



WESTERN AUSTRALIAN GOVERNMENT Gazette
 ISSN 1448-949X PRINT POST APPROVED PP665002/00041

3015



PERTH, FRIDAY, 31 JULY 2009 No. 142

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

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STATE LAW PUBLISHER

NEW PHONE No.

NEW PHONE No. FOR SALES CLIENTS

9426 0000

Fax. No. remains unchanged at 9321 7536

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

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

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

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

Delivery address:

State Law Publisher
Ground Floor,
10 William St. Perth, 6000
Telephone: 9426 0000 Fax: 9321 7536

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— PART 1 —

CONSUMER AND EMPLOYMENT PROTECTION

CE301*

Local Government (Miscellaneous Provisions) Act 1960

Building Amendment Regulations 2009

Made by the Governor in Executive Council under the *Local Government (Miscellaneous Provisions) Act 1960* section 248 and the *Local Government Act 1995* section 9.60.

1. Citation

These regulations are the *Building Amendment Regulations 2009*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (**gazettal day**);
- (b) the rest of the regulations —
 - (i) if gazettal day is before 1 October 2009 — on 1 October 2009; or
 - (ii) if gazettal day is, or is after, 1 October 2009 — on the day after gazettal day.

3. Regulations amended

These regulations amend the *Building Regulations 1989*.

4. Regulation 38H amended

In regulation 38H(1) delete “section 9.16(1) of the Act.” and insert —

the *Local Government Act 1995* section 9.16(1).

5. **Part 10A inserted**

After regulation 38H insert:

Part 10A — Smoke alarms in certain buildings

38I. Terms used

- (1) In this Part, unless the contrary intention appears —
approved alternative building solution means a building solution that was approved in accordance with the Building Code by the local government of the district in which the dwelling is located on the basis that the solution met the performance requirement in the Building Code relating to fire detection and early warning (other than the requirements relating to evacuation lighting);

dwelling means —

- (a) a class 1 building; or
- (b) a unit in a class 2 building; or
- (c) a class 4 dwelling;

electrician has the meaning given in the *Electricity (Licensing) Regulations 1991* regulation 3(1);

owner, of a dwelling, means a person who holds an interest in land that entitles the person to the ownership of the dwelling;

residential tenancy agreement means a residential tenancy agreement to which the *Residential Tenancies Act 1987* applies;

unit, in the definition of ***dwelling***, means a room or suite of rooms, and any associated parts of the building, constituting a single dwelling for the exclusive occupation of the occupant;

10 year life battery means a battery that is capable of powering a smoke alarm for at least 10 years without the alarm indicating the battery power is low.

- (2) For the purposes of this Part, a smoke alarm —
- (a) is connected to the mains power supply if it is electrically connected to a permanent supply of electricity to the dwelling; and
 - (b) is permanently connected if an electrician would ordinarily be required to connect or disconnect the alarm.
- (3) For the purposes of this Part, an owner of a dwelling transfers the ownership of it if —
- (a) the owner executes an instrument of transfer or conveyance of the interest in land that entitles the owner to the ownership of the dwelling; and

- (b) the person to whom the interest is to be transferred or conveyed obtains possession of the dwelling under or in anticipation of the transfer or conveyance.
- (4) For the purposes of the definition of ***dwelling***, the class of a building or a part of a building is its class according to —
- (a) its certificate of classification under regulation 20; or
 - (b) if there is no certificate of classification for the building or part — the Building Code.

38J. Requirement to have smoke alarms or similar prior to transfer of a dwelling

If an owner of a dwelling transfers the ownership of it, the owner must, to the extent practicable, ensure that at the time of the transfer —

- (a) the dwelling has smoke alarms installed so that the dwelling and the alarms comply with the requirements of regulation 38N(1); or
- (b) if an approved alternative building solution applies in relation to the dwelling — the solution is in effect.

Penalty: a fine of \$5 000.

38K. New owner must install smoke alarms or similar, and right to recover costs

- (1) If an owner of a dwelling (the ***prior owner***) transfers the ownership of it and fails to comply with regulation 38J, the person to whom the ownership is transferred (the ***new owner***) must, within 12 months of the ownership being transferred, ensure that —
- (a) the dwelling has smoke alarms installed so that the dwelling and the alarms comply with the requirements of regulation 38N(1); or
 - (b) if an approved alternative building solution applies in relation to the dwelling — the solution is in effect.

Penalty: a fine of \$5 000.

- (2) The new owner may recover, in a court of competent jurisdiction, the reasonable costs of complying with subregulation (1) as a debt due from the prior owner.

38L. Requirement to have smoke alarms or similar prior to tenancy

- (1) If an owner of a dwelling lets the dwelling under a residential tenancy agreement, the owner must, to the

extent practicable, ensure that, within 14 days after the day on which a person is entitled to enter into occupation of the dwelling under the agreement —

- (a) the dwelling has smoke alarms installed so that the dwelling and the alarms comply with the requirements of regulation 38N(1); or
- (b) if an approved alternative building solution applies in relation to the dwelling — the solution is in effect.

Penalty: a fine of \$5 000.

- (2) Subregulation (1) does not apply in relation to residential tenancy agreements entered into with at least one person who was already in occupation of the dwelling as a tenant.
- (3) The owner of a dwelling rented under a residential tenancy agreement, or made available for such rent, must, to the extent practicable, ensure that —
 - (a) the dwelling has smoke alarms installed so that the dwelling and the alarms comply with the requirements of regulation 38N(3); or
 - (b) if an approved alternative building solution applies in relation to the dwelling — the solution is in effect.

Penalty: a fine of \$5 000.

- (4) Subregulation (3) does not have effect before 1 October 2011, and subregulations (1) and (2) cease to have effect on that day.

38M. Requirement to have smoke alarms or similar prior to hire of a dwelling

- (1) The owner of a dwelling must not make the dwelling available for hire unless —
 - (a) the dwelling has smoke alarms installed so that the dwelling and the alarms comply with the requirements of regulation 38N(3); or
 - (b) if an approved alternative building solution applies in relation to the dwelling — the solution is in effect.

Penalty: a fine of \$5 000.

- (2) Subregulation (1) does not have effect before 1 October 2011.

38N. Requirements for smoke alarms

- (1) The requirements for the purposes of regulation 38J(a), 38K(1)(a) and 38L(1)(a) are that —
 - (a) the dwelling meets the requirements of the deemed-to-satisfy provisions about smoke alarms or smoke hazard management (other

- than the provisions about evacuation lighting) of the Building Code applicable at the time of installation of the alarms; and
- (b) each smoke alarm necessary to meet those requirements was installed less than 10 years before the transfer day; and
 - (c) each smoke alarm referred to in paragraph (b) is in working order; and
 - (d) if a smoke alarm referred to in paragraph (b) was, at the time of its installation, required to be connected to the mains power supply to meet those requirements —
 - (i) the alarm is permanently connected to the mains power supply; or
 - (ii) if the alarm is to be installed at a location in the dwelling where there is no hidden space in which to run the necessary electrical wiring and there is no appropriate alternative location — the alarm has a 10 year life battery that cannot be removed; or
 - (iii) if, in relation to the alarm, the use of a battery powered smoke alarm has been approved under regulation 38O — the alarm has a 10 year life battery that cannot be removed.
- (2) For the purposes of subregulation (1)(a), if the dwelling has 2 or more smoke alarms installed and they were not all installed at the same time, the provisions of the Building Code applicable to the dwelling and the alarms are the provisions applicable at the time that the last alarm necessary to meet the requirements referred to in subregulation (1)(a) and (b) was installed.
- (3) The requirements for the purposes of regulation 38L(3)(a) and 38M(1)(a) are that —
- (a) the dwelling meets the requirements of the deemed-to-satisfy provisions about smoke alarms or smoke hazard management (other than the provisions about evacuation lighting) of the Building Code applicable at the time of installation of the alarms; and
 - (b) each smoke alarm referred to in paragraph (a) is in working order; and
 - (c) if a smoke alarm referred to in paragraph (a) was, at the time of its installation, required to be connected to the mains power supply to meet those requirements —
 - (i) the alarm is permanently connected to the mains power supply; or

- (ii) if the alarm is to be installed at a location in the dwelling where there is no hidden space in which to run the necessary electrical wiring and there is no appropriate alternative location — the alarm has a 10 year life battery that cannot be removed; or
 - (iii) if, in relation to the alarm, the use of a battery powered smoke alarm has been approved under regulation 38O — the alarm has a 10 year life battery that cannot be removed.
- (4) For the purposes of subregulation (3), if the dwelling has 2 or more smoke alarms installed and they were not all installed at the same time, the provisions of the Building Code applicable to the dwelling and the alarms are the provisions applicable at the time that the last alarm necessary to meet the requirements referred to in subregulation (3)(a) was installed.
- (5) In subregulation (1)(b) —
transfer day means the day on which —
 - (a) the owner transfers the ownership of the dwelling; or
 - (b) a person is entitled to enter into occupation of the dwelling under a residential tenancy agreement.

38O. Local government approval of battery powered smoke alarms

- (1) The local government of the district in which a dwelling is located may approve of the use, in the dwelling or a part of the dwelling, of a battery powered smoke alarm (rather than one that is connected to the mains power supply) if satisfied that, at the time of giving the approval, installing a smoke alarm connected to the mains power supply would involve —
 - (a) a sufficient problem of a structural nature; or
 - (b) a sufficient problem of any other nature, the cause of which is not within the control of the owner.
- (2) The local government may give its approval in relation to an alarm that was installed before the approval is to be given.
- (3) An application for approval must be made in the manner and form approved by the local government, and must include or be accompanied by —
 - (a) the plans and information required by the local government; and

- (b) the fee set by the local government, which cannot exceed \$170.
- (4) The local government is to be taken to have refused approval if it has not made a decision whether to give approval within 35 days after the later of —
 - (a) the day on which the person made the application for approval; or
 - (b) the day on which the person complied with a, or the latest, request by the local government for further plans or information.

38P. Requirement to maintain certain smoke alarms

- (1) This regulation applies to an owner of a dwelling —
 - (a) who is also an owner, in relation to the dwelling, within the meaning given in the *Residential Tenancies Act 1987* section 3; or
 - (b) who makes the dwelling available for hire.
- (2) The owner must, to the extent practicable —
 - (a) ensure that each alarm installed in the dwelling is in working order; and
 - (b) if an alarm was, at the time of its installation, required to be connected to the mains power supply, ensure that the alarm —
 - (i) is permanently connected to the mains power supply; or
 - (ii) if the alarm is to be installed at a location in the dwelling where there is no hidden space in which to run the necessary electrical wiring and there is no appropriate alternative location — the alarm has a 10 year life battery that cannot be removed; or
 - (iii) if, in relation to the alarm, the use of a battery powered smoke alarm has been approved under regulation 38O — has a 10 year life battery that cannot be removed;and
 - (c) ensure that each alarm installed in the dwelling —
 - (i) has not reached its expiry date if one is provided on the alarm; or
 - (ii) is not more than 10 years old if no expiry date is provided on the alarm.

- (3) An authorised person may inspect a dwelling referred to in subregulation (1) to determine whether the owner is complying with subregulation (2).
- (4) If the authorised person is satisfied that the owner has failed to comply with subregulation (2), he or she may give the owner a rectification notice.
- (5) A decision to give a rectification notice is a decision to which the *Local Government Act 1995* Part 9 Division 1 applies and the owner is an affected person for the purposes of that Division.
- (6) A rectification notice must —
 - (a) be in the approved form; and
 - (b) specify the failure to comply; and
 - (c) specify the time within which the failure to comply must be rectified; and
 - (d) set out the effect of subregulation (5).
- (7) A rectification notice may set out what the owner must do to rectify the failure to comply.
- (8) A person given a rectification notice must comply with it.
Penalty: a fine of \$5 000.
- (9) A local government may authorise a person with appropriate experience and qualifications to be an authorised person for the purposes of this regulation.

38Q. Infringement notices

- (1) The offences of failing to comply with regulation 38J, 38L(1) or (3), 38M(1) or 38P(8) are prescribed for the purposes of the *Local Government Act 1995* section 9.16(1).
- (2) The modified penalty that is to be specified in an infringement notice given in relation to an alleged offence under one of those provisions is —
 - (a) for an alleged offence under regulation 38P(8) — \$1 000;
 - (b) in any other case — \$750.

By Command of the Governor,

PETER F. CONRAN, Clerk of the Executive Council.

HEALTH

HE301*

Medical Practitioners Act 2008

Medical Practitioners Amendment Regulations 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Medical Practitioners Amendment Regulations 2009*.

2. Commencement

These regulations come into operation as follows —

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

3. Regulations amended

These regulations amend the *Medical Practitioners Regulations 2008*.

4. Regulation 12 deleted

Delete regulation 12.

5. Schedule 1 amended

- (1) In Schedule 1 item 1 delete “Registration” and insert:

Subject to item 2A, registration

- (2) In Schedule 1 after item 1 insert:

2A.	Registration fee payable by a person if —		
	(a) registration is effected under section 30; and		
	(b) the person is retired from regular practice and intends to practise only on an occasional basis	s. 30(1)(b)	100

By Command of the Governor,

PETER F. CONRAN, Clerk of the Executive Council.

INDUSTRIAL RELATIONS

IR301*

Industrial Relations Act 1979

Industrial Relations (General) Amendment Regulations 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Industrial Relations (General) Amendment Regulations 2009*.

2. Commencement

These regulations come into operation as follows —

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

3. Regulations amended

These regulations amend the *Industrial Relations (General) Regulations 1997*.

4. Part 4 deleted

Delete Part 4.

By Command of the Governor,

PETER F. CONRAN, Clerk of the Executive Council.

LOCAL GOVERNMENT

LG301*

Local Government Act 1995

Local Government (Kwinana - Councillor Numbers) Order 2009

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

1. Citation

This order is the *Local Government (Kwinana - Councillor Numbers) Order 2009*.

2. Commencement

This order comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this order is published in the *Gazette*;
- (b) the rest of the order — on the day after that day.

3. Terms used

In this order —

commencement day means the day on which the rest of the order comes into operation under clause 2(b);

next election means the first ordinary election for the Town of Kwinana held after commencement day;

next election day means the day fixed for the holding of the poll for the next election.

4. Change in number of councillors for the next election (s. 2.18(3)(a) of the Act)

On and from next election day, the number of offices of councillor on the council of the Town of Kwinana is 8.

5. Consequential directions (s. 9.62 of the Act)

In order to give effect to clause 4 —

- (a) Part 4 of the Act applies to preparing for and conducting the next election as if the changes effected by clause 4 take effect on commencement day; and
- (b) the operation of Part 4 of the Act is modified to the extent necessary for the purposes of paragraph (a).

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

LG302*

Local Government Act 1995

Local Government (Woodanilling - Councillor Numbers) Order 2009

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

1. Citation

This order is the *Local Government (Woodanilling - Councillor Numbers) Order 2009*.

2. Commencement

This order comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this order is published in the *Gazette*;
- (b) the rest of the order — on the day after that day.

3. Terms used

In this order —

commencement day means the day on which the rest of the order comes into operation under clause 2(b);

next election means the first ordinary election for the Shire of Woodanilling held after commencement day;

next election day means the day fixed for the holding of the poll for the next election.

4. Change in number of councillors for the next election (s. 2.18(3)(a) of the Act)

On and from next election day, the number of offices of councillor on the council of the Shire of Woodanilling is 6.

5. Consequential directions (s. 9.62 of the Act)

In order to give effect to clause 4 —

- (a) Part 4 of the Act applies to preparing for and conducting the next election as if the changes effected by clause 4 take effect on commencement day; and

- (b) the operation of Part 4 of the Act is modified to the extent necessary for the purposes of paragraph (a).

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

LG303*

Local Government Act 1995

Local Government (Yalgoo - Councillor Numbers) Order 2009

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

1. Citation

This order is the *Local Government (Yalgoo - Councillor Numbers) Order 2009*.

2. Commencement

This order comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this order is published in the *Gazette*;
- (b) the rest of the order — on the day after that day.

3. Terms used

In this order —

commencement day means the day on which the rest of the order comes into operation under clause 2(b);

next election means the first ordinary election for the Shire of Yalgoo held after commencement day;

next election day means the day fixed for the holding of the poll for the next election.

4. Change in number of councillors for the next election (s. 2.18(3)(a) of the Act)

On and from next election day, the number of offices of councillor on the council of the Shire of Yalgoo is 6.

5. Consequential directions (s. 9.62 of the Act)

In order to give effect to clause 4 —

- (a) Part 4 of the Act applies to preparing for and conducting the next election as if the changes effected by clause 4 take effect on commencement day; and
- (b) the operation of Part 4 of the Act is modified to the extent necessary for the purposes of paragraph (a).

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

LG304*

Local Government Act 1995

**District of Irwin (Discontinuance of Ward
System and Change to Councillor Numbers)
Order 2009**

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

1. Citation

This order is the *District of Irwin (Discontinuance of Ward System and Change to Councillor Numbers) Order 2009*.

2. Commencement

This order comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this order is published in the *Gazette*;
- (b) the rest of the order — on the day after that day.

3. Terms used

In this order —

commencement day means the day on which clause 4 comes into operation;

councillor means a councillor on the council of the district;

district means the district known as the Shire of Irwin;

next election means the first ordinary election for the district held after commencement day;

next election day means the day fixed for the holding of the poll for the next election;

subsequent election means the first ordinary election for the district held after the next election;

subsequent election day means the day fixed for the holding of the poll for the subsequent election.

4. Abolition of wards (s. 2.2(1)(d) of the Act)

All of the wards in the district are abolished immediately before the next election day.

5. Consequential directions (s. 9.62 of the Act)

In order to give effect to clause 4 —

- (a) on and from the next election day each councillor on the council of the district whose term expires in 2011 is to be taken to have been elected as if the district had not been divided into wards when the councillor was elected; and
- (b) Part 4 of the Act otherwise applies, with any necessary modifications, to preparing for and conducting the next election as if the changes effected by clause 4 take effect on commencement day.

6. Change in number of councillors for the subsequent election (s. 2.18(3)(a) of the Act)

On and from the subsequent election day, the number of offices of councillor is 8.

7. Consequential directions (s. 9.62 of the Act)

In order to give effect to clause 6, Part 4 of the Act applies, with any necessary modifications, to preparing for and conducting the subsequent election as if the changes effected by clause 6 take effect immediately after the next election day.

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

WORKSAFE

WS301*

Occupational Safety and Health Act 1984

**Occupational Safety and Health Amendment
Regulations (No. 4) 2009**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Occupational Safety and Health Amendment Regulations (No. 4) 2009*.

2. Commencement

These regulations come into operation as follows —

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

3. Regulations amended

These regulations amend the *Occupational Safety and Health Regulations 1996*.

4. Regulation 1.3 amended

In regulation 1.3 insert in alphabetical order:

registered training organisation means an organisation registered by a body established under a law of a State or a Territory to register organisations that provide vocational education and training as defined in the *Vocational Education and Training Act 1996* section 5;

5. Part 3 Division 11 replaced

Delete Part 3 Division 11 and insert:

Division 11 — Construction industry induction training**3.135. Terms used**

In this Division —

employee includes a person taken to be an employee by operation of section 23D, 23E or 23F of the Act;

employer includes a person taken to be an employer by operation of section 23D, 23E or 23F of the Act;

construction induction training certificate means a certificate, card or other document that —

- (a) was issued by the provider of a construction induction training course that is, or was at the time the document was issued, a recognised construction induction training course; and
- (b) contains information to the effect that the person named in the document satisfactorily completed the course on the date specified in the document;

construction induction training course means a course or training programme that includes instruction in —

- (a) the rights and responsibilities under the Act and these regulations of persons who do construction work or employ persons who do such work; and
- (b) the hazards to which a person is likely to be exposed while doing construction work at a workplace; and
- (c) how to apply risk management principles when doing construction work at the workplace;

recognised construction induction training course means a construction induction training course that —

- (a) is accredited by a body established under a law of a State or a Territory to accredit vocational education and training courses and programmes; and
- (b) is provided by a registered training organisation.

3.136. Construction induction training requirements

- (1) An employee or self-employed person must not do construction work at a workplace unless he or she holds a construction induction training certificate.

Penalty: the regulation 1.15 penalty.

- (2) A person who is an employer, the main contractor or a person having control of the workplace must not permit an employee or self-employed person to do construction work at the workplace unless that other employee or self-employed person holds a construction induction training certificate.

Penalty: the regulation 1.16 penalty.

- (3) For the purposes of this regulation, a person who, immediately before this regulation came into operation, held a current safety awareness training certificate (as

defined in regulation 3.135 as in force at that time) is to be taken to hold a construction induction training certificate.

6. Regulation 6.1 amended

- (1) In regulation 6.1(1) delete the definitions of:
registered training organisation
vocational education and training
- (2) In regulation 6.1(1) in the definition of *qualification or statement of attainment* in paragraph (b) delete “that work;” and insert:

that work.

By Command of the Governor,

PETER F. CONRAN, Clerk of the Executive Council.

— PART 2 —

AGRICULTURE AND FOOD

AG401*

AGRICULTURAL PRODUCE COMMISSION ACT 1988

DIRECTIONS

In accordance with section 11.3 of the *Agricultural Produce Commission Act 1988* Directions for APC Producers' Committees are issued effective as of 31 July 2009 and replacing all previous Committee Directions as follows

PRODUCERS' COMMITTEE DIRECTIONS 2009

1. Authorisation

These directions—

- (a) are issued under section 11.3 of the Act;
- (b) may be cited as *APC Producers' Committee Directions 2009*; and
- (c) replace all previous directions.

2. Commencement

These directions come into operation on the day on which they are published in the *Government Gazette*.

3. Interpretation

In these directions, unless the contrary intention appears—

- (a) “**Act**” means the *Agricultural Produce Commission Act 1988*;
- (b) “**APC**” and “**Commission**” means the Agricultural Produce Commission established under section 4 of the Act;
- (c) “**Committee**” means a Producers' Committee;
- (d) “**Producers' Committee**” means the producers' committees established under section 11 of the Act as set out in the Schedule;
- (e) “**eligible producer**” means a person who is a producer, or the sole nominated representative of a partnership or the nominee of a corporate body that is a producer;
- (f) “**member**” means a member of a Committee and includes the Chairperson;
- (g) “**producer**” means a person, partnership or corporate body who produces for sale goods that come within the jurisdiction of a Producers' Committee and who has a history of Fee-for-Service payment on those goods.

4. Constitution of a Committee

- (a) Subject to the Act, a Committee will consist of no less than 5 and no more than 9 eligible producers appointed by the Commission.
- (b) When considering an appointment to a Committee the Commission is to endeavour to make appointments that result in a Committee comprising a balance of skills taking into account industry background, knowledge and experience, and the financial and general management experience of a candidate.
- (c) If the Commission is of the opinion a poll of producers should be held to elect an eligible producer for appointment to a Committee then a poll shall be conducted.
- (d) For the first 3 years of a Committee's operations the Chairperson will be an eligible producer appointed by the Commission in its sole discretion after which Committee members shall nominate one of their number for consideration by the Commission for appointment as Chairperson.
- (e) Each Committee must fill the role of secretary/executive officer. A Committee can fill the role of secretary/executive officer by—
 - (i) appointing one of its own number to the role;
 - (ii) engaging the services of a suitably qualified independent contractor; or
 - (iii) entering into a full cost recovery agreement with the Commission to have the services of an APC employee seconded to the Committee.
- (d) A person who is the secretary/executive officer of an organisation that provides services on behalf of a Committee pursuant to section 12(1)(m) of the Act can only fill the role of secretary/executive officer of the Committee with the prior written approval of the Commission.

5. Term of Member

- (a) A person holds the office of member for such term, not exceeding 3 years, as fixed by the Commission.
- (b) A retiring member, if an eligible producer, can be reappointed for successive terms.

6. Removal from Office

The Commission may remove a member from office on the ground that that member is mentally or physically incapable of performing the duties of a member, or for incompetence, neglect of duty, misconduct or for a breach of the Commission's Code of Conduct for members or for a breach of these directions.

7. Vacation of Office

The office of a member becomes vacant if the member—

- (a) dies;
- (b) is absent from 3 consecutive meetings of the Committee without the prior approval of the Committee;
- (c) is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy;
- (d) ceases to be an eligible producer;
- (e) is removed from office by the Commission under direction 6; or
- (f) tenders in writing to the Commission their resignation from office.

8. Casual Vacancy

- (a) Where the position of a member becomes vacant otherwise than by effluxion of time, the Commission may appoint an eligible producer to fill the casual vacancy.
- (b) A person appointed under paragraph (a) holds office for the balance of the term of the member whose place he or she takes.
- (c) A Committee can continue to operate notwithstanding the existence of one or more casual vacancies.

9. Disclosure

- (a) A member who has a direct or an indirect pecuniary interest in a matter being considered or about to be considered at a Committee meeting other than an interest held in common with other producers, must as soon as possible after the relevant facts have come to his or her knowledge, disclose his or her interest to the Committee.
- (b) A disclosure under paragraph (a) is to be recorded in the minutes of the meeting of the Committee and the member must not, unless the meeting otherwise determines—
 - (i) be present during any deliberation of the Committee with respect to that matter; or
 - (ii) take part in any decision of the Committee with respect to that matter.
- (c) For the purpose of the making of a determination under paragraph (b) the member who has made a disclosure under paragraph (a) must not—
 - (i) be present during any deliberation by the Committee for the purpose of making that determination; or
 - (ii) take part in the making by the Committee of that determination.

10. Meetings

- (a) Subject to these directions a Committee may meet at such times and places as the Committee determines.
- (b) A Committee must meet in person at least once in any period of 12 months.
- (c) Members must meet in person to consider and approve a Committee's annual operating plan and budget.
- (d) A Committee can hold such other meetings using any technology that gives members as a whole a reasonable opportunity to participate in the meeting and allows the parties present to hear and be heard by each other person present.
- (e) A special meeting of a Committee may at any time be convened by the Chairperson of the Committee provided 7 days' notice is given or such shorter period as unanimously agreed by members of the Committee.
- (f) Chairperson of a Committee is to preside at any meeting of the Committee at which he or she is present and, in the absence of the Chairperson, the members present are to elect one of their number to preside.
- (g) At a meeting of a Committee, 50% of members and if that number is not a whole number the next whole number shall constitute a quorum.
- (h) At any meeting of a Committee the member presiding has a deliberative vote, and in the case of an equal number of votes being cast for and against any question, has a casting vote.
- (i) A Committee shall cause to be kept written minutes of all its proceedings. Minutes of meetings are to be confirmed by the Committee as soon as possible and signed by the Chairperson as being true and accurate account of the meeting.

11. Transaction Of Business Outside Committee Meetings

- (a) A Committee may transact any of its business other than approval of the Committee's annual operating plan and budget by the circulation of papers among all the members of the Committee with a resolution signed or assented to by letter or electronic means of communication, by no less than a simple majority of all members of the Committee holding office as at the effective date of the resolution, valid and effectual as if it had been passed at a meeting of the Committee.
- (b) The effective date of the resolution is the date on which the secretary/executive officer receives the last formal approval required to pass the resolution.
- (c) A resolution approved under paragraph (a) is to be recorded in the minutes of the meetings of the Committee.

12. Procedures of the Committee

Except to the extent that they are prescribed or as set out in these directions, a Committee may determine its own procedures.

13. Committee Records

All Committee generated correspondence; computer files; financial reports; newsletters; Minutes of meetings plus inward correspondence received, are records of the Commission and must be made available for inspection by the Commission upon request.

14. Code of Conduct

Each member is required to conduct themselves in accordance with the Code of Conduct prepared by the Commission and issued to Committees from time to time.

15. Remuneration and Expenses of Committee Members

Remuneration, travel and other expenses can be claimed by a member of a Committee if the claim—

- (a) relates to attendance at Committee meetings or the carrying out of their official duties; and
- (b) does not exceed the level of remuneration or expenses approved by the Commission; and
- (c) is made within 2 months of incurring an entitlement; and
- (d) if claiming reimbursement of GST, is supported by an original Tax Invoice.

Issued by the Agricultural Produce Commission

P. T. WELLS, Chairman.

Dated 31 July 2009.

Schedule

Committee	Year Commenced
APC Avocado Producers' Committee	1995
APC Beekeepers Producers' Committee	2003
APC Carnarvon Banana Producers' Committee	1999
APC Egg Producers' Committee.....	2002
APC Kununurra Crop Pest Control Producers' Committee.....	1997
APC Pome, Citrus & Stone Fruit Producers' Committee.....	1994
APC Potato Producers' Committee	2001
APC Pork Producers' Committee	2002
APC Strawberry Producers' Committee	1996
APC Table Grape Producers' Committee.....	1991
APC Vegetable Producers' Committee.....	2005

CEMETERIES

CC401*

CEMETERIES ACT 1986

Shire of Capel

FEEES AND CHARGES

In pursuance of the powers conferred by section 53 of the *Cemeteries Act 1986*, the Shire of Capel hereby records having resolved on the 22 July 2009 to set the following fees and charges effective from this date.

Burial—	\$
Adult.....	510.00
Child (under 7 years).....	385.00
Stillborn Child.....	385.00

Land—	\$
2.4 metre by 1.2 metre	255.00
2.4 metre by 2.4 metre	370.00
Placement of Ashes—	
Burial Area	105.00
Single placement in niche wall Capel/Boyanup	225.00
Double placement in niche wall Capel/Boyanup	360.00
Extra Charges—	
Graves deeper than 1.8 metres, for each additional 0.3 metre	70.00
Exhumation	500.00
Interment of oblong or oversized casket	105.00
Burial on Saturday, Sunday or public holiday	205.00
Removal of monumental work prior to reopening of grave	Quote
Interment without due notice	135.00
Other Charges—	
Funeral Director's Licence—annual	110.00
Funeral Director's Licence—per interment	60.00
Copy of grant of right of burial	15.00
For use of a metal number plate	15.00
For permission to erect a headstone or monument	40.00
For reserving a grave	25.00
For reserving a niche	25.00
Grave number—search fee	10.00

P. F. SHEEDY, Chief Executive Officer.

CONSUMER & EMPLOYMENT PROTECTION

CE401*

ASSOCIATIONS INCORPORATION ACT 1987

REINSTATEMENT OF ASSOCIATION

Pingrup Ground Improvement Committee

Notice is hereby given that the incorporation of the above-named association has been re-instated pursuant to Section 35(4) of the *Associations Incorporation Act 1987*.

Dated: 27 July 2009.

STEPHEN MEAGHER, A/Director,
Business Services for
Commissioner of Consumer Protection

CE402*

ASSOCIATIONS INCORPORATION ACT 1987

REINSTATEMENT OF ASSOCIATION

Kuan Yin Monastery (Inc.)

Notice is hereby given that the incorporation of the above-named association has been re-instated pursuant to Section 35(4) of the *Associations Incorporation Act 1987*.

Dated: 27 July 2009.

STEPHEN MEAGHER, A/Director,
Business Services for
Commissioner of Consumer Protection

CE403*

ASSOCIATIONS INCORPORATION ACT 1987

REINSTATEMENT OF ASSOCIATION

Australia Mahayana Buddhist Society (Inc)

Notice is hereby given that the incorporation of the above-named association has been re-instated pursuant to Section 35(4) of the *Associations Incorporation Act 1987*.

Dated: 27 July 2009.

STEPHEN MEAGHER, A/Director,
Business Services for
Commissioner of Consumer Protection

CE404*

ASSOCIATIONS INCORPORATION ACT 1987**REINSTATEMENT OF ASSOCIATION**

Shenton Park Toy Library Incorporated

Notice is hereby given that the incorporation of the above-named association has been re-instated pursuant to Section 35(4) of the *Associations Incorporation Act 1987*.

Dated: 27 July 2009.

STEPHEN MEAGHER, A/Director,
Business Services for
Commissioner of Consumer Protection

CORRECTIVE SERVICES

CS401*

COURT SECURITY AND CUSTODIAL SERVICES ACT 1999**PERMIT DETAILS**

Pursuant to the provisions of section 51 of the *Court Security and Custodial Services Act 1999*, the Commissioner of the Department of Corrective Services has issued the following persons with Permits to do High-Level Security Work—

Surname	First Name(s)		Permit Number	Date Permit Issued	Permit Commence Date	Permit Expiry Date
Callahan	Sarah	Elizabeth	CS9-468	24/07/2009	24/07/2009	30/07/2011
Cugini	Patricia	Majella	CS9-471	24/07/2009	17/07/2009	30/07/2011
Donnelly-Chorlton	Sharmaine	Gloria	CS9-474	24/07/2009	10/07/2009	30/07/2011

This notice is published under section 57(1) of the *Court Security and Custodial Services Act 1999*.

BRIAN LAWRENCE, CSCS Contract Manager.

CS402*

COURT SECURITY AND CUSTODIAL SERVICES ACT 1999**PERMIT DETAILS**

Pursuant to the provisions of section 56 of the *Court Security and Custodial Services Act 1999*, the Commissioner of the Department of Corrective Services has revoked the following Permits to do High-Level Security Work—

Surname	First Name(s)		Permit Number	Date Permit Revoked
Randall	Gary	David	CS9-300	22/07/2009

This notice is published under section 57(1) of the *Court Security and Custodial Services Act 1999*.

BRIAN LAWRENCE, CSCS Contract Manager.

EDUCATION

ED401*

MURDOCH UNIVERSITY ACT 1973**AMENDING BY-LAW**

It is hereby notified that the Governor in Executive Council, acting under the provisions of Section 24 of the *Murdoch University Act 1973*, has approved amendments to the Murdoch University By-laws as set out in the attached schedule.

Dr ELIZABETH CONSTABLE MLA, Minister for Education; Tourism.
R. KENNEDY, Clerk of the Executive Council.

2. By-laws

4. **Parking Permits**

4(6) A person may seek a review by the Vice Chancellor of a decision made pursuant to By-law 4(3) or 4(4) only by making a written application for review to the Vice-Chancellor within seven (7) days after notification of the decision by the Vice-Chancellor and such review shall be final.

40. **Issue of Notices Alleging Breach**

40(1) (e) state that the breach will be reported and that further action may be taken unless within the time and manner stated in the notice—

(e)(i) the modified penalty specified in By-law 46(3) and indicated on the notice is paid and accepted; or

(e)(ii) within seven (7) days an explanation in writing addressed to the Vice-Chancellor is given for the breach and accepted by the Vice-Chancellor;

40(2) If the person to whom a notice is addressed under paragraph (1) of this By-law gives a written explanation to the Vice-Chancellor in accordance with the terms of the notice, the Vice-Chancellor may accept the explanation. If the explanation is not accepted then further notice will be given and state either that further action will be taken or that further action will be taken failing payment of the modified penalty indicated on the notice within seven (7) days after the date of the further notice.

42. **Parking Fees**

The Deputy Vice Chancellor (Corporate) may from time to time prescribe parking fees to be paid for parking permits or by persons parking vehicles in specified parking bays or areas set aside for parking.

46. **Modified Penalties**

46(3) The modified penalties shall be:

By-law	Description of Offence	Modified Penalty
22	driving other than on a road way	\$30.00
23	careless driving	\$50.00
23	dangerous driving	\$50.00
	exceeding speed limits by:	
24	9 km/h or less	Caution
24	more than 9 km/h but less than 19 km/h	\$40.00
24	more than 19 km/h	\$50.00
26	disobeying signal or direction of police, or authorised, officer	\$30.00
27	disobeying traffic signs	\$30.00
33(1)	failure to give notice of change of vehicle or number of vehicle	\$30.00
33(2)	unauthorised transfer of a permit	\$40.00
34	parking other than in accordance with terms of permit	\$30.00
35	failure to display current permit	\$30.00
37(3)	failure of owner to identify driver	\$50.00
37(4)	failure to provide name and address	\$50.00
38(1)a	unauthorised parking in a no-parking area, loading bay or other place reserved by an authorised sign for a particular purpose	\$50.00
38(1)b	Unauthorised parking in a disabled/easy access bay	\$50.00
38(2)	parking not wholly within a parking bay	\$30.00
38(3)	parking causing interference or obstruction	\$30.00
38(4)	parking of a motor cycle or motor scooter in areas other than those designated for these vehicles	\$30.00
38(5)	parking other than in a parking area—Verge	\$30.00
38(6)	Parking other than in a parking area—Double yellow line	\$30.00

46(4) With the exception of the penalties for speeding under By-law 24 and for parking in a disabled or easy access bay under By-law 38(1), the modified penalties specified in paragraph (3) of this By-law shall be reduced by one half if—

(a) The penalty is paid not later than seven (7) days after the alleged breach of the By-laws;

- (b) the Vice-Chancellor or an authorised officer is of the opinion that there are extenuating circumstances which justify the application of this sub-By-law.

47. Student Offences

If a student commits a breach of a By-law, the student may be charged with misconduct in accordance with the applicable University legislation or policy.

The proposed amendments to Murdoch University By-laws as set out in the attached schedule, have been approved and ratified by an absolute majority of the members of the Senate in accordance with sub-section 24 of the *Murdoch University Act 1973 (WA)*.

The University has sealed this document in accordance with Senate resolution S/51/2007

TERRY BUDGE, Chancellor.
JEREMY RIGG, General Counsel & University Secretary.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

ED402*

EDITH COWAN UNIVERSITY ACT 1984

AMENDING STATUTE

It is hereby notified that the Governor in Executive Council, acting under the provisions of Section 27 of the *Edith Cowan University Act 1984*, has approved Amending Statute No 2 of 2009 as set out in the attached schedule.

Dr ELIZABETH CONSTABLE MLA, Minister for Education; Tourism.
R. KENNEDY, Clerk of the Executive Council.

Edith Cowan University
Schedule

University Statute No. 6—

Vice-Chancellor

1. Definitions

In this Statute, unless the contrary intention appears—

“Act” means the *Edith Cowan University Act 1984*;

“by-laws” means by-laws made by the Council under section 29(3) of the Act;

“Chancellor” means the Chancellor of the University elected under section 12(1)(a) of the Act;

“Council” means the Council of the University as established by section 8 of the Act;

“chief executive officer” means the chief executive officer of the University who holds office under section 30 of the Act;

“Council committee” means a committee established by the Council;

“Pro-Chancellor” means the Pro-Chancellor elected under section 12(1)(b) of the Act;

“rules” means rules referred to in section 26(7) of the Act;

“University committee” means a committee of the University, other than a Council committee, or a committee established pursuant to the Act, Statutes, by-laws, or rules of the University.

2. Titles of Vice-Chancellor and President

The chief executive officer has the additional titles of Vice-Chancellor of the University and President of the University.

3. Functions of the Vice-Chancellor

Subject to the Act and matters reserved to the Council by resolution of the Council, and in addition to other powers and duties that may be prescribed under section 30 of the Act or delegated to him or her by the Council under section 15 of the Act, the functions of the Vice-Chancellor are to—

- (a) provide strategic leadership and manage the academic, administrative, financial and other affairs of the University;
- (b) promote the interests and further the development of the University, and represent the University;
- (c) ensure that advice and information is given to the Council to enable the Council to make informed decisions in carrying out its functions;
- (d) liaise with the Chancellor on the affairs of the University and the performance of its functions;

- (e) implement policies and decisions of the Council;
- (f) report to the Council from time to time on the affairs of the University;
- (g) administer University Statutes, by-laws and rules and approve University policies, other than policies reserved for approval by the Council;
- (h) exercise supervision over the activities and welfare of the enrolled students of the University;
- (i) administer the recruitment, appointment, management and supervision of the University's officers and employees; and
- (j) perform any other function conferred by the Act, Statutes, by-laws and rules of the University or any other written law as a function to be performed by the Vice-Chancellor.

4. Membership of committees

(1) The Vice-Chancellor is to be an *ex officio* member of all Council committees except when specifically excluded by resolution of the Council.

(2) The Vice-Chancellor may, if he or she considers it desirable—

- (a) attend as a member or preside at any meeting of a University committee ; or
- (b) appoint a person to represent him or her on any such University committee.

5. Rules

The Council may make rules, not inconsistent with this Statute, regulating or providing for the regulation of any matter referred to in this Statute or for carrying out or giving effect to this Statute.

HEALTH

HE401*

MEDICAL PRACTITIONERS ACT 2008

MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 18) 2009

Made by the Minister for Health pursuant to section 34(1) of the *Medical Practitioners Act 2008*.

Citation

1. This determination may be cited as the *Medical (Unmet Area of Need) Determination (No. 18) 2009*.

Commencement

2. This determination comes into operation on the day on which it is published in the *Government Gazette*.

Unmet area of need

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 34(2)(b)(iv) of the Act.

Expiry of determination

4. This determination expires two years after its commencement.

SCHEDULE

GENERAL MEDICAL SERVICES IN THE SUBURB OF WANNEROO IN THE CITY OF WANNEROO.

Dated this 21 day of July 2009.

Dr KIM HAMES MLA, Deputy Premier,
Minister for Health.

LAND ADMINISTRATION

LA401*

TRANSFER OF LAND ACT 1893

APPLICATION K769648

Take notice that the Roman Catholic Archbishop of Perth of Victoria Square, Perth has made application to be registered under the Act as proprietor of an estate in fee simple in possession in the land situated at Victoria Square, Perth being Perth Town Lots A21 and A22 on Deposited Plan 222964 containing 3499 square metres being the whole of the Land comprised in Memorial Book XXVIII No.1082.

All persons other than the applicant claiming any estate right title or interest in the above land and desiring to object to the application are required to lodge in this office on or before 19 August 2009 a caveat forbidding the land being brought under the operation of the Act.

BRUCE ROBERTS, Registrar of Titles.

LOCAL GOVERNMENT

LG401*

HEALTH ACT 1911*Shire of Capel***FEES AND CHARGES**

At a meeting of the Capel Shire Council, held on 22 July 2009 it was resolved that the fees and charges specified hereunder be imposed for the 2009/10 financial year within the Shire of Capel in accordance with the provisions of the *Health Act 1911*.

Rubbish Collection

\$150.00 per annum for one 240 litre refuse bin collected weekly.

\$116.00 per annum for each additional 240 litre bin collected weekly.

\$107.00 per annum for one 240 litre refuse bin collected fortnightly.

Rubbish Disposal

\$85.00 per annum refuse site charge for each dwelling.

Refuse Site Charges

\$30.00 per cubic metre for residential waste disposed of at the Capel refuse site.

P. F. SHEEDY, Chief Executive Officer.

LG402*

LOCAL GOVERNMENT ACT 1995*City of Wanneroo***(BASIS OF RATES)**

Department of Local Government.

DLGRD: WC5-4#05

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and Regional Development, under delegation from the Hon John Castrilli MLA, Minister for Local Government, being charged for the time being with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the Schedule hereunder shall be gross rental value for the purposes of rating with effect from 29 June 2009.

JENNIFER MATHEWS, Director General.

SCHEDULE**ADDITIONS TO GROSS RENTAL VALUE AREA****CITY OF WANNEROO**

All those portions of land being Lot 571 as shown on Deposited Plan 61706; Lots 1057 to 1067 inclusive as shown on Deposited Plan 61707; Lots 209 to 256 inclusive Lot 258, Lot 259 and Lots 266 to 275 inclusive as shown on Deposited Plan 61691; Lot 1085, Lot 1086 and Lots 1140 to 1163 inclusive as shown on Deposited Plan 62283 and Lot 821, Lot 822, Lots 834 to 836 inclusive, Lot 839, Lot 840 and Lots 953 to 955 inclusive as shown on Deposited Plan 62841.

LG403

LOCAL GOVERNMENT GRANTS ACT 1978**APPOINTMENTS**

Under section 5(1)(c) of the *Local Government Grants Act 1978*, the following person is appointed to the WA Local Government Grants Commission for a term expiring on 31 July 2011—

Cr Stephanie De Vaney as Country Rural Member.

LG404***LOCAL GOVERNMENT ACT 1995***City of Kalgoorlie-Boulder***(BASIS OF RATES)**

Department of Local Government.

DLGRD: KB5-4#02

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government under delegation from the Hon G M (John) Castrilli MLA, Minister for Local Government, being charged for the time being with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the Schedule hereunder shall be gross rental value for the purposes of rating with effect from the 29 June 2009.

JENNIFER MATHEWS, Director General.

SCHEDULE**ADDITIONS TO GROSS RENTAL VALUE AREA****CITY OF KALGOORLIE-BOULDER**

All that portion of land being Lot 317 as shown on Deposited Plan 194099.

LG405**CITY OF BAYSWATER***APPOINTMENT OF RANGERS**

It is hereby notified for public information that, Robert Varian, Elan Tzabary, James Burke, Geoff Copley, Steven Chua, Ray McArthur, Robert Butler have been appointed as authorized officers to exercise powers pursuant to the following legislations—

1. Local Government Act 1995
2. Council's Local Laws
3. To exercise power under Part XX of the Local Government (Miscellaneous Provisions) Act 1960;
4. Section 449 of the Local Government (Miscellaneous Provisions) Act 1960 as Pound Keeper and Ranger;
5. Dog Act 1976 and Regulations
6. Litter Act 1979 and Regulations
7. Local Government "Parking for Disabled Persons" Regulations 1996
8. Control of Vehicles (Off-road areas) Act 1978
9. Bush Fires Act

It is hereby notified for public information that, Clint Bridgeman, Reuben Fryer, Aaron Watson, Karen Myles, Arek Mazurkiewicz, Frank Evangelista, Jeff Noye, Christian Aguire, Marcello Di Illaco, Kim Stockley and Nick Towill have been appointed as authorized officers to exercise powers pursuant to the following legislations—

1. Local Government Act 1995
2. Council's Local Laws excluding Dogs Local Laws
3. To exercise power under Part XX of the Local Government (Miscellaneous Provisions) Act 1960;
4. Litter Act 1979 and Regulations
5. Local Government "Parking for Disabled Persons" Regulations 1996
6. Control of Vehicles (Off-road areas) Act 1978
7. Bush Fires Act

All previous appointments are hereby cancelled.

FRANCESCA LEFANTE, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401*

Commonwealth of Australia

OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE ACT 2006**GRANT OF EXPLORATION PERMIT**

Exploration Permit No. WA-434-P has been granted to Woodside Energy Limited to have effect for a period of six (6) years from 24 July 2009.

W. L. TINAPPLE, Executive Director,
Petroleum and Environment Division.

MP402*

MINING ACT 1978**INSTRUMENT OF EXEMPTION OF LAND**

The Minister responsible for the *Mining Act 1978*, pursuant to the powers conferred on him by Section 19 of the *Mining Act 1978*, hereby declares the land described hereunder (not being private land or land that is the subject of a mining tenement or an application for a mining tenement) exempt from Divisions 1 to 5 of Part IV of the *Mining Act 1978*.

Description of Land

Land designated S19/317 in the Tengraph electronic plan of the Department of Mines and Petroleum. A geospatial description is filed at pages 153 and 154 of Department of Mines and Petroleum File No. 7160-01.

Area of Land

178.2753 hectares

Locality

Kalgoorlie- Boulder Townsite

Dated at Perth this 17th day of July 2009.

NORMAN MOORE MLC, Minister for Mines and Petroleum.

MP403*

MINING ACT 1978**RESTORATION OF MINING LEASE**

Department of Mines and Petroleum,
Perth WA 6000.

In accordance with section 97A(8) of the *Mining Act 1978*, I hereby cancel the forfeiture of the undermentioned mining lease previously forfeited for non-lodgement of annual report on operations (Form 5) for the year ending 7 August 2007, and restore the mining lease to the former holder.

NORMAN MOORE MLC, Minister for Mines and Petroleum.

Number	Holder	Mineral Field
	MINING LEASE	
59/117	Aurora Mining Pty Ltd	Yalgoo

PLANNING

PI401*

PLANNING AND DEVELOPMENT ACT 2005**METROPOLITAN REGION SCHEME MINOR AMENDMENT 1169/57****PRIMARY REGIONAL ROAD TO RURAL, LOT 500 GREAT EASTERN HIGHWAY, 'THE LAKES'****Approved Amendment**

File: 833-2-27-76

The Minister for Planning has approved, as advertised, the abovementioned amendment to the Metropolitan Region Scheme. The amendment is shown on Western Australian Planning Commission plan number 3.2299 and is effective from the date of publication of this notice in the *Government Gazette*.

By virtue of section 126(1) of the *Planning and Development Act 2005*, the Shire of Mundaring's Local Planning Scheme is amended to give effect to the reservation(s) included in MRS Amendment 1169/57.

Copies of the amendment and the accompanying report on submissions are available for public inspection from Friday, 31 July 2009 to Friday, 28 August 2009 at the following locations—

- Western Australian Planning Commission, Wellington Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- Municipal office of the Shire of Mundaring

Documents are also available from the WAPC's website www.planning.wa.gov.au.

TONY EVANS, Secretary,
Western Australian Planning Commission.

PI402*

PLANNING AND DEVELOPMENT ACT 2005

ADVERTISEMENT OF RESOLUTION DECIDING TO PREPARE A TOWN PLANNING SCHEME

Shire of Donnybrook-Balingup Local Planning Scheme No. 7

Notice is hereby given that the Council of the local government of Donnybrook-Balingup on the 25th March 2009 passed the following Resolution—

Resolved that the local government, in pursuance of section 72 of the *Planning and Development Act 2005*, prepare the above Local Planning Scheme with reference to an area situated wholly within the Shire of Donnybrook-Balingup and enclosed within the inner edge of black hatched border on a plan now produced to the Council of the local government and marked and certified by the Chief Executive Officer under his hand dated 25 March 2009 as "Scheme Area Map".

Dated this 27th day of July 2009.

JOHN ATTWOOD, Chief Executive Officer.

PI403*

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Manjimup

Town Planning Scheme No. 2—Amendment No. 115

Ref: 853/6/14/20 Pt 115

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Manjimup local planning scheme amendment on 8 July 2009 for the purpose of—

1. Rezoning Lots 1, 200 & 201 & Nelson Location 7256 Golf Links Road, Pemberton Road North and Vasse Highway, Pemberton, from 'Rural' zone to 'Special Development' zone.
2. Introducing new provisions to be included in Appendix IV—'Special Development' zone as follows—

Zone Identification	Special Development Zone Permitted Uses	Conditions Of Use
Special Development Zone No. 10 Lots 1, 200 & 201 & Nelson Location 7256 Golf Links Road, Pemberton Road North and Vasse Highway, Pemberton	The "General" and "Subdivision and Development Statements" of the Subdivision and Development Concept Plan form part of the Scheme and are to be read as if they were included within the Scheme itself. Within the area of the 'Subdivision and Development Concept Plan' shown as 'Special Residential'— 1. Unless otherwise specified, the Special Development Zone Permitted Uses specified shall be deemed to be an "AA" use for the purpose of Clause 4.3 of the Scheme.	(a) A <i>Structure Plan</i> shall be prepared, submitted to, and approved by the Council and the Western Australian Planning Commission prior to the commencement of any subdivision on land within this Special Development Zone No 10 and shall be adopted by Council and endorsed by the Western Australian Planning Commission in accordance with section 7.6 of the Scheme. (b) Subdivision and Development shall generally reflect the 'Subdivision and Development Concept Plan' adopted by Council on 22/11/2007 and the landscape, agricultural, effluent and drainage assessments

Zone Identification	Special Development Zone Permitted Uses	Conditions Of Use
	<p>2. A Dwelling-Single in the area shown on a 'Structure Plan' as 'Special Residential' and designed in accordance with the building design guidelines and located with building setbacks specified in the 'Structure Plan' shall be deemed to be a 'P' use for the purpose of Clause 4.3 of the Scheme.</p> <p>3. Home Office within a Dwelling-Single shall be deemed to be a 'P' use for the purpose of Clause 4.3 of the Scheme.</p> <p>4. Public Recreation shall be deemed a 'P' use for the purpose of Clause 4.3 of the Scheme.</p> <p>5. Family Day Care Centre.</p> <p>6. Bed & Breakfast</p> <p>7. Community Purpose</p> <p>8. Home Business</p> <p>9. Home Occupation</p> <p>10. Home Holiday Accommodation Within the area of the 'Subdivision and Development Concept Plan' shown as 'Rural Tourist'—</p> <p>11. Dwelling- Single</p> <p>12. Restaurant</p> <p>13. Cellar Door Sales</p> <p>14. Bed & Breakfast Accommodation</p> <p>15. Caretakers Dwelling</p> <p>16. Home Business</p> <p>17. Home Occupation</p> <p>18. Home Office</p> <p>19. Home Holiday Accommodation</p> <p>20. Private Recreation</p> <p>21. Reception Centre</p> <p>22. Shop that is ancillary to a tourist development and not exceed 50m² NLA.</p> <p>23. Industry-cottage</p> <p>24. Rural Pursuit</p> <p>25. Aquaculture</p>	<p>included as part of the Amendment Report. The required Structure Plan is to be in general accordance with the adopted Subdivision and Development Concept Plan.</p> <p>(c) Subdivision shall be implemented in a stage fashion in response to market demand.</p> <p>(d) The following Management Plan, Strategy, Guidelines or Impact Assessment shall be prepared by the Proponent prior to the adoption of a 'Structure Plan' and be to the satisfaction of the Council.</p> <p>(e) A Drainage Management shall be prepared and submitted to the Council for approval and this Plan shall address—</p> <ul style="list-style-type: none"> • a management of stormwater on site; • provision of nutrient, sediment and pollution stripping mechanisms (in consultation with the Department of Water); • impacts on river systems, including during construction; • means by which water sensitive urban design principles and best management practices and monitoring requirements are incorporated in to the development; • contingency provisions in the event that the criteria established for water quality and quantity are not met; • peak discharge from the subdivision and development not exceeding the peak discharge prior to subdivision and development; • the extent of any localised flooding on the subject land ensuring that no development is located in flood impacted areas and recommending setbacks to minimise risk; and • management of any existing and future dams. <p>(f) An Access Strategy shall be prepared and submitted to the Council for approval and this Strategy shall address—</p> <ul style="list-style-type: none"> • all accesses at practical and safe locations; and • suitable legal agreements between the Proponent and the Shire to clarify the approach to contributions for upgrading roads and intersections etc as well as the staging of the road infrastructure requirements.

Zone Identification	Special Development Zone Permitted Uses	Conditions Of Use
		<p>(g) Building Design Guidelines to achieve higher standards of development sympathetic to Pemberton's character/climate, that avoid replicating 'standard metropolitan building designs' and which promote sustainability principles;</p> <p>(h) A Fire Management Plan shall be prepared and submitted to the Council for approval and this Plan shall—</p> <ul style="list-style-type: none"> • address the <i>Planning for Bush Fire Protection</i> document; and • ensure that future development is appropriately designed, has suitable infrastructure/facilities and is compatible with adjoining land uses including the Department for Environmental and Conservation Estate. <p>(i) An Agricultural Impact Assessment shall be prepared and submitted to the Council for approval and this Assessment shall address—</p> <ul style="list-style-type: none"> • the requirements of the Western Australian Planning Commission's Statement of Planning Policy 2.5; • compatibility of proposed land uses with current adjoining/nearby agricultural land uses; and • compatibility of proposed land uses with the subject land. <p>(j) For all lots within 250 metres of Golf Links Road and the common boundaries between Lots 1 & 201 of the subject land and Nelson Location 7485, prospective purchasers and their successors in title to be made subject to such legal arrangements as may be determined as being appropriate to prevent the lodgement of complaints about the conduct of standard agricultural practices on adjoining or nearby priority agricultural land. Lot titles are to be endorsed accordingly. The owners of all other lots within the subdivision are to be made aware of intensive agricultural operations within close proximity through an appropriate Section 70A Notification pursuant to the Transfer of Land act on each title.</p>

Zone Identification	Special Development Zone Permitted Uses	Conditions Of Use
		<p>(k) A Landscape Management Plan shall be prepared and submitted to Council for approval and this plan shall address—</p> <ul style="list-style-type: none"> • the ‘strategic’ landscape design along with associated planting and other key measures; • a landscaping ‘theme/s’ for the entire estate along with consideration of the longer-term management and appropriateness of the vegetation; • revegetation required to address natural resource management and water management requirements; • appropriate street tree planting; and • visual impact analysis. <p>(l) The community purpose site and Public Open Space will be ceded free-of-cost to the Council. In order to ensure that an appropriate community facility is established, a ‘Memorandum of Understanding’ will be prepared between the Proponent and the Council to ensure construction of a community facility at a future date consistent with the Council’s budgetary commitments and residents needs.</p> <p>(m) The Proponent shall undertake an assessment of the future development potential of the ‘Rural Tourist’ sites for land uses other than permanent residential and identify constraints that may impact on development.</p>

3. Amending Local Planning Scheme No. 2 by inserting the following text into Part 7 of the Scheme.

7.6 Structure Plans

7.6.1 Interpretations

For the purpose of clause 7.6, unless the context otherwise requires;

“**Proponent**” means any owner of the land to which the Proposed Structure Plan relates which had submitted that Proposed Structure Plan.

“**Proposed Structure Plan**” means a Proposed Structure Plan where mentioned in other parts of the Scheme, that has been approved by both the Commission and adopted by the local government under clause 7.6.1.15.

“**Structure Plan**” means a Structure Plan where mentioned in other parts of the scheme, which may apply to either a local area or a district, which has been prepared in accordance with clause 7.6.4.

7.6.2 Purpose

To coordinate subdivision, land use and development in areas requiring comprehensive planning.

7.6.3 Planning Requirements

7.6.3.1 The local government may require a Structure Plan to be prepared for any land where it can be demonstrated that the land requires substantial pre-planning before decisions are made with respect to its use, subdivision or development and the provisions of the foregoing clauses shall apply as relevant to the preparation of any such plan.

- 7.6.3.2 Notwithstanding clause 7.6.3.1, the local government may approve a development or support a subdivision of the land in a manner that is consistent with the objectives of the zone without requiring such a Structure Plan where, in its opinion, the proposal is of a minor nature, will not adversely affect the future subdivision or development of the land and where it can be demonstrated that it does not conflict with the future land use expectation of the Structure Plan area.
- 7.6.3.3 Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan and any relevant provisions of the Scheme.
- 7.6.3.4 The local government or the Commission may, as a condition of adopting or approving a Proposed Structure Plan, require a more detailed Structure Plan in future if the local government or the Commission considers that it will be necessary to provide additional detail to the proposals contained in the Proposed Structure Plan.
- 7.6.4 Preparation of Structure Plans
- 7.6.4.1 A Structure Plan may include plans and other documents.
- 7.6.4.2 A Structure Plan may with the agreement of the local government, be prepared and implemented in stages.
- 7.6.4.3 In considering a Proposed Structure Plan for part only of a Structure Plan area, the local government may require the Proponent to demonstrate how planning for the subject land may be integrated with planning for the balance of the Structure Plan area, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be coordinated and the arrangements for implementation of the Structure Plan.
- 7.6.4.4 A Proposed Structure Plan shall contain information required by the local government to satisfy any planning requirements of the Scheme, and without limiting the generality of the foregoing, may include the following details—
- The area to which the Proposed Structure Plan applies;
 - A statement of the vision of the land;
 - A concise history and present use of the land and all current approvals applicable to the land but not substantially commenced or implemented;
 - Identification of any sites of indigenous or non-indigenous areas of historical significance and how these sites are to be managed;
 - The planning context for the Structure Plan area including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the Proposed Structure Plan is to be integrated into the surrounding area;
 - Identification of the key opportunities and constraints of the Structure Plan Area including current condition of the land, landforms, topography, hydrology, landscape, vegetation, soil type and quality, conservation and heritage values, ownership, existing land uses, roads and public transport and services;
 - An environmental assessment of the land and any impacts the proposals shown on the Proposed Structure Plan will have on the environmental values of the land, and the ways in which those impacts will be managed;
 - Identification and mapping of any remnant native vegetation, and resident flora and fauna, together with a report as to the status of any species under State and Commonwealth threatened species lists;
 - Identification of any natural or built dam, soak, wetland, watercourse and drainage channel including dimensions, capacity and flows of such water bodies where relevant;
 - How the Proposed Structure Plan will satisfy the relevant State and local strategic and statutory planning instruments applicable to the Structure Plan Area including, but not limited to, State Planning Strategy, State Planning Policies, regional planning strategies, Planning Precinct Statements and local planning policies (as amended from time to time);
 - The proposed major land uses including, where relevant, residential areas and their densities, new neighbourhood centres, public and open space, school sites, civic and community uses, commercial uses (including location and hierarchy of commercial centres) and industrial uses;
 - Provision for major infrastructure, including main drainage, storm water management (quantity and quality), waste water disposal, water supply, electricity provision and other key infrastructure services;
 - Where significant physical features, such as watercourses, require conservation or enhancement and the manner in which that is to be achieved;

- Any land or waters likely to be contaminated and measures to be taken to ensure remediation of these sites;
- The proposed indicative lot patten and general location of any major buildings;
- Estimates of future lots, dwellings, population, employment and retail floor space;
- The proposed road network and hierarchy, traffic volumes and management, vehicular access and parking, public transport services (where relevant), and bicycle and pedestrian networks;
- The timeframe and staging of subdivision and development, and the method of implementation, including any proposed developer contributions; and
- Such other information as may be required by the local government.

7.6.5 Adoption and Approval of Structure Plans

- 7.6.5.1 A Proposed Structure Plan may be prepared by a Proponent or the local government. Where prepared by a Proponent, the Proposed Structure Plan shall be submitted to the local government.
- 7.6.5.2 Upon receiving a Proposed Structure Plan, the local government shall either—
- (a) Determine that the Proposed Structure Plan is satisfactory for advertising;
 - (b) Determine that the Proposed Structure Plan should not be advertised until further details have been provided or modifications undertaken; or
 - (c) The Proposed Structure Plan is not satisfactory for advertising, giving reasons to the Proponent.
- 7.6.5.3 If within 60 days of receiving a Proposed Structure Plan for approval for advertising, or such longer period as may be agreed in writing between the Proponent and the local government, the local government has not made one of the determinations referred to in clause 7.6.5.2, the local government is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising
- 7.6.5.4
- (i) Where the Proponent is aggrieved by determination of the local government made or deemed to have been made under clauses 7.6.5.2 or 7.6.5.3, the Proponent may request the local government, by notice in writing, to forward the Proposed Structure Plan to the Commission.
 - (ii) Within 21 days of receiving notice from the Proponent under clause 7.6.5.4(i) the local government shall forward to the Commission—
 - (a) A copy of the Proposed Structure Plan;
 - (b) Details of the local government's determination including any modifications to the Proposed Structure Plan required by the local government; and
 - (c) Any other information the local government considers relevant to the Commission's considerations of the Proposed Structure Plan for advertising.
 - (iii) Upon receiving a Proposed Structure Plan in accordance with clause 7.6.5.4(ii), the Commission is to make one of the determinations referred to in clause 7.6.5.2 and advise the local government and the Proponent accordingly.
 - (iv) If the Commission requires modifications to the Proposed Structure Plan, the Commission shall consult with the local government prior to making its determination under sub-clause 7.6.5.2(b);
 - (v) If within 60 days of receiving a Proposed Structure Plan under clause 7.6.5.4(ii), or such longer period as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 7.6.5.2, the Commission shall be deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.
- 7.6.5.5 Where the local government, or the Commission, has determined that the Proposed Structure Plan may be advertised, the local government shall—
- (i) Advertise, or require the Proponent to advertise, the Proposed Structure Plan for public inspection by one or more of the methods of advertising proposals for development as set out in clause 7.1.3(c) of the scheme; and
 - (ii) Give notice, or require the Proponent to give notice in writing to—
 - (a) all landowners affected by the Proposed Structure Plan; and
 - (b) such public authorities and other person as the local government nominates,

- (c) with advertisements and notices explaining the scope of the Proposed Structure Plan, when and where it may be inspected, and inviting submissions to the local government by a specified date not being less than 21 days from the date of the notice and advertisement with advertising costs to be borne by the Proponent.
- 7.6.5.6 Within 14 days of determining that a Proposed Structure Plan is satisfactory for advertising, the local government shall forward a copy of the Proposed Structure Plan to the Commission for its information.
- 7.6.5.7 The local government shall consider all submissions received and within 60 days of the latest date specified in the notice under clause 7.6.5.5 shall either;
 - (a) adopt the Proposed Structure Plan with or without modifications; or
 - (b) refuse to adopt the Proposed Structure Plan giving the reasons to the Proponent.
- 7.6.5.8 If within the 60 day period, or such further time as may be agreed in writing between the Proponent and the local government, one of the determinations referred to in clause 7.6.5.7 has not been made, the local government is deemed to have refused to adopt the Proposed Structure Plan.
- 7.6.5.9 Within 21 days of a determination made, or deemed to have been made under Clauses 7.6.5.7 or 7.6.5.8, the local government shall forward to the Commission—
 - (i) A summary of all submissions and comments received within the advertised period in respect of the Proposed Structure Plan, and the local government's decisions or comments in relation to the submissions;
 - (ii) The local government's recommendation to the Commission that the Proposed Structure Plan either be approved, approved with modifications or refused; and
 - (iii) Any other information the local government considers relevant to the Commission's considerations of the Proposed Structure Plan.
- 7.6.5.10 On the receipt of the information described in clause 7.6.5.9, the Commission shall either—
 - (i) Approve the Proposed Structure Plan with or without modifications; or
 - (ii) Refuse to approve the Proposed Structure Plan and give reasons for its decision to the Proponent and the local government.
- 7.6.5.11 If within 60 days of receiving the information referred to in clause 7.6.5.9, or such further time as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations under clause 7.6.5.10 the Commission is deemed to have refused to approve the Proposed Structure Plan.
- 7.5.6.12 If the Commission approved the Proposed Structure Plan, it is to notify the local government and the Proponent of its decision within 14 days of the date of the Commission's decision.
- 7.5.6.13 If the Commission requires modifications of the Proposed Structure Plan, the Commission shall consult the local government prior to approval of the Proposed Structure Plan under clause 7.6.5.10.
- 7.5.6.14 If, following consultation with the Commission, the local government forms the opinion that any modification to the Proposed Structure Plan is substantial, it may—
 - (i) re-advertise the Proposed Structure Plan; or
 - (ii) require the Proponent to re-advertise the Proposed Structure Plan, and thereafter, the procedures set out in clause 7.6.5.5 onwards apply.
- 7.5.6.15 As soon as practicable after receiving notice of the approval of the Proposed Structure Plan by the Commission, the local government shall adopt the Proposed Structure Plan and forward a copy of the adopted Structure Plan to—
 - (i) the Proponent;
 - (ii) the Commission; and
 - (iii) any other appropriate person or public authority likely to be affected or have an interest.
- 7.5.6.16 An adopted Structure Plan shall be kept at the local government's administrative offices, and shall be made available for inspection by any member of the public during normal office hours.
- 7.6.6 Change to, or Departure from Structure Plans
 - 7.6.6.1 The local government may accept a minor change to, or departure from an adopted Structure Plan, if in the opinion of the local government, the change or departure does not materially alter the intent of the Structure Plan.

- 7.6.6.2 (i) The local government shall forward a copy of the minor change or departure to the Commission within 14 days of the date of adopting the minor change or departure.
- (ii) If the Commission considers that the change or departure adopted by the local government under clause 7.6.6.1 materially alters the intent of the Structure Plan, then the Commission—
- (a) may require the local government to follow the procedures set out in clause 7.6.5.5 onwards in relation to the change or departure; and
- (b) shall notify the local government of this requirement within 14 days.
- 7.6.6.3 Any change to, or departure from a Structure Plan that is not within clause 7.6.6.1 is to follow the procedures set out in clause 7.6.5 onwards.

7.6.7 Operation of Structure Plan

- 7.6.7.1 A Structure Plan commences operation on the date it is adopted by the local government pursuant to clause 7.6.5.15.
- 7.6.7.2 If a Structure Plan imposes a classification on the land included in it by reference to reserve, zones or Residential Design Codes, then—
- (i) the provisions of the Structure Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and
- (ii) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Structure Plan Area.
- 7.6.7.3 Without limiting the generality of clause 7.6.7.2, under a Structure Plan—
- (a) in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designations;
- (b) the standards and requirements applicable to the zones and Residential Design Codes under the Scheme apply to the areas having corresponding designations under the Structure Plan;
- (c) the planning approval procedures including the procedures for the approval for uses and developments under the Scheme are to apply as if the land were correspondingly zoned or reserved under the Scheme; and
- (d) any other provision, standard or requirement in the Structure Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.
- 7.6.7.4 A Structure Plan, adopted and approved under the Scheme, will be used by the local government as a guide for the assessment of Applications for Planning Approval under the Scheme and of Applications for Approval to Subdivide Land under and by the Commission as a guide for the assessment of subdivision applications.

7.6.8 Right of Review

- 7.6.8.1 The proponent may seek a review, in accordance with Part 14 of the Planning and Development Act; any—
- (i) determination or decision made by the Commission;
- (ii) requirement imposed by or modification sought by the Commission; or
- (iii) determinations deemed to have been made by the Commission under clause 7.6.5.4(v) or 7.6.5.11.
- in the exercise of the Commission's power under clause 7.6.
- 7.6.8.2 The Proponent may seek a review, in accordance with Part 14 of the *Planning and Development Act 2005*, any decision made by the local government under clause 7.6.5 and 7.6.6.

4. Inserting the following interpretation into the Scheme—

“Home Holiday Accommodation” means a residential building used to provide accommodation for short-stay guests, rather than permanent residency, and excluding those uses more specifically defined elsewhere.

W. DE CAMPO, Shire President.
J. HUBBLE, Chief Executive Officer.

PI404*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Manjimup

Town Planning Scheme No. 2—Amendment No. 120

Ref: 853/6/14/20 Pt 120

It is hereby notified for public information, in accordance with Section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Manjimup local planning scheme amendment on 2 July 2009 for the purpose of—

1. Rezoning Lots 7489 (20.6012ha) and 11286 (2.9365ha) Burma Road, Pemberton from “Rural” and “State Forest” to “Special Development Zone” and notation with a number that will correlate with the number of an entry into Appendix No. IV of the Scheme Text.
2. The insertion of a new entry into Appendix IV of the Scheme Text to identify the “Special Development Zone” number as shown on the Scheme Amendment Map, with the inclusion of the following specific additions—

Zone Identification	Special Development Zone Permitted Uses	Conditions of Use
‘Special Development’ zone No. 11 Lots 7489 and 11286 Burma Road, Pemberton	<ol style="list-style-type: none"> 1. The following uses are permitted “P” within Special Development Area 11— <ul style="list-style-type: none"> • Dwelling—Single • Outbuilding 2. The following uses are not permitted in the residential area unless approval is granted by Council “AA”— <ul style="list-style-type: none"> • Home Occupation • Home Business • Holiday House • Bed Breakfast • Public Utilities 3. The following uses are not permitted in the tourist development area of Special Development Zone No. 11 unless approval is granted by Council “AA”.’ <ul style="list-style-type: none"> • Restaurant • Lodging House • Bed and Breakfast • Guest House • Shop 4. All other uses not mentioned in Clauses 1, 2 and/or 3 are not permitted “X”. 	<ol style="list-style-type: none"> 1. Development is to be “generally in accordance” with a Development Guide Plan for the site adopted by Council and WAPC. 2. Residential development shall accord with the development standards and density requirements of the “R20” standards of the Residential Design Codes of Western Australia, or any similar document prepared by the Western Australian Planning Commission in the future, irrespective of size, and shall be read in conjunction with Clause 3 below, in this regard, for the purposes of development and subdivision control, the fire buffer area shall not be included in the lot area calculation. 3. Setback standards of the “R20” Residential Design Codes of Western Australia shall be those that correlate directly to those lot sizes proposed, except those lots containing a fire management buffer, in which the case the front, rear and side setback (whichever applies) shall be consistent with the fire buffer boundary. 4. Prior to the issue of planning approval, the subdivider shall prepare building and landscaping design guidelines to the satisfaction of Council. 5. Prior to the issue of titles, the subdivider shall provide a dual use pathway between the subject land the Pemberton High School to the satisfaction of Council. 6. At the time of subdivision the subdivider shall establish at least two emergency escape routes to the satisfaction of Council prior to the issue of titles. 7. Further subdivision of proposed Lot 156 (containing the existing residence on site) may be permitted in keeping with the area’s prevailing lot size and shall include the equivalent fire management buffer to the state forest land. Access is to be obtained via the internal road network, not Burma Road. 8. Notwithstanding the Development Guide Plan (DGP) indicating a 40 metres fire management buffer for lots

Zone Identification	Special Development Zone Permitted Uses	Conditions of Use
		<p>adjacent to the zone boundary, increased building standards shall apply for all buildings within 100 metres of the external site boundary. Buildings and associated structures shall be constructed to the relevant Australian Standard for a "Medium" fire hazard rating or equivalent applying at the time of construction.</p> <p>9. A plan identifying building envelopes, for those perimeter lots adjoining State Forest and Unvested Crown Land, shall be in keeping with the Fire Management Plan.</p> <p>10. A restrictive covenant is to be placed on the Titles of the proposed lots precluding the clearing of native vegetation except for—</p> <ul style="list-style-type: none"> i. Clearing associated with the development of approved building envelopes— ii. Clearing associated with the endorsed Fire Management Plan— iii. Establishment of driveways and fence lines; iv. Removal of vegetation that is dead, dying or dangerous with written approval of Council. <p>11. A Landscaping Plan shall be prepared and implemented to the satisfaction of Council, prior to the clearance of subdivision.</p> <p>12. A Fire Management Plan in accordance with the 'Planning for Bush Fire Protection' document, to be prepared and implemented to the satisfaction of the Council and the Fire and Emergency Services Authority Western Australia, prior to the issue of titles.</p> <p>13. A Preliminary Site Investigation shall be conducted prior to subdivision to determine the extent, if any, of ground or water contamination due to past rural uses.</p> <p>14. The proponent is required to connect the subject area to the Pemberton reticulated water supply and reticulated sewerage at their cost, prior to subdivision, to the satisfaction of the Water Corporation, Department of Health and the Shire of Manjimup.</p> <p>15. An Urban Water Management Plan is to be prepared to the satisfaction of the Department of Water and the Shire of Manjimup prior to the issues of titles.</p> <p>16. No materials from the dam are to be used for any purpose without the approval of the Shire of Manjimup and the Department of Environment and Conservation.</p> <p>17. The owners of the property shall lodge a record on the title under Section 70A of the Transfer of Lands Act, to advise prospective purchasers that—</p> <p style="padding-left: 2em;">"The subdivision proposal has a common boundary with lands</p>

Zone Identification	Special Development Zone Permitted Uses	Conditions of Use
		<p>managed by the Department of Environment and Conservation and that some or all of the following management activities may occur in the State Forest from time to time—</p> <ul style="list-style-type: none"> • Prescribed burning for the enhancement and conservation of biodiversity and/or fire hazard reduction purposes; • Aerial and ground baiting with approved poisons to control introduced predators of native fauna as part of DEC's Western Shield program; • Application of herbicides and other chemicals for weed and plant disease control; and • Road construction and maintenance”. <p>18. The subdivider is to submit, together with any subdivision application, a ‘Sustainability Implementation Report’, which details the targets and method of delivery in respect to ‘sustainability outcomes’ including—</p> <ul style="list-style-type: none"> • On-site power generation; • On-site water capture and reuse; • Re-use of grey water; and • Correct housing orientation for passive heating and cooling <p>A condition of subdivision may be imposed in order to achieve implementation of the agreed outcomes.</p>

W. DE CAMPO, Shire President.
J. HUBBLE, Chief Executive Officer.

PI405*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Northam
Town Planning Scheme No. 5—Amendment No. 4

Ref: 3.1.6.4

The Shire of Northam hereby notifies for public information, in accordance with Section 87 of the *Planning and Development Act 2005*, that the Minister for Planning approved the Shire of Northam Town Planning Scheme No. 5 Amendment No 4 on 10 July 2009.

The Amendment involves—

1. Rezoning Lot 19 Charles Street, Northam from “Mixed Use”, “Local Road” and “Recreation” to “Residential R15/30”.
2. Amending the Scheme maps accordingly.

The text of Amendment 4 will be published only in the *Government Gazette* in accordance with the Town Planning Regulations. A full copy of the Amendment text is available by contacting Council's Planning Department on 9622 6100.

S. B. POLLARD, Shire President.
N. A. HALE, Chief Executive Officer.

PI406*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Northam

Town Planning Scheme No. 3—Amendment No. 13

Ref: 3.1.5.13

The Shire of Northam hereby notifies for public information, in accordance with Section 87 of the *Planning and Development Act 2005*, that the Minister for Planning approved the Shire of Northam Town Planning Scheme No. 3 Amendment No 13 on 10 July 2009.

The Amendment involves—

1. Rezoning Lot 8246 (186) Chitty Road, Bakers Hill from “Agriculture Local” to “Rural Smallholdings” and amend the Scheme maps accordingly.
2. Amending the Scheme text by adding a row into the table in Schedule 11 to include Lot 8246 Chitty Road, Bakers Hill as a Rural Smallholding, numbered as appropriate, and by including conditions that apply to the land, as follows—

No.	Description of Land	Conditions
	Lot 8246 (186) Chitty Road, Bakers Hill	<ol style="list-style-type: none"> 1. Subdivision shall generally be in accordance with a Subdivision Guide Plan as adopted by the local government and endorsed by the Western Australian Planning Commission and any approved modification thereto. 2. Second-hand transportable dwellings shall not be permitted. 3. The subdivider shall prepare and implement an environmental management plan to the satisfaction and approval of the local government prior to the subdivision of the land. The plan shall include— <ol style="list-style-type: none"> (a) Vegetation protection; (b) Drainage and nutrient management; (c) A ‘Watercourse Protection Area’, the extent of which is to be determined after consultation with the relevant government agency, and where the following will apply— <ul style="list-style-type: none"> • Except with the approval of the local government, clearing of trees except for the purpose of firebreaks or fences is prohibited, and in order to assist in reducing erosion planting of vegetation indigenous to the area shall be undertaken by the subdivider to the satisfaction of the local government; • Except with the approval of the local government and only after consultation with the relevant authority, the construction of dams or artificial retention flow, pumping, diversion of water or modification of stream course bed or banks is prohibited; • Development of buildings or other structures is not permitted; and • With the intention of preventing degradation of the stream and its contiguous areas, the keeping of livestock in the area is prohibited and the area is to be fenced to preclude livestock. (d) The areas identified for protection and rehabilitation, including revegetated areas, are to be maintained by landowners in accordance with the environmental management plan. There shall be no planting of non-indigenous species outside of the building envelope of each lot. The keeping of livestock shall not be permitted in these areas which are to be fenced to exclude stock where approval has been granted on adjacent land for keeping of livestock. 4. The application for a rural pursuit that involves the stabling and keeping of stock (including horses) is to be accompanied by a stock management plan to the satisfaction and approval of the local government. The stock management plan shall require all native vegetation and any area recognised for protection or rehabilitation in the environmental management plan to be fenced. 5. All buildings and on-site effluent disposal are to be confined to the building envelope. All building envelopes shall be— <ol style="list-style-type: none"> (a) shown on the subdivision guide plan;

		<p>(b) located to avoid any native vegetation or any area recognised for protection or rehabilitation identified on the subdivision guide plan or in the environmental management plan;</p> <p>(c) located to ensure on-site effluent disposal meets the minimum setback requirements from watercourses and wetland; and</p> <p>(d) located outside of buffer areas to basic raw material sites.</p> <p>6. The subdivider shall prepare a Fire Management Plan that identifies the need for and construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specifications and satisfaction of the local government and the relevant government agency. The approved Fire Management Plan shall be implemented prior to subdivision of the land.</p> <p>7. All lots shall be connected to alternative on-site effluent disposal systems which shall be to the specifications and satisfaction of the local government and the relevant government agency. Refer to the Environmental Protection Agency's draft 'Guidance Statement No. 33' for clarification of the approval processes that relate to on-site treatment of effluent.</p> <p>8. All lots to be provided with a reticulated water supply.</p> <p>9. Stormwater drainage shall be controlled through appropriate drainage systems to avoid erosion and discharge while maintaining natural flow of discharge at pre-development levels, and shall be to the satisfaction and specifications of the local government. The stormwater management system should be designed in accordance with the guidelines contained in the 'Stormwater Management Manual of Western Australia' (Department of Water, 2004).</p> <p>10. The permissibility of uses shall be—</p> <ul style="list-style-type: none"> • Single House (P) • Home Occupation (D) • Rural Pursuit (D) <p>All other uses are not permitted.</p> <p>11. These conditions are to be read in conjunction with the Scheme requirements for the Rural Smallholding zone. Where conflict exists, the conditions of this Schedule will prevail.</p>
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The text of Amendment 13 will be published only in the *Government Gazette* in accordance with the Town Planning Regulations. A full copy of the Amendment text is available by contacting Council's Planning Department on 9622 6100.

S. B. POLLARD, Shire President.
N. A. HALE, Chief Executive Officer.

PI407*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Augusta-Margaret River
Town Planning Scheme No. 11—Amendment No. 174

Ref: 853/6/3/8 Pt 174

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Augusta-Margaret River local planning scheme amendment on 8 July 2009 for the purpose of—

1. Rezoning Part Sussex Location 410 Caves Road, Margaret River from 'Rural' to 'Special Use' and amending the Scheme Map accordingly with a notation V (various).
2. Amending the Scheme Text by inserting in 'Schedule 3—Special Use Sites' the following—

Lot & Location	Permitted Uses (see clause 4.8)
Part Sussex Location 410 Caves Road, Margaret River	<p>1. PURPOSE</p> <p>The purpose of this Special Use Zone is to provide for—</p> <p>(a) Additional Rural Residential Development and continued agricultural activity in an integrated manner that is consistent with the objectives and policies of the Leeuwin Naturaliste Ridge State Planning Policy.</p>

Lot & Location	Permitted Uses (see clause 4.8)
	<p>(b) Site specific provisions and a guide plan to control the development and inter-relationship of a rural residential cluster, farming area (for intensive agriculture and grazing) and associated tourism uses.</p> <p>2. OVERALL OBJECTIVES</p> <p>(a) To provide for zoning controls to allow for clustered Rural Residential living in areas not suited to intensive agriculture.</p> <p>(b) To provide an interesting form of Rural Residential living that respects environmental qualities of the site and integrates with surrounding agricultural uses to provide an alternative lifestyle choice compatible with agriculture, tourism and the amenity of the location.</p> <p>(c) To provide for development location, design and construction standards to be compatible with surrounding character and landscape quality.</p> <p>(d) To identify quality of vegetation for inclusion in a Foreshore Reserve and manage other degraded areas through a weed eradication program and introducing vegetation where required to enhance buffers between agricultural and rural residential uses.</p> <p>(e) To provide a strata management arrangement to ensure the relationship between the different uses on the site can be adequately managed.</p> <p>(f) To ensure that development is environmentally sensitive, does not impact on the environs of the Margaret River and minimises potential threats from wildfire.</p> <p>3. SUBDIVISION AND DEVELOPMENT GUIDE PLAN</p> <p>(a) Subdivision and development shall be generally in accordance with the Subdivision and Development Guide Plan endorsed by the Local Government and the WAPC.</p> <p>(b) The Local Government may endorse or refuse any proposed minor modifications to the approved Subdivision and Development Guide Plan by way of resolution of Council where the modifications are consistent with the purpose and objectives of the zone. Where significant modifications to the Subdivision and Development Guide Plan are proposed, the Local Government shall require the modifications to be advertised for public comment for a period of 21 days prior to considering the proposed modifications.</p> <p>(c) The Local Government shall forward a copy of any modifications referred to in 3 b) above to the WAPC for its consideration. The Plan shall not come into operation until the modifications are endorsed by the WAPC.</p> <p>4. PERMISSIBLE LAND USES</p> <p>The site has been classified into three land use areas on the Development Guide Plan. They are <i>'Foreshore Area'</i>, <i>'Agricultural Tourism Area'</i> and <i>'Rural Residential Cluster Area'</i>. The following lists indicate the Uses which, may be permitted in the various land use areas nominated on the approved subdivision and development guide plan.</p> <p>4.1 Foreshore Area</p> <ul style="list-style-type: none"> • The Management of this area will be addressed within the Foreshore Management Plan. <p>4.2 Agricultural Tourism Area</p> <ul style="list-style-type: none"> • Single Dwelling 'P' • Home Occupation 'P' • Residential Building 'SA' • Holiday Cabins and Chalets 'SA' • Licensed Restaurant 'SA' • Shop (Rural Produce) 'SA' • Eating House 'SA' • Rural Industry 'SA' • Intensive Agriculture 'AA' • Rural Pursuit 'AA' • Art and Craft Studio and Sales 'SA' • Cottage Industry 'SA' • Caretakers Dwelling 'IP' <p>4.3 Rural Residential Cluster</p> <ul style="list-style-type: none"> • Single Dwelling 'P' • Home Occupation 'P' • Ancillary Accommodation 'P' • Rural Pursuit 'AA' • Intensive Agriculture 'SA' • Residential Building/Guesthouse (on designated Lot 17 only—see guide plan "tourism site") 'SA'

Lot & Location	Permitted Uses (see clause 4.8)
	<p data-bbox="411 248 815 271">4.4 Agricultural Tourism Provisions</p> <p data-bbox="411 277 1313 331">The following provisions shall apply to all land nominated as 'Agricultural Tourism Area' on the approved Subdivision and Development Guide Plan.</p> <ul data-bbox="475 338 1313 696" style="list-style-type: none"> <li data-bbox="475 338 1313 414">• Buildings shall be setback of 60m from the Caves Road boundary unless determined acceptable with a lesser setback based on a visual impact assessment. <li data-bbox="475 421 1313 497">• Building materials used shall be sympathetic to the surrounding landscape consistent with Visual Management Zone A of the Local Government's Visual Management Policy. <li data-bbox="475 504 1313 580">• Agricultural Development shall be setback a minimum of 40 metres from adjoining residential development with a 20 metre wide vegetated buffer within the setback. <li data-bbox="475 586 1313 640">• Buildings shall be restricted to a height limit of 8m as calculated in accordance with Local Government's Scheme and Policy Requirements. <li data-bbox="475 647 1313 696">• Local Government policies normally applicable to development within the Rural Zone shall be applied to the use and development of the land. <p data-bbox="411 703 927 725">4.5 Rural Residential Cluster Area Provisions</p> <p data-bbox="411 732 1313 786">The following provisions shall apply to all land nominated as 'Rural Residential Cluster Area' on the approved Subdivision and Development Guide Plan.</p> <ul data-bbox="475 792 1313 1099" style="list-style-type: none"> <li data-bbox="475 792 1313 869">• Residential Development shall be situated within the nominated building envelope area as shown on the Subdivision and Development Guide Plan. <li data-bbox="475 875 1313 929">• Buildings shall be restricted to a height limited of 8m as calculated in accordance with Council's Scheme and Policy requirements. <li data-bbox="475 936 1313 990">• Colours and materials shall comply with the requirements of Visual Management Zone A of the Council's Visual Management Policy. <li data-bbox="475 996 1313 1099">• Fencing for each allotment shall be within or around the perimeter of the building envelope and be of rural character, post and wire construction or similar construction. Any form of solid fencing shall not be permitted. <p data-bbox="411 1106 826 1128">5. SUBDIVISION REQUIREMENTS</p> <p data-bbox="411 1135 1238 1158">The following requirements will apply at the time of subdivision approval.</p> <p data-bbox="411 1164 619 1187">5.1 Fire Protection</p> <ul data-bbox="475 1193 1313 1581" style="list-style-type: none"> <li data-bbox="475 1193 1313 1359">• Prior to subdivision (or strata titling), the subdivider shall prepare and implement a Fire Management Plan to the satisfaction of the Local Government and the Fire and Emergency Services Authority. The Fire Management Plan shall have due regard to the significant conservation values of the site and shall, where possible, minimise requirements for the clearing and fragmentation of native vegetation. <li data-bbox="475 1366 1313 1469">• At the time of subdivision, notifications shall be placed on all created titles under Section 165 of the <i>Planning and Development Act 2005</i> advising of the landowner's obligations under the Fire Management Plan. <li data-bbox="475 1476 1313 1529">• Buildings shall comply with Australian Standard 3959 for Buildings in Fire Prone Areas. <li data-bbox="475 1536 1313 1581">• Fire Breaks and access located within individual lots shall be maintained to the satisfaction of the Local Government. <p data-bbox="411 1588 730 1610">5.2 Foreshore Area/Pathway</p> <ul data-bbox="475 1617 1313 2089" style="list-style-type: none"> <li data-bbox="475 1617 1313 1749">• Prior to subdivision approval, a biophysical assessment shall be prepared in accordance with EPA Guidance Statement No. 33 (2008)—Environmental Foreshore Reserves (2001) Waters and Rivers Commission, River Restoration Report No. RR16 to the satisfaction of the Department of Water. <li data-bbox="475 1756 1313 2011">• Prior to subdivision approval, a Foreshore Management Plan shall be prepared by a qualified consultant in accordance with the Shire of Augusta-Margaret River 'Watercourse Restoration/Management Guidelines', and implemented to the satisfaction of the Department of Water and the Local Government. The plan should specially address weed control and revegetation and reflect recommendations of the Margaret River Action Plan. The plan shall include appropriate fencing along the Foreshore Reserve to keep stock from entering foreshore reserve, while maintaining access for residents by providing pedestrian links from all cul-de-sacs within subdivision to the foreshore reserve. <li data-bbox="475 2018 1313 2089">• As part of subdivision approval, the applicant is required to cede sufficient land along the Margaret River foreshore to enable construction of a 2.5m wide shared pathway.

Lot & Location	Permitted Uses (see clause 4.8)
	<ul style="list-style-type: none"> • Prior to subdivision approval a pathway contribution plan shall be prepared to the satisfaction of the Local Government. <p>5.3 Heritage Conservation</p> <ul style="list-style-type: none"> • Prior to subdivision approval, an ethnographic and archaeological survey of the application area shall be conducted by a qualified consultant to the specifications of the Department of Indigenous Affairs. • The 'Post and rail boundary fence' should be protected to the satisfaction of the Local Government. <p>5.4 Management</p> <ul style="list-style-type: none"> • Prior to subdivision approval, an Agricultural Impact Assessment and Management Plan shall be prepared to the satisfaction of the Local Government. The Plan shall investigate the impacts of agricultural practices on the future development and determine the appropriate control measures including separation distance, building design, vegetation planting to screen and buffer the residential component and protect water supply from neighbouring agricultural practices. • Prior to subdivision approval a Management Statement for the 'Rural Residential Cluster Area' and Agricultural Tourism Areas (including common property) shall be prepared to the satisfaction of the Local Government. The management plan shall depict and provide management of potential land use conflicts i.e.: agricultural land use, rural residential uses and tourism uses. The management plan shall address issues including management and maintenance of common property, and management of livestock. • A notification in the form of a section 70A notification, pursuant to the <i>Transfer of Land Act 1893</i> (as amended) shall be placed on the Certificate(s) of Title of the proposed lot(s) advising purchasers, that the subject Land is located adjacent to rural land and rural activity may have a nuisance effect on amenity. <p>5.5 Water Supply</p> <ul style="list-style-type: none"> • Each lot shall be provided with a reticulated water service. <p>5.6 Road Access and Caves Road Widening</p> <ul style="list-style-type: none"> • Road intersections and internal access ways shall be constructed to the standards and specifications of the Local Government with the intersection to Caves Road being designed to the specifications and satisfaction of Main Roads WA. • At the time of subdivision, Caves Road is to be widened along the frontage of the land subject of this application, by the applicant/owner transferring the land required to the Crown free of cost in accordance with the Caves Road Management Strategy, to the satisfaction of Main Roads WA. <p>5.7 Power</p> <ul style="list-style-type: none"> • All lots are to be provided with underground power at Subdivision Stage. <p>5.8 Effluent Disposal</p> <ul style="list-style-type: none"> • The Local Government will request that the WAPC impose a condition of subdivision requiring that a covenant or an alternative mechanism be placed on the title of each lot to alert the first and subsequent purchasers of the following— <ol style="list-style-type: none"> a. The lots are not serviced with reticulated sewer. b. The required standards for onsite waste water treatment and disposal. c. That septic tanks as a form of waste water treatment are not permitted. <p>5.9 Rubbish Collection</p> <ul style="list-style-type: none"> • Prior to subdivision approval a waste disposal and recycling management plan for development on the lots must be prepared to the satisfaction of Local Government. <p>5.10 Landscaping Plan</p> <ul style="list-style-type: none"> • A landscaping plan shall be prepared and implemented at subdivision stage to provide an appropriate buffer between residential and intensive agricultural uses and weed control. <p>5.11 Water Management</p> <ul style="list-style-type: none"> • Prior to subdivision approval a Local Water Management Strategy/Urban Water Management Plan shall be prepared and implemented to the satisfaction of the Department of Water.

Lot & Location	Permitted Uses (see clause 4.8)
	<ul style="list-style-type: none"> • A Stormwater Management Plan to be prepared and implemented by the developer at subdivision stage to address control of stormwater runoff from roadways to the satisfaction of the Local Government incorporating Water Sensitive Urban Design principles. • Stormwater infrastructure shall not be located in the foreshore reserve. • All earth works and or associated drainage shall be in accordance with plans and specification submitted to and approved by the Local Government. • Stormwater shall be detained in compensating/detention basin(s) on the land the subject of this approval before discharge into external drainage systems or natural streams or waterways. The compensation/detention basin(s) should incorporate the use of nutrient stripping vegetation, and be designed to have nutrient stripping functions and wildlife habitat values. <p>6. DEVELOPMENT CONTROL</p> <ul style="list-style-type: none"> • Development shall incorporate sustainable planning principles including the provision of water conservation initiatives such as rooftop water harvesting and provision of rainwater storage tanks, integration of grey water systems, appropriate solar orientation of dwellings on site for passive heating and cooling, use of solar for power production and water heating and appropriate forms of material of construction. • A site and soil evaluation shall be undertaken by a suitably qualified consultant in accordance with Australian Standards and Government guidelines for each new lot, to determine an appropriate onsite domestic waste water treatment system and its location to meet health and environmental objectives to the satisfaction of the Local Government and Department of Health WA. • Aerobic treatment units (ATUs) or alternative systems shall be used for the onsite treatment and disposal of effluent where specified to the specifications and satisfaction of Council and Department of Health WA. • Effluent disposal areas shall have a minimum 2 metre vertical separation from highest known ground water level and be set back at least 100 metres from the bank of the Margaret River and 50 metres from any creekline, waterway and subsoil drainage system.

3. Changing the zoning to the Foreshore Widening Area as depicted on the Subdivision and Development Guide Plan from 'Rural' to 'Reserve for Parks and Recreation'.

S. HARRISON, Shire President.
G. EVERSLED, Chief Executive Officer.

PI408*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Augusta-Margaret River
Town Planning Scheme No. 11—Amendment No. 184

Ref: 853/6/3/8 Pt 184

It is hereby notified for public information, in accordance with Section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Augusta-Margaret River local planning scheme amendment on 2 July 2009 for the purpose of—

1. Amending the Scheme Map indicating that Lot 30 Gimbel Road, Deepdene be rezoned from 'Rural' to 'Special Rural'.
2. Including references to Lot 30 Gimbel Road, Deepdene within 'Schedule 1 : Special Rural Zones Provisions Relating to Specified Areas', and include the following special provisions—

Specified Area of Locality (A)	Special Provisions to refer to (A)
Lot 30 Gimbel Road, Deepdene	<ol style="list-style-type: none"> 1. Subdivision and development shall be generally in accordance with the Subdivision and Development Guide Plan endorsed by the Local Government and the WAPC. 2. Building envelopes must not exceed 1500m². All development shall be contained in the building envelope. 3. Building envelopes must be a least 30m from Bussell Highway and at least 20m from all other boundaries. All habitable buildings shall be a minimum of

Specified Area of Locality (A)	Special Provisions to refer to (A)
	<p>40 metres from all lot boundaries to comply with the endorsed Fire Management Plan.</p> <p>4. Prior to subdivision, a preliminary site investigation shall be undertaken to determine whether acid sulphate soils are present on the land and, if present their extent and severity; if the site is found to contain acid sulphate soils, an acid sulphate soil management plan shall be submitted and approved by the Department of Environment and Conservation; and all site works shall be carried out in accordance with the provisions of the approved management plan.</p> <p>5. At the time of subdivision, a subdivisional works management plan demonstrating that site works will not interfere, alter or pollute any wetland, watercourse, surface water expression or ground water in the area, or alter the water quality of such waters is to be submitted prior to the commencement of site works and all development activity on the land is to comply with that plan.</p> <p>6. At the time of subdivision the developer shall prepare an Environmental Management Plan to the satisfaction of Council.</p> <p>7. Prior to subdivision, a fauna survey should be conducted by a qualified consultant in accordance with EPA Guidance Statement No. 56 (June 2004)—Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia.</p> <p>8. A covenant be placed on the development to prevent people having cats as pets so that biodiversity values can be protected and maintained.</p> <p>9. Boundary fencing is prohibited without the written approval of the Local Government. No internal fencing of lot boundaries will be permitted within the Vegetation Protection Area.</p> <p>10. The carrying of stock on any lot is prohibited.</p> <p>11. Clearing of vegetation shall only take place within those areas designated as building envelopes and necessary for the construction of a dwelling and associated uses, with the following exceptions—</p> <ul style="list-style-type: none"> • Clearing to gain vehicular access to the lots; • Clearing to comply with the <i>Bush Fires Act 1954</i> and the endorsed Fire Management Plan. <p>12. A Conservation Covenant with either the Department of Environment and Conservation or the National Trust, pursuant to Section 129BA of the <i>Transfer of Land Act 1893</i> (as amended) is to be placed on the Certificate of Title of the proposed lot(s) advising of the existence of a restriction on the use of the land to protect areas identified for conservation. Notice of this restriction to be included on the Deposited Plan.</p> <p>13. Prior to subdivision, the subdivider shall prepare and implement a Fire Management Plan to the satisfaction of the Council and the Fire and Emergency Services Authority and the Fire Management Plan shall have due regard to the significant conservation values of the site and shall, where possible, minimise requirements for the clearing and fragmentation of native vegetation.</p> <p>14. At the time of subdivision, notifications shall be placed on all created titles under Section 165 of the <i>Planning and Development Act 2005</i> advising of the landowners obligations under the Fire Management and Environmental Management Plans.</p> <p>15. A notification in the form of a Section 70A notification, pursuant to the <i>Transfer of Land Act 1893</i> (as amended) shall be placed on the Certificate(s) of Title of the proposed lot(s) advising that a reticulated water supply is not provided to the land by a licensed water service supplier and as a consequence owners will be required to provide an adequate and safe supply of potable water to the satisfaction of Council.</p> <p>16. Each dwelling shall be connected to an on-site potable water supply, to be in the form of a water storage tank with a minimum capacity of 140 kilolitres and connected to a sufficient rainwater catchment area of not less than 200m² and or provided with an alternative source of water supply to the specifications of the Local Government.</p> <p>17. A notification in the form of a Section 70A notification pursuant to the <i>Transfer of Land Act 1893</i> (as amended) shall be placed on the Certificate(s) of Title of the proposed lot(s) advising that a reticulated sewerage is not provided to the land as a consequence owners will be required to provide onsite effluent disposal and grey water reuse to the specifications of the Shire.</p>

Specified Area of Locality (A)	Special Provisions to refer to (A)
	<p>18. A requirement that each proposed lot be required to install a waste water effluent treatment and disposal system to the satisfaction of the Shire subject to—</p> <ul style="list-style-type: none"> • Aerobic treatment units and effluent disposal systems or alternative effluent treatment and disposal systems, capable of minimising phosphorous movement from the designated disposal area for each lot, shall be installed to provide for the treatment and disposal of effluent waste water. • A minimum separation of 50 metres is to be retained between effluent waste water disposal sites and perennial water course, natural wetland or soak, subsoil drainage system or open drainage channel. • Grey water disposal and reuse systems are to be installed to the satisfaction of the Shire. <p>19. A site and soil evaluation shall be submitted for each lot at the time of development, by a suitably qualified person in accordance with Australian Standards and Government Guidelines to determine an appropriate on site domestic waste water treatment system and its location to meet health and environmental objectives to the satisfaction of the Shire.</p> <p>20. A notification in the form of a Section 70A Notification, pursuant to the <i>Transfer of Land Act 1893</i> (as amended) shall be placed on the Certificate(s) of Title of the proposed lot(s) advising purchasers, that the subject land is located adjacent to rural land and rural activity may have a nuisance effect on amenity.</p> <p>21. At the time of subdivision Gimbel Road shall be upgraded and access to each lot as well as drainage easements shall be provided by the developer, at the developers cost, to the satisfaction of Council.</p> <p>22. At the time of subdivision access from Bussell Highway will be designed and constructed to the satisfaction of Main Roads.</p> <p>23. Buildings shall be constructed of non-reflective materials. All such materials shall be compatible with the rural character of the area to the satisfaction of Council.</p> <p>24. All services within the lot boundaries are to be underground.</p> <p>25. A minimum of 150mm of topsoil shall be stripped from earthworks areas and replaced immediately after construction on to disturbed areas.</p> <p>26. Buildings shall not exceed 8 (eight) metres in height.</p>

3. Amending the Scheme Maps by identifying Lot 30 Gimbel Road as "Special Rural".

S. HARRISON, Shire President.
G. EVERSLED, Chief Executive Officer.

PREMIER AND CABINET

PC401*

APPOINTMENT OF DEPUTY OF THE GOVERNOR

It is hereby notified for public information that the Governor, under clause XVI of the *Letters Patent relating to the Office of Governor of the State of Western Australia*, dated 14 February 1986, has appointed the Lieutenant-Governor the Honourable David Kingsley Malcolm AC QC, to be deputy of the Governor and in that capacity to perform and exercise all the powers and functions of the Governor for the period 3 August 2009 to 7 August 2009, all dates inclusive.

P. CONRAN, Clerk of the Executive Council.

RACING, GAMING AND LIQUOR

RG401*

LIQUOR CONTROL ACT 1988

LIQUOR APPLICATIONS

The following is a summary of applications received under the *Liquor Control Act 1988 (the Act)* and required to be advertised.

Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming & Liquor, 1st Floor, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATION FOR THE GRANT OF A LICENCE			
12916	Brian John Goodwin as Trustee for the Bluechip Sporting Club	Application for the grant of a Special Facility—Amusement Venue Licence in respect of premises situated in Kalgoorlie and known as Bluechip Sporting Club	01/09/2009
APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
12842	Highmoon Pty Ltd & Yardoo Pty Ltd	Application for the grant of an Extended Trading Permit in respect of premises situated in Northbridge and known as Northbridge Brewing Company. This application will be considered contemporaneously with the tavern application.	10/08/2009
APPLICATIONS TO ADD, VARY OR CANCEL A CONDITION OF LICENCE			
293814	Veronica Patricia Elizabeth Wharram ATF Broome Sub Branch	Application to add, vary or cancel a condition of the Club Restricted licence in respect of premises situated in Broome and known as Broome Sub Branch R.S.L.	18/08/2009
APPLICATIONS FOR APPROVAL TO ALTER/REDEFINE THE LICENSED PREMISES			
292077	Peter Cinanni	Application for approval to alter/redefine the Liquor Store Lice in respect of premises situated in High Wycombe and known as High Wycombe Liquor Barn	13/08/2009
291117	Australian Leisure & Hospitality Group Limited	Application for approval to alter/redefine the Hotel Licence (Bottleshop) in respect of premises situated in Bunbury and known as Highway Hotel	24/08/2009

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

Dated: 29 July 2009.

B. A. SARGEANT, Director of Liquor Licensing.

REGIONAL DEVELOPMENT

RD401*

REGIONAL DEVELOPMENT COMMISSIONS ACT 1993

APPOINTMENT OF MEMBERS

The following have been appointed as board members to the Goldfields-Esperance Development Commission in Western Australia, in accordance with the *Regional Development Commissions Act 1993*.

GOLDFIELDS-ESPERANCE DEVELOPMENT COMMISSION

Board of Management

Ministerial	Term Expiring
Mr Wayne Rodgers	30/06/2012
Mr Lawrence Hamilton	30/06/2012

ROBERT HICKS, Chief Executive Officer.

DECEASED ESTATES

ZX401**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Claims against the Estate of Beverly Jessie Bell, Housewife, late of 5 Ozone Terrace, Kalamunda, Western Australia, pursuant to Section 63 of the *Trustees Act 1962*, should be lodged with the Executor, PO Box 160, Forrestfield, WA 6058 within one calendar month from publication of this notice. After that time the Assets of the Estate may be conveyed and distributed having regard only to the claims of which at the time the Executor has notice.

ZX402**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Walter Roland Graham late of Freeman Nursing Home, Bull Creek Road, Rossmoyne, Western Australia.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased who died on 6 April 2009 at Rossmoyne aforesaid are required by the Executor and Trustee of care of Messrs Dwyer Durack Lawyers of 8th Floor, 40 St Georges Terrace, Perth to send particulars of their claims to him by 1 September 2009 after which date the Trustee may convey or distribute the assets having regard only to the claims of which he then has notice.

ZX403**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Roy William Daniel late of 6 Dean Street, Mount Helena, Western Australia.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased who died on 7 February 2009 at Subiaco aforesaid are required by the Executor and Trustee of care of Messrs Dwyer Durack Lawyers of 8th Floor, 40 St Georges Terrace, Perth to send particulars of their claims to her by 1 September 2009 after which date the Trustee may convey or distribute the assets having regard only to the claims of which she then has notice.

ZX404**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Ronald Edmond Proctor late of 413 South Coast Highway, Denmark, Western Australia.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, who died on 4 February 2009, are required by the trustees of the late Ronald Edmond Proctor of C/- Haynes Robinson Solicitors of PO Box 485 Albany, Western Australia 6331 to send particulars of their claims to them within one (1) month from the date of publication of this notice, after which date the trustees may convey or distribute the assets, having regard only to the claims of which it then has notice.

Dated this 27th day of July 2009.

HAYNES ROBINSON.

ZX405***TRUSTEES ACT 1962****DECEASED ESTATES**

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 31/08/2009 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

ACKLAND Jean Rachel Sadie, late of St Lukes Aged Care 429 Rokeby Road Subiaco, formerly of 28 Turner Street Augusta, died 8.06.2009 (DE19630742EM38)

BROADBELT Lee Michael, late of 123 Reynolds Road Forrestfield, died 18.05.2009 (DE33063585EM110)

CHUBBY Keith William, late of 756 Mungarra Street Tom Price, died 27.05.2009 (DE33074114EM37)

CREAM John Stewart, late of 115 Walcott Street Mount Lawley, died 2.07.2009 (DE19942077EM22)

DARUK Maria, late of 8b Earls Place Balga, died 20.06.2009 (DE19902270EM38)

GARDINER Keith James, late of 18 Whiteside Street Cloverdale, died 20.06.2009 (DE19802878EM26)

GILBERT Phyllis Mary, late of Unit 49/ 31 Williams Road Nedlands, died 26.06.2009 (DE19911165EM16)

HUMBLE Dorothy Irene, late of Room 16 Shoalwater Aged Care Lodge 72 Fourth Avenue Shoalwater, died 11.07.2009 (DE19724339EM37)

KIRBY Vivian Marjorie, late of RAAFA Estate 19 Hughie Edwards Drive Merriwa, died 23.06.2009 (DE19723814EM16)

O'NEILL Myrtle, late of Agmaroy Nursing Home 115 Leach Highway Wilson, died 11.06.2009 (DE19671704EM36)

SPENCER Dorothy St John, late of Unit 69 52 Liege Street Woodlands, died 24.06.2009 (DE19953635EM23)

SPRING Lilian, late of 35 Falcon Drive Broadwater, formerly of 127b Acanthus Road Willetton, died 1.04.2009 (DE19972698EM110)

TEICHELMAN Leslie Joseph, late of Unit 11 Seaforth Gardens 2542 Albany Highway Gosnells, died 30.06.2009 (DE19783395EM27)

JOHN SKINNER
Public Trustee
Public Trust Office
565 Hay Street
Perth WA 6000
Telephone: 9222 6777

ZX406***PUBLIC TRUSTEE ACT 1941****ADMINISTERING OF ESTATES**

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

Dated at Perth the 31 July 2009.

JOHN SKINNER
Public Trustee
565 Hay Street
Perth WA 6000

Name of Deceased	Address	Date of Death	Date Election Filed
RONALD CROSS DE19916134EM27	135 Coogee Street Mount Hawthorn	14 November 2008	21/7/2009
BERYL ENID DUFF DE19813337EM15	5/ 87 York Street Bedford	30 April 2009	21/7/2009
MYRTLE FLORENCE O'NEILL DE19671704EM36	115 Leach Highway Wilson	11 June 2009	23/7/2009
JOHANNES CORNELIUS VAN GELDER DE33055926EM36	35 Hudson Drive Mandurah	13 June 2008	23/7/2009

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