on Request
454A1996	Conduct two (2) Research and Strategy Development Projects for the Department of Training—'Evaluating the Correlation Between Apprentice Supply and Industry Tradesperson Demand and Linkages to AVTS' project.	All offers declined	
461A1996	Computer Administration and Support for the Office of Energy	Denver Technologies .....	Details on Request.
466A1996	Consultancy Service to Review Funded Non-Government Alcohol and Drug Treatment Agencies on behalf of the Ministry of Premier and Cabinet.	Surfacing—Collaborative Inquiry and Design	\$96,100.00

**PUBLIC NOTICES****ZZ101****TRUSTEES ACT 1962**

## NOTICE TO CREDITORS AND CLAIMANTS

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 15th July 1996 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Adan, Neil, also known as Dixon, Neil Edward, late of 24 Massingham Street, Kellerberrin, died 19/4/96. (DEC 292759 DE2)

Buck, Lena Rosalie, late of Ocean Star Hostel, Ocean Drive, Bunbury, died 11/5/96. (DEC 293121 DG4)

Clemenson, Ethel Maud, formerly of 12 Scott Street, Greenmount, late of Lot 51 Prichard Road, Greenmount, died 11/4/96. (DEC 293020 DS4)

Eddy, Eileen Daisy Marshall, late of 14/56 Bristol Avenue, Bicton, died 17/5/96. (DEC 292984 DL3)

Hull, Gertrude, late of 3 Grevillea Crescent, Swan View, died 24/5/96. (DEC 293175 DP4)

Miles, Georgina Ellen Bertha, late of 12 Ecclestone Street, Bunbury, died 21/4/96. (DEC 292907 DD2)

Randall, John, also known as Randall, John Chester, late of Sunset Hospital, Birdwood Parade, Dalkeith, died 25/6/92. (DEC 250264 DP3)

Sturt, Archie, late of 267 Wellman Road, Halls Creek, died 15/6/95. (DEC 290530 DD2)

Wardrope, George Giles, late of 46 Steere Street, Collie, died 7/3/96. (DEC 292740 DS2)

Xavier, Rosa, late of St Michael's Nursing Home, 53-57 Wasley Street, North Perth, died 11/11/95. (DEC 290461 DD4)

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

**ZZ102****PUBLIC TRUSTEE ACT 1941**

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

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

Xavier, Rosa; North Perth; 11 November 1995; 29 May 1996.

Swindle, John Phillips; Enniskillen, Northern Ireland; 26 September 1994; 29 May 1996.

Hyde, Leo Ronald; Nedlands; 21 February 1996; 30 May 1996.

Duplex, Stanley Allen; Perth; 6 May 1996; 30 May 1996.

Wallace, Edward; Wanneroo; 30 April 1996; 30 May 1996.

Medlicotti, Sophia Stephannie; Nedlands; 5 April 1996; 4 June 1996.

Cunningham, Martin Joseph; Bunbury; 25 September 1995; 4 June 1996.

Adamovich, Milan; Middle Swan; 24 February 1996; 4 June 1996.

Rossiter, Ethel Lucy; Vasse; 13 January 1996; 10 April 1996.

Dated at Perth this 6th day of June 1996.

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

**ZZ201****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the undermentioned deceased person(s) are required to send particulars of their claims to the Executor(s) care of Mayberry, Hammond & Co., 85 Fitzgerald Street, Northam within one (1) calendar month from the date of publication of this Notice at the expiration of which time the Trustees may convey or distribute the assets having regard only to claims of which notice has been given.

Details—

Lewkowski, Jozefa, late of 12 Arnold Street, Northam, Widow.

Date of Death: 11th October 1995.

Dated this 5th day of June 1996.

MESSRS. MAYBERRY, HAMMOND & CO.,  
85 Fitzgerald Street, Northam.  
Solicitors for the Executor.

**ZZ202****TRUSTEES ACT 1962**

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

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

Altheer, Hendrikus Johannes Theodorus, late of 47 Alexander Street, Wembley WA 6014, Retired Pastry Cook, died 21/5/96.

Bergin, Denis Stephen, late of 18 George Street, Rockingham WA 6168, Insurance Broker, died 4/2/96.  
Hall, Deirdree Russell, late of Murray River Nursing Home, Cnr Coolibah & Boundary Roads, Mandurah WA 6210, Widow, died 25/5/96.  
Harris-Walker, Iris Margaret, late of 9B Coquina Close, Heathridge WA 6027, Femme Sole, died 30/4/96.  
Jones, Frederick Richard, late of 3 Bourke Street, Kensington WA 6151, Pensioner, died 12/5/96.  
MacKay, Keith Ronald, late of 14 Menzies Street, Florida WA 6210, Retired Waterside Worker, died 17/5/96.  
McComish, Peter Arnold, late of 27 Wellington Parade, Yokine WA 6060, Retired Engineer, died 12/8/95.  
McKeating, Maureen, later of Unit C, 4 Morris Street, Geraldton WA 6530, Pensioner, died 3/5/96.  
Panton, Jessie Mary, later of Unit 27, 15 Cottrill Street, Myaree, WA 6154, Widow, died 26/5/96.  
Stokes, Henry Keith, late of Unit 7/196 Coode Street, Como WA 6152, Retired Farmer, died 19/5/96.  
Storey, William, late of 18 Valentine Avenue, WA 6062, Retired, died 14/5/96.  
Wales, Gladys Agnes, late of Cunningham Nursing Home, Villa Maria Homes (Inc), Bussell Highway, Busselton WA 6280, Home Duties, died 14/5/96.  
Williamson, Emily Annie, late of Leighton Nursing Home, 40 Florence Street, West Perth WA 6005, Homes Duties, died 2/4/96.

Dated this 12th day of June 1996.

D. R. CLARK, State General Manager.

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

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Details—

Murrell, Edgar late of "Inverness Farm", Inverness Road, Cunderdin, Farm Hand.

Date of Death: 19th February 1996.

Dated this 10th day of June 1996.

MESSRS. MAYBERRY, HAMMOND & CO.,  
85 Fitzgerald Street, Northam.  
Solicitors for the Executor.

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