

# WESTERN AUSTRALIAN GOVERNMENT Gazette

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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).

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- Inquiries regarding publication of notices can be directed to the Editor on (08) 9426 0010.
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## ADVERTISING RATES AND PAYMENTS

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## PUBLISHING ALTERATIONS

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

- Easter and Christmas holidays cause disruption each year.
- Australia Day and Anzac Day cause disruption when they fall on a Tuesday or Friday.

In these instances, notices warning of the change are generally published on page 2 for approximately 4 weeks prior to the date.

Readers are urged to check *Gazettes* accordingly, prior to contacting State Law Publisher.

JOHN A. STRIJK, Government Printer.

# — PART 1 —

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## HEALTH

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HE301\*

Hospitals and Health Services Act 1927

### Hospitals (Services Charges) Amendment Regulations (No. 2) 2005

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

**1. Citation**

These regulations are the *Hospitals (Services Charges) Amendment Regulations (No. 2) 2005*.

**2. The regulations amended**

The amendments in these regulations are to the *Hospitals (Services Charges) Regulations 1984\**.

[\* *Reprint 4 as at 3 December 2004.*  
*For amendments to 15 March 2005 see Gazette*  
*11 March 2005.*]

**3. Schedule 1 amended**

Schedule 1 item 1 is amended as follows:

- (a) in paragraph (c) by deleting “\$34.40 per day” and inserting instead —  
“ \$34.80 per day ”;
- (b) in paragraph (d) by deleting “\$114.50 per day” and inserting instead —  
“ \$114.90 per day ”.

By Command of the Lieutenant-Governor and  
deputy of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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**JUSTICE**


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JU101

*PRINTERS CORRECTION*

Legal Practice Act 2003

## Legal Practice Board Amendment Rules (No. 2) 2005

An error occurred in the notice published under the above heading on page 1170 of *Government Gazette* No. 56 dated 12 April 2005 and is corrected as follows.

At page 1171 to 1173 delete the table "Application for practice certificate" and insert the following table—

“

<b>Application for practice certificate</b>		<i>Legal Practice Act 2003 s. 37, 38, 39 Legal Practice Board Rules 2004 r. 44 Form 17</i>
<b>Applicant</b>	Name _____	
	Title Mr / Ms / Mrs / Miss / Dr / Other _____	
	QC / SC Date of appointment ____/____/____ <i>Jurisdiction in which appointed</i>	
	Residential address No & Street _____	
	Suburb _____ State _____ Postcode _____	
	Telephone _____ Fax _____	
	Mobile _____	
	Email _____	
<b>Practice</b>  <i>(If not currently practising, give details of intended practice as at date on which practice certificate will take effect.)</i>	<b>Place of practice</b>	
	Street address No & Street _____	
	Suburb _____ State _____ Postcode _____	
	Postal address _____	
	Telephone _____ Fax _____	
	Email _____	
	<b>Capacity in which practising</b>	
	<input type="checkbox"/> Barrister	
	<input type="checkbox"/> Sole practitioner Practice name _____	
	<input type="checkbox"/> Equity Partner <input type="checkbox"/> Salaried Partner Partnership name _____ <input type="checkbox"/> Legal partnership <input type="checkbox"/> Multi-disciplinary partnership	
<input type="checkbox"/> Director or officer of incorporated legal practice Name of corporation _____ ACN or ARBN _____		
<input type="checkbox"/> Employee Name of employer _____		
<input type="checkbox"/> Consultant Name of employer _____		
<input type="checkbox"/> Corporate solicitor Name of employer _____		
<input type="checkbox"/> Not practising		

<p><b>Admission outside WA</b> Give details for each jurisdiction in which admitted If more space is required, use page 4</p>	<p>Jurisdiction _____ Admitted as (e.g. barrister, solicitor, attorney) _____ Date of admission ____/____/____</p> <p>Jurisdiction _____ Admitted as _____ Date of admission ____/____/____</p> <p>Jurisdiction _____ Admitted as _____ Date of admission ____/____/____</p>
<p><b>Trust account</b> * Delete whichever is not applicable Give details for each trust account If more space is required, use page 4</p>	<p>I <b>*do / do not</b> receive trust moneys. If yes, trust account used by applicant Name of account _____ Name of bank _____ Branch address _____ BSB No. _____ Account No. _____ Date account opened ____/____/____ Auditor Name _____ Firm/company _____ Address _____ _____ Email _____</p>
<p><b>Professional indemnity insurance</b> * Delete whichever is not applicable</p>	<p>I <b>*hold my own / am covered by my employer's</b> professional indemnity insurance in accordance with the <i>Legal Practice Act 2003</i>. I <b>*have / have not</b> complied with Law Mutual's requirements.</p>
<p><b>Complaints</b> * Delete whichever is not applicable</p>	<p>An order under the <i>Legal Practice Act 2003</i> s. 177, 185 or 191 (or an equivalent section of the <i>Legal Practitioners Act 1893</i>) <b>*has / has not</b> been made in relation to me. If yes, made under section ____ on ____/____/____ Fine <input type="checkbox"/> fined \$ _____ <input type="checkbox"/> no fine <input type="checkbox"/> paid on ____/____/20 _____ <input type="checkbox"/> not paid Costs <input type="checkbox"/> ordered to pay \$ _____ <input type="checkbox"/> no order <input type="checkbox"/> paid on ____/____/20 _____ <input type="checkbox"/> not paid Expenses <input type="checkbox"/> ordered to pay \$ _____ <input type="checkbox"/> no order <input type="checkbox"/> paid on ____/____/20 _____ <input type="checkbox"/> not paid</p>
<p><b>Fitness, capacity and solvency</b> * Delete whichever is not applicable If more space is required, use page 4</p>	<p>I <b>*am / am not</b> an insolvent under administration within the meaning of the Corporations Act (this includes being bankrupt). I <b>*am / am not</b> a legal practitioner director of an incorporated legal practice that is insolvent within the meaning of the Corporations Act. If yes, give details _____ _____ I <b>*am / am not</b> in prison. If yes, give details _____ _____</p>

<b>Payment</b>	Payment to accompany application Practice certificate fee \$ _____ Guarantee Fund contribution \$ _____ (Contribution No. _____) Total \$ _____  Method of payment <input type="checkbox"/> Cheque <input type="checkbox"/> Cash <input type="checkbox"/> Electronic funds transfer <input type="checkbox"/> Credit Card Name on card _____ Card No. _____ Expiry date ____/20 ____ Card holder's signature _____
<b>Confirmation</b>	<b>I confirm that —</b> <ul style="list-style-type: none"> <li>• <b>I am not struck off, suspended, disqualified or otherwise prohibited from engaging in legal practice in WA or in any other place; and</b></li> <li>• <b>the information given in or with this application is true and correct and that I have not omitted any relevant information.</b></li> </ul> Signature _____ Date      /      /20
<b>Additional information if required</b>	

JU301\*

Acts Amendment and Repeal (Courts and Legal Practice)  
Act 2003

## Courts and Legal Practice (Consequential Amendments) Regulations 2005

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Courts and Legal Practice (Consequential Amendments) Regulations 2005*.

**2. *Bail Regulations 1988 amended***

- (1) The amendments in this regulation are to the *Bail Regulations 1988*\*.

[\* *Reprinted as at 8 September 2000.*

*For amendments to 31 March 2005 see Western Australian Legislation Information Tables for 2003, Table 4, p. 29 and Gazette 14 May 2004.]*

- (2) Regulation 8(3)(a) and “or” after it is deleted and the following is inserted instead —

“

- (a) where the prosecutor is the Director of Public Prosecutions, is given to the Director; or

”.

- (3) The Schedule is amended in the Forms listed in the Table to this subregulation by deleting “Crown” in each place where it occurs and inserting instead —

“ State ”.

**Table**

Form 1 (clause 10)  
 Form 3 (clause 5(a) and (b))  
 Form 4 (clause 5(a) and (b))  
 Form 6 — (original, duplicate and triplicate copies, under heading “UNDERTAKING”)  
 Form 8 (Part C)  
 Form 9 (clause 2)

**3. *Coroners Regulations 1997 amended***

- (1) The amendments in this regulation are to the *Coroners Regulations 1997*\*.

[\* *Reprint 1 as at 16 January 2004.*]

- (2) Schedule 1 Forms 1 and 2 are amended by deleting “our Sovereign Lady Queen Elizabeth the Second, Her Heirs and Successors” and inserting instead —

“ the State ”.

**4. *Criminal Investigation (Extra-territorial Offences) Regulations 1989 amended***

- (1) The amendments in this regulation are to the *Criminal Investigation (Extra-territorial Offences) Regulations 1989*\*.

[\* *Reprint 1 as at 6 February 2004.*]

- (2) The Schedule is amended in Form 2 by deleting “Her Majesty’s name” and inserting instead —

“ the name of the State ”.

**5. *Criminal Procedure Rules 2000* amended**

- (1) The amendments in this regulation are to the *Criminal Procedure Rules 2000*\*.
- [\* *Published in Gazette 2 January 2001, p. 1-75.*  
*For amendments to 31 March 2005 see Western Australian Legislation Information Tables for 2003, Table 4, p. 73.*]
- (2) Rule 3(1) is amended in the definition of “lawyer” by deleting “*Legal Practitioners Act 1893*” and inserting instead —  
 “ *Legal Practice Act 2003* ”.
- (3) Rules 20(3), 27(2)(d) and 47(5) are amended by deleting “Crown” in each place where it occurs and inserting instead —  
 “ State ”.
- (4) Schedule 1 is amended in the forms listed in the Table to this subregulation by deleting “Crown” in each place where it occurs and inserting instead —  
 “ State ”.

**Table**

Form 3 (in item headed “Witnesses”)  
 Form 4 (in item headed “Nolle prosequi”)  
 Form 5 (in item headed “Nolle prosequi”) —  
 2 places  
 Form 12 (in items headed “Undertaking by witness” and “Surety’s agreement”)  
 Form 14 (in item headed “Crown’s consent”)

- (5) Schedule 1 Form 14 is amended by deleting “Crown’s” and inserting instead —  
 “ State’s ”.

**6. *Electricity (Licensing) Regulations 1991* amended**

- (1) The amendment in this regulation is to the *Electricity (Licensing) Regulations 1991*\*.
- [\* *Reprint 2 as at 14 March 2003.*  
*For amendments to 31 March 2005 see Western Australian Legislation Information Tables for 2003, Table 4, p. 87 and Gazette 13 July and 30 December 2004.*]
- (2) Regulation 3(1) is amended in the definition of “legal practitioner” by deleting “*Legal Practitioners Act 1893*” and inserting instead —  
 “ *Legal Practice Act 2003* ”.



**7. *Legal Practice (Professional Indemnity Insurance) Regulations 1995 amended***

- (1) The amendments in this regulation are to the *Legal Practice (Professional Indemnity Insurance) Regulations 1995\**.  
[\* Reprint 1 as at 27 August 2004.]
- (2) Regulation 6(1) is amended by deleting “Despite rule 61 of the *Legal Practice Board Rules 1949*, on and from 1 July 1995 the” and inserting instead —  
“ The ”.

**8. *Non-Contentious Probate Rules 1967 amended***

- (1) The amendments in this regulation are to the *Non-Contentious Probate Rules 1967\**.  
[\* Reprinted as at 9 June 2000.  
For amendments to 31 March 2005 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 7.*]
- (2) Rule 27(2)(b) is amended by deleting “*Legal Practitioners Act 1893*” and inserting instead —  
“ *Legal Practice Act 2003* ”.
- (3) Rule 27(4) is amended by deleting “Crown” and inserting instead —  
“ State ”.

**9. *Nurses Rules 1993 amended***

- (1) The amendments in this regulation are to the *Nurses Rules 1993\**.  
[\* Reprinted as at 22 June 2001.  
For amendments to 31 March 2005 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 259, and Gazette 16 April and 30 December 2004.*]
- (2) Rule 24(c) is amended by deleting “*Legal Practitioners Act 1893*” and inserting instead —  
“ *Legal Practice Act 2003* ”.

**10. *Public Trustee Regulations 1942 amended***

- (1) The amendments in this regulation are to the *Public Trustee Regulations 1942\**.  
[\* Reprinted as at 3 October 2000.  
For amendments to 31 March 2005 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 304 and Gazette 8 June 2004.*]

- (2) Regulation 6AA(b)(ii) is amended by deleting “the *Non-Contentious Probate Costs Scale 1991\**” and inserting instead —

“

any relevant legal costs determination  
within the meaning of the *Legal  
Practice Act 2003*

”.

- (3) The note at the end of regulation 6AA (beginning “[\* *Determined* ” is deleted.

**11. *Residential Tenancies Regulations 1989* amended**

- (1) The amendments in this regulation are to the *Residential Tenancies Regulations 1989\**.

[\* *Reprint 2 as at 19 September 2003.*

*For amendments to 31 March 2005 see Gazette  
24 December 2004.]*

- (2) Regulation 10 is amended by deleting “the scale of costs fixed by determination under section 58W of the *Legal Practitioners Act 1893*” and inserting instead —

“

any relevant legal costs determination within the  
meaning of the *Legal Practice Act 2003*

”.

**12. *Rules of the Supreme Court 1971* amended**

- (1) The amendments in this regulation are to the *Rules of the Supreme Court 1971\**.

[\* *Reprint 6 as at 15 October 2004.*]

- (2) Order 1 rule 4(1) is amended as follows:
- (a) in the definition of “Accountant” by deleting “Crown Law Department” and inserting instead —  
“ Department of Justice ”;
- (b) in the definition of “Practitioner” by deleting “*Legal Practitioners Act 1893*” and inserting instead —  
“ *Legal Practice Act 2003* ”.

- (3) Order 11 rule 5 is amended by deleting “Crown Solicitor” and inserting instead —

“ State Solicitor ”.

- (4) Order 26 rule 4(4)(b) and Order 27 rule 6(1)(b) are amended by deleting “Crown” in each place where it occurs and inserting instead —

“ State ”.

- (5) Order 55 rule 5(1) is amended by deleting “Queen” and inserting instead —  
 “ State of Western Australia ”.
- (6) Order 56 rule 35(1) is amended by deleting “Her Majesty” and inserting instead —  
 “ the State ”.
- (7) Order 60 rule 1(1)(a)(i) is amended by deleting “on the Crown side of the Court” and inserting instead —  
 “ for prerogative relief ”.
- (8) Order 64 rule 1(e) is amended by deleting “constituted under section 4 of the *Legal Practitioners Act 1893*” and inserting instead —

“ established under the *Legal Practice Act 2003* ”.

- (9) Order 66 is amended as follows:

- (a) in rule 8 by deleting “Crown” in both places where it occurs and inserting instead —  
 “ State ”;
- (b) in rule 11(1) by deleting the definition of “any relevant scale” and inserting instead —

“

“**any relevant scale**” means any legal costs determination within the meaning of the *Legal Practice Act 2003* in respect of regulating the remuneration of legal practitioners in respect of business carried out by practitioners in or for the purposes of proceedings before the Court.

”;

- (c) in rule 11(3) by deleting “*Legal Practitioners Act 1893*” and inserting instead —

“ *Legal Practice Act 2003* ”.

- (10) Order 75A is amended as follows:

- (a) in the heading by deleting “section 22(2) of the *Legal Practitioners Act 1893*” and inserting instead —

“

**section 30(2) of the *Legal Practice Act 2003***

”;

- (b) in rule 1 —

- (i) in the definition of “applicant” by deleting “section 22(2) of the *Legal Practitioners Act 1893*” and inserting instead —

“

section 30(2) of the *Legal Practice Act 2003*

”;

- (ii) in the definition of “the Act” by deleting “*Legal Practitioners Act 1893*” and inserting instead —  
“ *Legal Practice Act 2003* ”;
  - (c) by deleting rule 2(1) and inserting the following subrule instead —  
“  
(1) An application under this Order shall be made to the Full Court ex parte by motion supported by an affidavit as required under the *Legal Practice Board Rules 2004*. ”;
  - (d) in rules 3 and 4 by deleting “section 22(2)” and inserting instead —  
“ section 30(2) ”.
- (11) Order 76 rule 2(1)(a) is amended by deleting “*Legal Practitioners Act 1893*” and inserting instead —  
“ *Legal Practice Act 2003* ”.
- (12) Order 80 rule 2(3) is amended by deleting “Crown” and inserting instead —  
“ State of Western Australia ”.
- (13) Order 84 rule 4(1) is amended by deleting “Royal Arms” and inserting instead —  
“ armorial bearings of the State ”.
- (14) The Second Schedule is amended as follows:
  - (a) in Form 1 by deleting “Elizabeth the Second, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth.”;
  - (b) in Form 29 by deleting “Her Majesty’s” and inserting instead —  
“ the ”;
  - (c) in Form 45 by deleting “Elizabeth the Second, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth.”;
  - (d) in Forms 67 and 73 by deleting “Queen” and inserting instead —  
“ State of Western Australia ”;
  - (e) in Form 83 —
    - (i) by deleting “Elizabeth the Second, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth.”; and
    - (ii) by deleting “NOTE: If the action is by the Crown, instead of the plaintiff’s name put “Our Sovereign Lady the Queen” adding if necessary,

“*in Her Office of Admiralty*” and inserting instead —

“

*NOTE: If the action is by the State, instead of the plaintiff's name put “The State of Western Australia”.*

”;

(f) in Forms 95 and 96 —

(i) by deleting “our Lady the Queen” and inserting instead —

“ the State ”; and

(ii) by deleting “this day of in the year of Our Lord, One thousand nine hundred and in the year of the reign of Her present Majesty Queen Elizabeth.” and inserting instead —

“ the day of , 20 . ”;

(g) in Forms 99 and 100 —

(i) by deleting “The Crown” and inserting instead —

“ The State of Western Australia ”; and

(ii) by deleting “Crown” in both other places where it occurs and inserting instead —

“ State ”.

(15) The Fourth Schedule item 25 is amended by deleting “Crown in right of the”.

### **13. *Suitors' Fund Regulations 1965* amended**

(1) The amendments in this regulation are to the *Suitors' Fund Regulations 1965*\*.

[\* *Reprint 1 as at 7 March 2003.*]

(2) The Schedule is amended in Form 1a by deleting “THE QUEEN” and inserting instead —

“ The State of Western Australia ”.

### **14. *Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000* amended**

(1) The amendments in this regulation are to the *Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000*\*.

[\* *Reprint 1 as at 1 October 2004.*

*For amendments to 31 March 2005 see Gazette 30 December 2004.*]

- (2) Regulation 3 is amended in the definition of “legal practitioner” by deleting “*Legal Practitioners Act 1893*” and inserting instead —
- “ *Legal Practice Act 2003* ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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## TRANSPORT

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TR301\*

Road Traffic Act 1974

### Road Traffic (Vehicle Standards) Amendment Regulations (No. 3) 2005

Made by the Governor in Executive Council.

#### 1. Citation

These regulations are the *Road Traffic (Vehicle Standards) Amendment Regulations (No. 3) 2005*.

#### 2. The regulations amended

The amendments in these regulations are to the *Road Traffic (Vehicle Standards) Regulations 2002\**.

[\* *Published in Gazette 9 August 2002, p. 3903-4020.*  
*For amendments to 2 March 2005 see Western Australian Legislation Information Tables for 2003, Table 4, p. 340, and Gazette 28 May 2004.*]

#### 3. Regulation 23 amended

- (1) Regulation 23(2) is amended as follows:
- (a) by inserting after “subregulation (6)” —
- “ , ”;
- (b) in paragraph (a) by deleting “the Western” and inserting instead —
- “ the *Western* ”.

(2) Regulation 23(9) is amended by inserting after “power to issue” —

“ , renew or revoke ”.

**4. Regulation 31 amended**

Regulation 31(c) is amended by inserting after “under the” —

“ notice or ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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## TREASURY AND FINANCE

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TF301\*

Pay-roll Tax Assessment Act 2002

### Pay-roll Tax Assessment Amendment Regulations 2005

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Pay-roll Tax Assessment Amendment Regulations 2005*.

**2. Commencement**

These regulations come into operation on 1 July 2005.

**3. The regulations amended**

The amendments in these regulations are to the *Pay-roll Tax Assessment Regulations 2003\**.

[\* *Published in Gazette 27 June 2003, p. 2341-80.*

*For amendments to 17 March 2005 see Western Australian Legislation Information Tables for 2003, Table 4, p. 268, and Gazette 25 June, 7 September and 5 November 2004.]*

**4. Regulation 31 amended**

Regulation 31(b) is amended by deleting “62c” and inserting instead —

“ 63c ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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## — PART 2 —

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### AGRICULTURE

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AG401\*

**MARKETING OF EGGS ACT 1945**  
APPOINTMENTS

Department of Agriculture  
South Perth WA 6151.

The Governor is pleased to appoint pursuant to Section 7 (3) (b) of the Marketing of Eggs Act 1945, Mr Zelko Lendich as a member of the Western Australian Egg Marketing Board for a term of office expiring on 3 February 2006.

KIM CHANCE, MLC, Minister for Agriculture and Forestry.

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### JUSTICE

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JU401\*

**JUSTICES ACT 1902**  
APPOINTMENT

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the following person to the office of Justice of the Peace for the State of Western Australia;

Rev Ian Roy McGilvray of 34 Ashburton Crescent, Dampier

RAY WARNES, A/Executive Director, Court Services.

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### LOCAL GOVERNMENT

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LG401\*

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960**

*City of Mandurah*

APPOINTMENT OF AUTHORISED OFFICER

It is hereby notified for public information that Kerry Ann Woodbury has been appointed as a Ranger and Pound Keeper pursuant to Part XX, Section 449 of the *Local Government (Miscellaneous Provisions) Act 1960*. The appointment is effective as of 18 April 2005.

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### MAIN ROADS

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MR401\*

**ROAD TRAFFIC ACT 1974**  
**ROAD TRAFFIC CODE 2000**  
AUTHORISED PERSONS

Appointment of Accredited Pilots as Authorised Persons

I hereby declare that each person who is an accredited pilot pursuant to Regulation 3 of the *Road Traffic Code 2000* named in the attached lists are 'authorised persons' within the meaning of and in

accordance with Regulation 271 of the *Road Traffic Code 2000* for the purposes of regulations 272(1)(a), 272(1)(d), 282(2) and 286 of the *Road Traffic Code 2000* whilst performing their functions in facilitating the safe movement of an oversize vehicle escorted by an accredited pilot.

Dated April 2005.

KARL J. O'CALLAGHAN, APM, Commissioner of Police.

Authorised Persons / Accredited Pilot Escorts

Surname	First Name	Street	Suburb	State	P/C	Accredited Pilot No.
Bacon	Vince	285 Berkshire Road	FORRESTFIELD	WA	6058	KB 0275
Boulton	Michael	7/4 Farnaby Lane	BECKENHAM	WA	6167	KB 0281
Carston	Adrian	62 Edgefield Way	NORTH BEACH	WA	6020	KB 0278
Carvell	Phillip	6 Chepstow Drive	MANDURAH	WA	6210	WA-1-52768
Cheetham	Marcus	PO Box 93	Narembeen	WA	6369	WA-1-52994
Cleary	Dave	37 Alambi Way	TOM PRICE	WA	6751	WA-1-53261
Cooper	Steve	53 Dulwich St	BECKENHAM	WA	6107	WA-1-52756
Cooper	Ian	410 Acalypha Street	TOM PRICE	WA	6751	WA-1-53262
Cusick	Scott	10 Joyce Drive	Boulder	WA	6432	CMT 2536
Dawes	Trevor	228 Epsom Avenue	BELMONT	WA	6104	KB 0276
Engelbrecht	Keith	18 Farmhouse Drive	Bibra Lake	WA	6163	WA-1-52997
Ford	Glenn	760 Mungarra Street	TOM PRICE	WA	6751	WA-1-53259
Gould	Philip	53 Sommerville Drive	BUNBURY	WA	6230	WA-1-52815
Hicks	Henry	190 West Road	TOM PRICE	WA	6751	WA-1-53263
Holland	Brian	61 Anaconda Drive	GOSNELLS	WA	6110	KB 0279
Hudson	Ross	28 Gamanya Ave	MERREDIN	WA	6415	WA-1-52774
Lapham	Leslie	29/3 Hackett St	MANDURAH	WA	6210	WA-1-52617
Moore	Kevin	117 South Lake Drive	SOUTH LAKE	WA	6164	KB 0277
Padfield	Stephen	PO Box 219	Narembeen	WA	6369	WA-1-52996
Peters	Peter	PO Box 2032	Enellard	QLD	4720	WA-1-50259
Roberts	Phil	226 Frangipani Street	TOM PRICE	WA	6751	WA-1-53257
Rogers	Allan	43 Quayside Vista	GERALDTON	WA	6530	WA-1-52864
Roper	Garry	283 Ashburton Ave	Paraburdoo	WA	6754	WA-1-32059
Southward	Phillip	6 Lulworth Place	MARANGAROO	WA	6064	KB 0280
Thompson	Robert	5 Lilac Street	TOM PRICE	WA	6751	WA-1-53256
Townsend-Crisp	Roy	18 Caulfield Road	MORAWA	WA	6623	WA-1-52814
Walter	Nicholas	PO Box 87	PARABURDOO	WA	6754	WA-1-53260
Withers	Danny	1081 Dural Place	TOM PRICE	WA	6751	WA-1-53264
Ziverts	Kriss	C/- Narembeen Post Office	Narembeen	WA	6369	WA-1-52995

## PLANNING AND INFRASTRUCTURE

PI401\*

### TOWN PLANNING AND DEVELOPMENT ACT 1928

#### APPROVED TOWN PLANNING SCHEME AMENDMENT

*City of Perth*

Town Planning Scheme No. 16—Amendment No. 2

Ref: 853/2/10/22 Pt 2

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 (as amended) that the Minister for Planning and Infrastructure approved the City of Perth town planning scheme amendment on 13 April 2005 for the purpose of amending Clause 9 by replacing 'By-law' with 'Local Law' in the heading and in the text in all instances, and replacing 'Schedule' in the last line with 'Scheme'.

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

## PI402\*

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

## APPROVED TOWN PLANNING SCHEME AMENDMENT

*City of Stirling*

District Planning Scheme No. 2—Amendment No. 467

Ref: 853/2/20/34 Pt 467

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 (as amended) that the Minister for Planning and Infrastructure approved the City of Stirling town planning scheme amendment on 11 April 2005 for the purpose of—

1. Modifying Schedule 2B to read as follows—

No.	DESCRIPTION	ADDITIONAL USE	CONDITIONS
3	Pt. Lot 17 Karrinyup Road	<ul style="list-style-type: none"> <li>• Garden Centre</li> <li>• Coffee House</li> </ul>	

2. Modifying the scheme map accordingly.

D. C. VALLELONGA, Mayor.  
L. DELAHAUNTY, Chief Executive Officer.

## PI403\*

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

## APPROVED TOWN PLANNING SCHEME AMENDMENT

*Shire of Kalamunda*

District Planning Scheme No. 2—Amendment No. 222

Ref: 853/2/24/16 Pt 222

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Kalamunda town planning scheme amendment on 11 April 2005 for the purpose of—

1. Rezoning that portion of Pt Lot 5 (597) Kalamunda Road, High Wycombe located to the east of Abernethy Road from Residential R15, Residential R30 and Local Reserve—Open Space/Recreation to Special Purpose (Park Home Village).
2. Modifying the Scheme Maps accordingly to include a new Special Purpose (Park Home Village) Zone applicable to that portion of Pt Lot 5 (597) Kalamunda Road, High Wycombe as described in 1. above.
3. Inserting in Appendix A Interpretations—  
Park Home Park has the same meaning as in the Caravan Parks and Camping Grounds Regulations 1997.
4. Inserting in Appendix B of the Scheme Text—  
B.1.13 Special Purpose (Park Home Village) Zone.
  - (i) Within this zone the following uses are not permitted unless approval is granted by the Council (“AA”)—  
Park Home Park to a maximum density of R25  
Uses deemed to be incidental to the Park Home Village
  - (ii) All other land uses not mentioned above are not permitted
5. Inserting the following in Appendix B.2

PARTICULARS OF LAND	SPECIAL PURPOSES (SYMBOL)
Pt Lot 5 (597) Kalamunda Road, High Wycombe	Park Home Village (PHV)

6. Inserting the following in Appendix H—Schedule of Restricted Uses—

PARTICULARS OF LAND	RESTRICTED USE (CLAUSE 3.10)
Kalamunda Road, High Wycombe Pt Lot 5	<ol style="list-style-type: none"> <li>1. A notification being placed on title to state that the land falls within the 20 to 25 ANEF Aircraft Noise Contour relating to the Perth International Airport and will be subject to aircraft noise.</li> <li>2. For the purpose of these provisions the term “ANEF” means Australian Noise Exposure Forecast as defined in AS2021-2000.</li> <li>3. A notification being placed on the title advising of aircraft noise and prospective owners/tenants being advised that they may be subject to aircraft noise.</li> </ol>

PARTICULARS OF LAND	RESTRICTED USE (CLAUSE 3.10)
	<p>4. Park Home Park to a maximum density of R25.</p> <p>5. Development of the site as a Park Home Park will require the construction of a noise wall or bund structure along the Abernethy Road boundary to protect residents from rail and road traffic noise, with the standard of construction being approved by the Western Australian Planning Commission as part of any development approval.</p>

E. TAYLOR, Mayor.  
G. H. PARSLOW, Acting Chief Executive Officer.

PI404\*

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

Town Planning Scheme No. 9—Amendment No. 427

Ref: 853/2/21/10 Pt 427

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 (as amended) that the Minister for Planning and Infrastructure approved the City of Swan town planning scheme amendment on 13 April 2005 for the purpose of—

1. Inserting the following new definitions in Schedule 1 of the Scheme in alphabetical order—
  - “**Ancillary Accommodation**” has the same meaning as in the Residential Design Codes.
  - “**Pylon Sign**” means a sign, greater than three metres in height, supported by one or more piers and not attached to a building and includes an attached frame supported on one or more piers to which sign in-fills can be added.
2. Replacing Appendix 8—Exempted Developments (Zoned Land) to read as follows—

**APPENDIX 8—EXEMPTED DEVELOPMENTS (ZONED LAND)**

Exempted Development	Applicable Zone	Conditions Applying To The Exempted Development
Advertisements (excepting balloons)	All zones	<p>Where the advertisement meets at least one of the following criteria—</p> <ul style="list-style-type: none"> <li>• is required to be displayed pursuant to any written law;</li> <li>• is erected for no more than 6 months in any 12 month period during the construction of a building and / or sale of a property and advertises the sale, lease or rent of the land / building or provides the construction company details and is located on the lot for sale or where construction is taking place, and does not exceed 3m<sup>2</sup> in area;</li> <li>• is inside a building and cannot be seen outside the building;</li> <li>• is a portable sign with a surface area of not more than 1.0m<sup>2</sup> per each side, with a maximum of one portable sign permitted for each lot.</li> <li>• any sign approved under a local law.</li> </ul>
	Residential Development; Residential 1, 2 and 3; City Centre—Residential and Mixed Uses; City Centre—Residential 1 and 2; All Special Purpose zones.	<p>Where there is only one advertisement on the lot and it meets all of the following criteria—</p> <ul style="list-style-type: none"> <li>• is flush mounted or painted on the wall of a building, fence or wall;</li> <li>• is not illuminated;</li> <li>• is no more than 0.2m<sup>2</sup> in area;</li> <li>• does not contain moving parts;</li> <li>• solely displays the details of a business operating from the lot.</li> </ul>

Exempted Development	Applicable Zone	Conditions Applying To The Exempted Development
	General Commercial; Highway Service; Service Station; Hotel; Motel; Tavern; Private Clubs and Institutions; Caravan Park; Industrial Development; General Industrial; Light Industrial	Where the advertisement is not a pylon sign and meets all of the following criteria— <ul style="list-style-type: none"> <li>• is flush mounted or painted on the wall of a building so that no part of the advertisement is more than 5 metres above ground level;</li> <li>• the combined area of all signs, hoardings and advertising devices on the lot does not exceed 20m<sup>2</sup>;</li> <li>• the advertisement predominantly displays the name or nature of the business existing on site.</li> </ul> Where the advertisement is a pylon sign and meets all of the following criteria— <ul style="list-style-type: none"> <li>• there is no more than one pylon sign per lot;</li> <li>• has a surface area of no more than 6m<sup>2</sup> per side;</li> <li>• the sign and its supporting pylon have a combined height of no more than 6m;</li> <li>• has a clearance under it of at least 2.4m;</li> <li>• the sign predominantly displays the name or nature of the business existing on site.</li> </ul>
	All City Centre zones (excluding City Centre—Residential 1 and 2 & City Centre—Residential and Mixed Uses)	Where the advertisement is not a pylon sign and meets all of the following criteria— <ul style="list-style-type: none"> <li>• is flush mounted or painted on the wall of a building at a height of no greater than 5 metres above ground level;</li> <li>• the combined area of all such advertisements on the lot does not exceed 10m<sup>2</sup>;</li> <li>• the sign predominantly displays the name or nature of the business existing on site.</li> </ul>
	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource.	Where there is only one sign on the lot and it meets all of the following criteria— <ul style="list-style-type: none"> <li>• is fixed to or painted on an existing building, fence or wall;</li> <li>• is not illuminated;</li> <li>• is no more than 1m<sup>2</sup> in area;</li> <li>• the sign displays the name of the owner, the name of the property or the predominant nature of business conducted from the property or all of these details.</li> </ul>
<b>Advertising Balloons</b>	General Commercial; Highway Service; Service Station; Hotel; Motel; Tavern; Private Clubs and Institutions; Caravan Park; Industrial Development; General Industrial; Light Industrial; all City Centre zones (excluding City Centre—Residential 1 and 2 zones)	Where there is only one balloon on the lot and it meets all of the following criteria— <ul style="list-style-type: none"> <li>• is displayed for no more than 4 consecutive weeks and for no more than 3 months in any 12 month period;</li> <li>• has dimensions no greater than 9 metres in height and 8 metres in width;</li> <li>• the maximum height from ground level to the top of the balloon does not exceed 18 metres;</li> <li>• is not illuminated.</li> </ul>
<b>Ancillary Accommodation</b>	Residential Development; Residential 1, 2 and 3; All Special Purpose zones.	Where the ancillary accommodation meets all of the following criteria— <ul style="list-style-type: none"> <li>• complies with the Acceptable Development Standards as outlined within Clause 4.1.1 of the Residential Design Codes, which includes;               <ul style="list-style-type: none"> <li>o the sole occupant or occupants are members of the family of the occupiers of the main dwelling;</li> </ul> </li> </ul>

Exempted Development	Applicable Zone	Conditions Applying To The Exempted Development
		<ul style="list-style-type: none"> <li>o the lot is not less than 450 square metres in area;</li> <li>o the open space requirements of Table 1 (Residential Design Codes) are met;</li> <li>o there is a maximum plot ratio area of 60 square metres; and</li> <li>o one additional car space is provided.</li> <li>• is not affected by Clause 3.1.12 of the Scheme, which relates to aircraft noise;</li> <li>• is not located within a floodplain area.</li> <li>• there is no more than one dwelling of any description on the lot.</li> </ul>
<b>Demolition of Single Houses and Outbuildings</b>	All zones	<p>Where the demolition of a Single House or Outbuilding is NOT affected by Clause 2.5.7 of Town Planning Scheme No. 9, which includes—</p> <ul style="list-style-type: none"> <li>• a place listed in Council's Municipal Heritage Inventory;</li> <li>• within a conservation precinct;</li> <li>• affects a place the subject of an order under Part 6 of the Heritage of Western Australia Act, 1990;</li> <li>• affects a place the subject of a Heritage Agreement under the Scheme or Part 4 of the Heritage of Western Australia Act, 1990; or</li> <li>• affects a place that has been entered in the Register of Heritage Places under the Heritage of Western Australia Act, 1990.</li> </ul>
<b>Driveways</b>	All zones	<p>Where the driveway meets all of the following criteria—</p> <ul style="list-style-type: none"> <li>• does not require excavation or filling along the alignment of the driveway of greater than 300mm vertically;</li> <li>• does not incorporate a bridge greater than five metres in length;</li> <li>• is no wider than 6 metres.</li> </ul>
<b>Single Dwelling / Addition to an existing Single or Grouped Dwelling where the Single or Grouped Dwelling will be the only development on the lot</b>	Residential Development; Residential 1, 2 and 3; City Centre—Commercial Deferred; City Centre—Residential 1 and 2 zones; All Special Purpose zones.	<p>In all cases except where the development—</p> <ul style="list-style-type: none"> <li>• is listed in Council's Municipal Heritage Inventory or is within a conservation precinct;</li> <li>• is a habitable building that is affected by Clause 3.1.12 of the Scheme, which relates to aircraft noise;</li> <li>• is located within a floodplain area; or</li> <li>• is on a lot within or abutting the Swan River Trust Management Area or abuts or is likely to affect waters which are in that Management Area.</li> </ul>
<b>Residential Outbuilding or addition thereto, including Incidental Domestic Structures.</b>	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource.	<p>Where the development meets all of the following criteria—</p> <ul style="list-style-type: none"> <li>• it is proposed to be located within an approved Building Envelope, or where no Building Envelope exists, is set back from the property boundaries in accordance with Table 8B. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone;</li> <li>• if a habitable building is not affected by Clause 3.1.12 of the Scheme, which related to aircraft noise;</li> <li>• is not located within a floodplain area.</li> <li>• is on a lot within or abutting the Swan River Trust Management Area or abuts or is likely to affect waters which are in that Management Area.</li> </ul>

Exempted Development	Applicable Zone	Conditions Applying To The Exempted Development
<b>Family Day Care</b>	City Centre—Residential 1 and 2; City Centre—Business; City Centre—Commercial Deferred; City Centre—Residential and Mixed Uses; Residential 1, 2 and 3; Residential Development; General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource; Private Clubs and Institutions; Place of Public Assembly; Caravan Park zones; All Special Purpose zones.	Complies with the definition of Family Day Care contained within Schedule 1 of the Scheme.
<b>Fences</b>	All zones except— General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource.	Where the fence meets any of the following criteria— <ul style="list-style-type: none"> <li>• is a front fence and meets the acceptable development criteria of the Residential Design Codes, including— <ul style="list-style-type: none"> <li>o front fences within the primary street setback area being visually permeable 1.2 metres above natural ground level; and</li> <li>o fences being truncated to no higher than 0.75 metres within 1.5 metres of where the fence adjoins a vehicle access point where the driveway meets a public street and where two streets intersect.</li> </ul> </li> <li>• is located on a common boundary, is located greater than 4.5 metres from a street boundary and is no greater than 2.4 metres in height;</li> <li>• is located on a secondary street boundary and is not greater than 1.8 metres in height.</li> </ul>
	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource zones	Where the fence meets all of the following criteria— <ul style="list-style-type: none"> <li>• is located within a 14 metre visual truncation on a corner lot as shown in Appendix 3A and is no higher than 1.2 metres;</li> <li>• is located within a 3 metre visual truncation to a vehicular accessway as shown in Appendix 3B and is no higher than 1.2 metres;</li> <li>• is no higher than 1.8 metres in all other cases;</li> <li>• is constructed of post and wire or post and rail;</li> </ul>
<b>Flags and Flagpoles</b>	General Commercial; Highway Service; Service Station; Hotel; Motel; Tavern; Private Clubs and Institutions; Caravan Park; Industrial Development; General Industrial; Light Industrial; All City Centre zones (excluding City Centre—Residential 1 and 2 zones);	Where there are no more than 2 flagpoles on a lot and each flagpole is no more than 6 metres in height.

Exempted Development	Applicable Zone	Conditions Applying To The Exempted Development
	Residential 1, 2 and 3; Residential Development; General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource; Place of Public Assembly; All Special Purpose zones.	Where the flag and flagpole meet all of the following criteria— <ul style="list-style-type: none"> <li>• There is no more than one flagpole on the lot;</li> <li>• The height of the pole does not exceed 6 metres;</li> <li>• The flag is not used for commercial advertising.</li> </ul>
<b>Home Occupation</b>	City Centre—Commercial Deferred; City Centre—Residential 1 and 2; Residential Development; Residential 1, 2 and 3; General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource; Private Clubs and Institutions; Place of Public Assembly; Caravan Park; All Special Purpose zones.	Where a home occupation complies with the Scheme definition of a Home Occupation, which is— An occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which— <ul style="list-style-type: none"> <li>• does not employ any person not a member of the occupier's household;</li> <li>• will not cause injury to or adversely affect the amenity of the neighbourhood;</li> <li>• does not occupy an area greater than 20 square metres;</li> <li>• does not display a sign exceeding 0.2 square metres;</li> <li>• does not involve the retail sale, display or hire of goods of any nature;</li> <li>• in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and</li> <li>• does not involve the use of an essential service of greater capacity than normally required in the zone.</li> </ul>
<b>Outdoor lighting and supporting poles</b>	General Commercial; Highway Service; Service Station; Hotel; Motel; Tavern; Private Clubs and Institutions; Caravan Park; Industrial Development; General Industrial; Light Industrial; All City Centre zones (excluding City Centre—Residential 1 and 2 zones);	Where lighting meets all of the following criteria— <ul style="list-style-type: none"> <li>• is not set more than 5 metres above ground level;</li> <li>• floodlighting is directed only into the land on which it is located.</li> </ul>



Exempted Development	Applicable Zone	Conditions Applying To The Exempted Development
	Residential 1, 2 and 3; Residential Development; General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource; Place of Public Assembly; All Special Purpose zones.	Where the lighting meets all of the following criteria— <ul style="list-style-type: none"> <li>• is not set more than 2.5 metres above ground level;</li> <li>• is fixed to a building on the property;</li> <li>• floodlighting is directed only into the land on which it is located.</li> </ul>
<b>Radio and TV Installation—Private (excepting satellite dishes)</b>	All zones	Compliance with the definition of Radio and TV Installation—Private as defined in Schedule 1 of the Scheme.
<b>Retaining Wall</b>	All zones except— General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape and Resource zones	Where the retaining wall meets all of the following criteria— <ul style="list-style-type: none"> <li>• has a maximum height of 1 metre above adjoining lower level;</li> <li>• is not located within a floodplain area;</li> <li>• is located on a boundary other than the primary street boundary.</li> </ul>
<b>Rural shed or other building or addition thereto</b>	General Rural; Swan Valley Rural	Where the building meets all of the following criteria— <ul style="list-style-type: none"> <li>• the combined area of sheds (and other buildings within this category excluding the single house) on the land would not exceed 300m<sup>2</sup>;</li> <li>• the height does not exceed 5 metres;</li> <li>• external surfaces are clad with non-reflective materials;</li> <li>• the shed or other building is set back from the boundaries in accordance with the requirements of Table 8B. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone;</li> <li>• is not located within a floodplain area.</li> </ul>
	Special Rural; Rural Living; Rural Residential; Landscape; Resource	Where the building meets all of the following criteria— <ul style="list-style-type: none"> <li>• the combined area of sheds (and other buildings within this category excluding the single dwelling), on the land would not exceed 200m<sup>2</sup>;</li> <li>• the height does not exceed 5 metres;</li> <li>• external surfaces are clad with non-reflective materials;</li> <li>• the shed or other building is located within an approved Building Envelope, or where no Building envelope exists, is set back from the property boundaries in accordance with Table 8B. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone;</li> <li>• is not located within a floodplain area.</li> </ul>
<b>Satellite Dish</b>	All zones	Where— <ul style="list-style-type: none"> <li>• a ground mounted dish has a maximum diameter of 3.0m and height not exceeding 3.0m and is located in the rear set-back of the property; or</li> <li>• a roof-mounted dish has a maximum diameter of 1.5m and is not positioned on any part of the roof facing a street; or</li> <li>• a wall mounted dish has a maximum diameter of 1.2m and is not positioned on any part of a wall facing a street.</li> </ul>

<b>Exempted Development</b>	<b>Applicable Zone</b>	<b>Conditions Applying To The Exempted Development</b>
<b>Shade Structure</b>	General Commercial; Highway Service; Industrial Development; General Industrial; Light Industrial.	Where the structure meets all of the following criteria— <ul style="list-style-type: none"> <li>• complies with the setback standards prescribed under tables 5B and 7 of the Scheme for the development existing on the site, or where no setbacks are prescribed the structure shall not be closer than 9m to the front boundary, 3m to the side boundary and 6m to the rear boundary;</li> <li>• is no greater than 5m in height;</li> <li>• is incidental to an existing commercial or industrial building on the site.</li> </ul>
<b>Swimming Pool/Spa</b>	Residential Development, Residential 1, 2 and 3; City Centre—Residential 1 and 2; All Special Purpose zones.	Where the pool / spa meets all of the following criteria— <ul style="list-style-type: none"> <li>• the area of the pool/spa is no greater than 100m<sup>2</sup>;</li> <li>• the pool/spa is to be used only for domestic purposes.</li> </ul>
	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource	Where the pool / spa meets all of the following criteria— <ul style="list-style-type: none"> <li>• the area of the pool/spa is no greater than 100m<sup>2</sup>;</li> <li>• it is located within an approved Building Envelope, or where no Building Envelope exists, is set back from the property boundaries in accordance with Table 8B. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone;</li> <li>• the pool/spa is to be used only for domestic purposes.</li> </ul>
<b>Temporary Building (including temporary plant and equipment)</b>	All zones	Where the building meets all of the following criteria— <ul style="list-style-type: none"> <li>• is necessary for the construction of a current approved development that is being constructed on the same site as that temporary building;</li> <li>• will not be located on the lot for more than 6 months.</li> </ul>
<b>Temporary Sale of Foods or Other Goods</b>	All zones	Where the non-food merchandise is sold at a fete, show, swap-meet or the like held for no more than 3 days on the same lot in any 12 month period. Where the sale of food meets one of the following criteria— <ul style="list-style-type: none"> <li>• the food is sold by traders at weekend markets;</li> <li>• the temporary food premises is subject to an Itinerant Food Vendors Licence; Trader's Licence; or Stallholder's Licence under any Local Law adopted by Council from time to time.</li> </ul>
<b>Water Storage Tank</b>	All rural zones	Where it is located within an approved Building Envelope, or where no Building Envelope exists, is set back no less than 15m from any lot boundary, and has the capacity no greater than 120,000 litres.
<b>Works by Council or Public Authorities</b>	All zones	The erection of fencing where the fence is located greater than 6 metres from a street boundary and is no greater than 1.8 metres in height. Advertising signes fixed to or painted on— <ul style="list-style-type: none"> <li>• Bus shelters and bus seats;</li> <li>• Rubbish bins in public places; and</li> <li>• Recreation / sporting and community facilities if the signs are visible only from within such facilities.</li> </ul>

3. Adding the following exempted development provisions to Appendix 8—

<b>Exempted development</b>	<b>Applicable zone</b>	<b>Conditions applying to the exempted development</b>
Internal alterations to a building	All zones	Where the internal alterations / rearrangement of the building will not increase the total floor area of the building
Repairs and routine maintenance to an existing building	All zones	No conditions

C. M. GREGORINI, Mayor.  
E. W. T. LUMSDEN, Chief Executive Officer.

PI405\*

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

Town Planning Scheme No. 2—Amendment No. 78

Ref: 853/2/26/3 Pt 78

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 (as amended) that the Minister for Planning and Infrastructure approved the Town of Kwinana town planning scheme amendment on 13 April 2005 for the purpose of—

1. Amending the Second Schedule “Special Rural—Wandi” as follows—

Deleting all the existing provisions for the Locations described as—

Peel Estate Lots 688, 690, 691 Mandogalup (Special Rural Zone No. 2),

Peel Estate Lots 693, 100, 104 Hope Valley Road, Mandogalup

Peel Estate Lot 685 Certificate Title 237 Fol. 100A (Special Rural Zone No. 9),

and substituting the following—

“LOCATION

Lot Description

Peel Estate Lots 688, 690, 691 Mandogalup

Peel Estate Lots 693, 100, 104 Hope Valley Road, Mandogalup

Peel Estate Lot 685 Certificate of Title 237 Fol. 100A

(To be known as Special Rural Zone No. 2—Wandi)

Permitted and AA Uses

P Dwelling House

AA Aged and Dependent Persons Accommodation

Equestrian Use

Home Occupation

Public Utility

Public Recreation

Stables

X All other uses are not permitted.

Development Conditions

1. The subdivision shall be generally in accordance with the Subdivision Guide Plan No. 2 for Special Rural Zone No. 2 dated July 2003 endorsed by the Chief Executive Officer.
2. No lot shall be less than 2 hectares.
3. No further subdivision to that shown on the Subdivision Guide Plan No. 2 for Special Rural Zone No. 2 dated July 2003 will be supported by Council.
4. Notwithstanding the development conditions for Special Rural Zone No. 2 within Schedule 2 'Special Rural Areas' in the Scheme, management, use and development of land shall be in accordance with the Subdivision Guide Plan No. 2 for Special Rural Zone No. 2 (and the notations contained thereon).
5. No development, including earthworks shall occur outside the approved building envelope, illustrated on the Subdivision Guide Plan No. 2 for Special Rural Zone No. 2 dated July 2003, or an alternative location which has been approved by Council.
6. Prior to the approval of a Deposited Plan the subdivider shall define to the satisfaction of the Council the location and size of building envelopes for each of the proposed lots. The Council's approval of the building envelopes shall be signified by the designated Council officer's signature on a plan showing the building envelopes.
7. Building Envelopes may be altered to preserve declared rare flora to the satisfaction of Council.
8. Land within the building envelope is to be managed in such a manner as to avoid the land being laid bare in vegetation resulting in loose, wind erodible conditions. Land outside the building envelope is to be managed in such a manner that there will be no further clearing of the land save for vegetation that has to be removed for housing, firebreaks, outbuildings and accessway construction; the Council's approval shall be deemed as Council's written consent to remove vegetation.
9. The subdividing owner shall prepare and undertake a tree planting programme to encompass all land outside building envelopes at the density of not less than 1000 stems per hectare. The areas shown on Subdivision Guide Plan No. 2 for Special Rural Zone No. 2 dated July 2003 as 'revegetation required' and 'landscape protection areas' shall be planted in accordance with the tree planting programme prior to subdivision.
10. Notwithstanding, Clause 6.11.4(g) of the Scheme, where the Subdivision Guide Plan defines effluent disposal areas within building envelopes, these areas shall not be varied and the effluent disposal systems shall be built within.

11. Notwithstanding, Clause 6.11.4(i) of the Scheme, no vegetation shall be cleared within any allotment except for the purposes of—
  - compliance with the requirements of the Bush Fire Act 1954 (as amended);
  - compliance with an approved Fire Management Plan;
  - constructing vehicular access way(s), the location of which is to be approved by Council;
  - clearing within an approved building envelope; and
  - removing dead, diseased or dangerous trees.
12. Development on lots less than 3 hectares in area and containing Department of Environment and Water and Rivers Commission identified wetlands shall be in accordance with the Property Management Plans approved by Council prior to commencement of development. A Property Management Plan is to address, but not to be limited to—
  - defining the proposed use and development of land on the lot; and
  - define measures by which wetlands and associated vegetation are protected.
13. Within Special Rural Zone No. 2 a well licence must be obtained from the relevant authority prior to construction of a well or bore. The maximum amount of groundwater permitted to be drawn shall be at the discretion of the licensing authority and may be reviewed annually.
14. Activities carried out on this land shall not contravene the Western Australian Water Authority by-laws applicable to underground water pollution control.
15. Prior to subdivision in Special Rural Zone No. 2 a Fire Management Plan shall be prepared to include but not be limited to—
  - firebreaks
  - water tanks, including cost, timing of provision; and
  - contributions towards fire fighting equipment.

The Council, in consultation with the Fire and Emergency Services Authority of Western Australia may approve and the Chief Executive Officer shall endorse such an approved plan.
16. Prior to subdivision the Council shall prepare an estimate of costs for the provision of such 50,000 litre water tanks (to the specification of the Fire and Emergency Services Authority) as nominated in the approved Fire Management Plan required for emergency fire fighting purposes in Special Rural Zone No. 2 (including land acquisition) and a schedule for the reasonable contribution of potential subdividing owners in Special Rural Zone No. 2 to share the costs thereof upon subdivision in accordance with Subdivision Guide Plan No. 2 dated July 2003.
17. The Council shall provide and construct the facilities as mentioned in Clause 16 above at such time as it deems fit, but no later than upon 15% of the potential lots shown in Subdivision Guide Plan No. 2 for Special Rural Zone No. 2 dated July 2003 being subdivided.
18. To facilitate the provision of the facilities mentioned in Clause 16 above, the Council may purchase or acquire by compulsory acquisition or otherwise the land necessary for the establishment of the water tanks for emergency fire purposes and the Commission may require the land to be set aside as a lot for acquisition upon subdivision of land incorporating the water tank sites shown in the approved Fire Management Plan.
19. The subdividing owner shall construct front boundary fences to Council's specifications prior to subdivision and all associated costs shall be met by the subdividing owner.
20. No person within Special Rural Zone No. 2 on lots less than 3 hectares shall commence use or development of land including but not limited to the development of a single dwelling, associated outbuildings, agistment of stock and clearing within or outside the defined building envelope without the prior written approval of Council.
21. Where a survey of the property for declared rare flora has not previously been undertaken as a condition of subdivision on lots less than 3 hectares in area, a spring survey for declared rare flora shall be undertaken to the satisfaction of the Department of Conservation and Land Management prior to the commencement of development and Council may on the advice of the Department require the development to be modified in order to preserve the identified flora.
22. At the time of subdivision Council will recommend that the Western Australian Planning Commission impose a condition—
  - (i) to make prospective purchasers aware of the special conditions imposed on the land under Special Rural Zone No. 2;
  - (ii) requiring the subdivider to construct front boundary fencing to Council's specification;
  - (iii) requiring the subdivider to prepare and implement a tree planting program at a density of not less than 1000 stems per hectare in accordance with the

- 'Revegetation Required' and 'Landscape Protection Areas' identified on the Subdivision Guide Plan No. 2 for Special Rural Zone No. 2 dated July 2003;
- (iv) requiring the subdivider to implement the approved Fire Management Plan; and
  - (v) requiring the subdivider to pay a contribution towards fire fighting facilities to reimburse the costs of Council providing the water tanks for emergency fire fighting purposes; and
  - (vi) requiring the landowner to undertake a spring survey for declared rare flora prior to the commencement of subdivisional works and in the event that such flora is identified on the lot or lots that the subdividing landowner should submit amended Plans of Subdivision so as to protect the flora.
- B. Rezoning portion of Lot 50 Leslie Road Wandi from Special Rural Zone to Local Reserve (Public Purposes) as shown on Plan 2 and reflecting the new zoning on the Scheme Maps.

J. H. D. SLINGER, Mayor.  
B. POWELL, Chief Executive Officer.

**PI406\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

**APPROVED TOWN PLANNING SCHEME AMENDMENT**

*Town of Kwinana*

Town Planning Scheme No. 2—Amendment No. 88

Ref: 853/2/26/3 Pt 88

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 (as amended) that the Minister for Planning and Infrastructure approved the Town of Kwinana town planning scheme amendment on 13 April 2005 for the purpose of—

1. Modifying Part IV Policies, Zones and Development Areas—subclause 4.3 Policies by adding the following to Area 15—Kwinana Industrial Strip—
  - “f) Where an approved Outline Development Plan (ODP) exists for a site, industrial developments shall be undertaken in accordance with the approved ODP.”
 and reclassifying existing points (f) to (h) accordingly.
2. Inserting the following clauses under Division 5—Industrial Zones:

“6.8.1 Outline Development Plans

Within Policy Area 15—Kwinana Industrial Strip any industry may choose to prepare an Outline Development Plan (ODP) for its site. In addition to the information required for a Planning Approval by Clause 2.1.3, the ODP shall include the site dimensions, all existing and proposed buildings, driveways, car parking and loading areas, relevant ground levels, the location, use, height, dimension, floor area and elevations of any proposed buildings and other works, any proposed advertising signs, and any other information the Council considers to be relevant.

- (a) The ODP shall be submitted to the Council for approval prior to any works being carried out on the site;
- (b) In considering whether to grant approval to an ODP, the Council shall advertise the ODP for public comment;
- (c) Once approved, an ODP is valid for two years from the date of approval;
- (d) Upon receipt of an approved ODP, the Planning Approval of the Council is not required for any development carried out generally in accordance with the approved ODP.
- (e) Once an approved ODP has expired, it is no longer valid until revised and submitted to Council for further approval.

“6.8.2 Minor Works not Requiring Planning Approval

Council approval shall not be required for the following minor works within Policy Area 15—Kwinana Industrial Strip—

- (i) Works undertaken in accordance with an approved ODP;
- (ii) Any works, that in the opinion of the Council or its delegate, only involve the minor alteration or modification to an approved ODP;
- (iii) Any works on landholdings greater than 4 ha in area to the west of Rockingham and Patterson Roads, that involve the minor rearrangement of car parking areas and landscaping, wholly within the subject land, provided that the overall area of

landscaping, number of car parking bays and size of car parking bays are not diminished, and the car parking bays are reconstructed and marked out in accordance with the Council's approved engineering standards and the area of landscaping within the front setback area is not reduced;

- (iv) Any works that re-arrange, alter or renew plant, provided that the area of plant external to the existing building area is not increased, the capacity of the plant does not exceed approved levels, and the offsite impacts of industry including, risks, airbourne emissions, odours, noise, vibration, or light spill are not increased;
- (v) Any minor works to existing plant or infrastructure necessary to comply with licenses or notices issued under State Government legislation or regulations; and
- (vi) any works involving a temporary shed or structure, not exceeding 100 square metres in floor area which is outside a driveway, car parking or loading or landscaping area which—
  - is not used for activities which increase the offsite impacts of the industry by virtue of, the generation of risks, airborne emissions, odours, noise, vibration, or light spill;
  - is used for the storage of, material, equipment or machinery or the carrying out of activities associated with the construction, maintenance and similar functions, of approved development and is removed from the site within six months of the date of installation.

All minor works undertaken in (i-iv) shall comply in all respects with Part VI and VII of the Scheme and all other applicable licences or approvals are to be obtained and complied with, and prior to the commencement of any of these works a copy of the plans and details should be forwarded to Council.”

“6.8.3 Council may specify in a Planning Policy prepared and adopted in accordance with Clause 8.6 of the Scheme, additional types of works not requiring Planning Approval under the Scheme. Such works may not include use or development which increases the offsite impacts of industry, including, risks, airbourne emissions, odours, noise, vibration, or light spill or new use and development of a Use Class defined under Table 1 different to that approved for the site or uses requiring licensing.”

and renumbering existing clauses 6.8.1 to 6.8.10 accordingly.

#### “6.8.12 Private Utility

In considering applications for the installation of a private utility, Council shall be satisfied that the utility is located within either a service corridor or a location that does not compromise future development, does not result in any adverse risk implications and is visually unobtrusive.”

#### 4. Adding a new Interpretation in Appendix 4 (Interpretations) in alphabetic order to read—

“**Private Utility:** means any works or undertaking constructed or maintained by a private organisation as may be required to provide water, sewerage, electricity, gas, drainage, or other similar services.”

“**Telecommunications Infrastructure:** means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network.”

#### 5. Adding Private Utility and Telecommunications Infrastructure to Table 1 (Zoning and Use Class) as follows—

USE/CLASS	RESIDENTIAL	TOWN CENTRE	COMMERCIAL	SERVICE COMMERCIAL	MIXED BUSINESS 1	GENERAL INDUSTRY	LIGHT INDUSTRY	RURAL A	RURAL B	SPECIAL RESIDENTIAL	SPECIAL RURAL	CLUSTER COMMUNAL RURAL SETTLEMENT	SPECIAL USE
PRIVATE UTILITY	AA	AA	AA	AA	AA	P	AA	AA	AA	AA	AA	AA	AA
TELECOMMUNICATIONS INFRASTRUCTURE	SA	AA	AA	AA	AA	P	AA	SA	AA	SA	SA	SA	AA

J. H. D. SLINGER, Mayor.  
C. STOCKWELL, Chief Executive Officer.

PI407\*

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

## APPROVED TOWN PLANNING SCHEME AMENDMENT

*Shire of Tambellup*

## Town Planning Scheme No. 2—Amendment No. 3

Ref: 853/5/15/2 Pt 3

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Tambellup town planning scheme amendment on 13 April 2005 for the purpose of—

1. renumbering clause 3.3 as clause 3.4;
2. deleting clause 3.2 and inserting therein—

**“3.2 Zoning Table**

3.2.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones. The permissibility of any use is determined by cross reference between the list of uses on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

3.2.2 The symbols used in the cross reference in the Zoning Table have the following meanings—

‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

‘AA’ means that the use is not permitted unless the Council has exercised its discretion by granting planning approval;

‘SA’ means that the use is not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice in accordance with clause 8.3.1;

‘X’ means a use that is not permitted by the Scheme.

3.2.3 A change in the use of land from one use to another is permitted if—

- (a) the Council has exercised its discretion by granting planning approval;
- (b) the change is to a use which is designated with the symbol ‘P’ in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (d) the change is to an incidental use that does not change the predominant use of the land.

Note: 1. The planning approval of the Council is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.

2. The Council will not refuse a ‘P’ use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.

3. In considering an ‘AA’ or ‘SA’ use, the Council will have regard to the matters set out in clause 8.5.

4. The Council must refuse to approve any ‘X’ use of land. Approval to an ‘X’ use of land may only proceed by way of an amendment to the Scheme.

**3.3 Interpretation of the Zoning Table**

3.3.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

3.3.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the Council may—

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 8.3 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”

3. deleting the Zoning Table and inserting therein—

**“TABLE 1  
ZONING TABLE**

USES	RESIDENTIAL	TOWN CENTRE	LIGHT INDUSTRIAL	INDUSTRIAL	SPECIAL RURAL	FARMING
1 aged or dependent persons' dwelling	AA	X	X	X	X	X
2 agriculture-extensive	X	X	X	X	X	P
3 ancillary accommodation	AA	X	X	X	AA	AA
4 caretaker's dwelling	X	AA	AA	AA	X	AA
5 civic building	AA	AA	AA	X	X	X
6 club premises	X	AA	X	X	X	AA
7 consulting rooms	SA	P	X	X	X	X
8 dwelling	P	AA	X	X	P	P
9 education establishment	SA	AA	X	X	X	AA
10 feedlot	X	X	X	X	X	SA
11 fuel depot	X	X	X	AA	X	X
12 home business	X	SA	X	X	SA	AA
13 home occupation	AA	SA	X	X	AA	AA
14 home office	P	P	X	X	P	P
15 hotel	X	AA	X	X	X	X
16 industry—cottage	SA	SA	X	X	AA	AA
17 industry—extractive	X	X	X	X	X	AA
18 industry—general	X	X	X	AA	X	X
19 industry—light	X	X	P	P	X	X
20 industry—noxious	X	X	X	SA	X	SA
21 industry—rural	X	X	X	X	SA	SA
22 industry—service	X	X	P	P	X	X
23 intensive agriculture	X	X	X	X	X	AA
24 motel	SA	AA	X	X	X	X
25 motor vehicle repair	X	X	P	P	X	X
26 office	X	P	AA	AA	X	X
27 piggery	X	X	X	X	X	SA
28 plant nursery	SA	X	AA	P	SA	AA
29 poultry farm	X	X	X	X	X	SA
30 public recreation	P	P	P	P	P	P
31 public utility	AA	AA	AA	AA	AA	AA
32 residential building	AA	X	X	X	X	SA
33 restaurant	X	P	X	X	X	AA
34 rural home business	X	X	X	X	SA	AA
35 rural pursuit	X	X	X	X	SA	P
36 service station	X	SA	X	P	X	AA
37 shop	X	P	X	SA	X	X
38 short-stay accommodation	SA	AA	X	X	SA	AA
39 tavern	X	AA	X	X	X	X
40 transport depot	X	X	AA	P	X	SA
41 veterinary centre	X	SA	AA	P	AA	AA”

4. inserting in clause 8.1.2 “(f) home office”;

5. deleting clause 9.7 and inserting therein—

**“9.7 Delegation of Functions**

- 9.7.1. The Council may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.
- 9.7.2. The CEO may delegate to any employee of the Council the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 9.7.1.
- 9.7.3. The exercise of the power of delegation under clause 9.7.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.



9.7.4. Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.”

6. deleting the definitions for “home occupation”, “rural pursuit”, and “veterinary hospital” from Schedule 1;

7. inserting the following definitions in alphabetic order in Schedule 1—

**“agriculture—extensive** means land or buildings used for the raising of stock or crops but does not include intensive agriculture or rural pursuit;

**fast food outlet** means land or buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;

**home business** means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ more than 2 people not members of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties because of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

**home occupation** means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ any person not a member of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;

**home office** means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling;

**rural home business** means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ more than 5 people not members of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 200 square metres;
- (d) in relation to vehicles and parking, does not result in traffic difficulties because of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and unless approved by the Council does not involve the presence, use or calling of more than 3 vehicles of more than 3.5 tonnes tare weight; and
- (e) does not involve the use of an essential service of greater capacity than normally required in the zone;

**rural pursuit** means any land or buildings used for—

- (a) the rearing or agistment of animals;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
- (d) the sale of produce grown solely on the lot, but does not include agriculture—extensive or intensive agriculture;

**showroom** means land or buildings used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

**telecommunications infrastructure** means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;

**veterinary centre** means land or buildings used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

**winery** means land or buildings used for the production of viticultural produce and may include sale of the produce.”

K. D. SPRIGG, President.  
J. M. TREZONA, Chief Executive Officer.

PI408\*

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

APPROVED TOWN PLANNING SCHEME AMENDMENT

*Shire of Busselton*

Town Planning Scheme No. 20—Amendment No. 75

Ref: 853/6/6/21 Pt 75

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Busselton town planning scheme amendment on 13 April 2005 for the purpose of—

1. Rezoning Lot 342 corner Abbeys Farm Road and Brash Road, Yallingup from “Viticulture and Tourism” to “Viticulture and Tourism” and “Additional Use (Tourist Development)” as identified on the Scheme Amendment Map.
2. Amending Schedule 4—Additional Uses of the Scheme Text by the addition of the following—

No.	Particulars of Land	Land Use Permitted/Specified	Conditions
60	Lot 342 Cnr Abbeys Farm Road and Brash Road, Yallingup	Tourist Development The Additional Uses that may be considered at Council's discretion are— <ol style="list-style-type: none"> <li>1. Tourist Accommodation.</li> <li>2. Restaurant.</li> <li>3. Shop.</li> <li>4. Rural Enterprise (ie. cellar door sales)</li> <li>5. Reception Centre (convention centre).</li> <li>6. Recreation Facility (ie. health centre)</li> <li>7. Manager's Residence.</li> <li>8. Caretakers Residence.</li> <li>9. Other facilities ancillary to the overall tourist development which may be considered under Clause 21(4) of the Scheme.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Additional Uses specified shall be deemed to be 'AA' uses for the purposes of the Scheme.</li> <li>2. Development of the land shall be generally in accordance with the Development Guide Plan adopted by Council and endorsed by the Western Australian Planning Commission.</li> <li>3. A maximum of 2 dwellings shall be permitted on the land for the exclusive use of the manager and caretaker only.</li> <li>4. A maximum of 163 tourist accommodation units shall be permitted on the land.</li> <li>5. The floor area of the shop shall not exceed 150m<sup>2</sup> NLA.</li> <li>6. Cellar door sales shall be limited to wine produced in the South-West region of Western Australia.</li> <li>7. All development shall be connected to reticulated water and sewerage services.</li> <li>8. Development of the land shall be in accordance with the Landscape Plan, Drainage Management Plan and Fire Management Plan adopted by Council.</li> <li>9. Remnant vegetation shall not be removed except in accordance with approved development plans or Fire Management Plans.</li> </ol>

3. Including the following interpretations (in alphabetical order) in Schedule 1 of the Scheme—
- “**Manager's Residence**” means a dwelling on the same site as a building, operation (including tourist development) or plant and occupied by the manager of that building, operation or plant.
- “**Caretaker's Residence**” means a dwelling on the same site as a building, operation (including tourist development) or plant and occupied by a caretaker of that building, operation or plant.

T. BUSWELL, President.  
A. MacNISH, Chief Executive Officer.

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## PREMIER AND CABINET

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PC401

### INTERPRETATION ACT 1984 MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor in accordance with Section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment—

Hon A. J. Carpenter MLA to act temporarily in the office of Minister for Tourism; Racing and Gaming; Youth; Peel and the South West in the absences of the Hon M. McGowan MLA for the periods 11—13 April 2005 and 3—9 May 2005 (all dates inclusive)

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

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## WATER/SEWERAGE

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WA401\*

### WATER AGENCIES POWER ACT 1984 WATER SUPPLY IMPROVEMENTS

*Wyndham (Shire of Wyndham East Kimberly)*

Notice of Proposal to Construct a Water Treatment Plant,  
New Water Pipelines and 200m<sup>3</sup> Water Tank

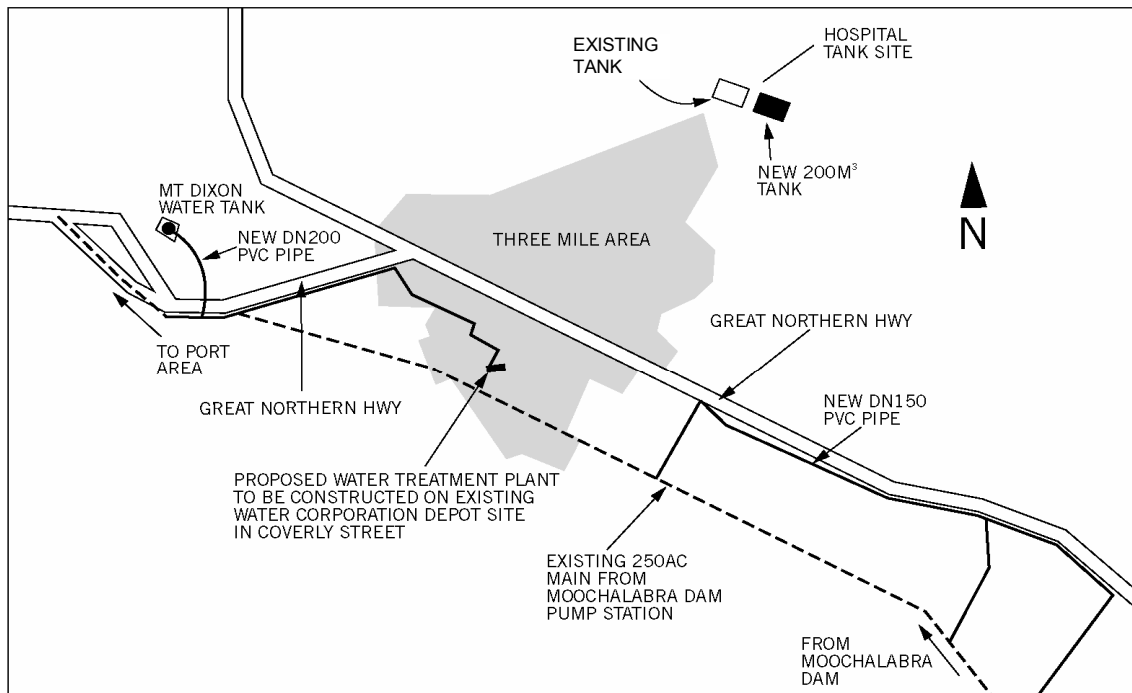
To improve the water quality of the Wyndham water supply, the Water Corporation proposes to construct the following works: a water treatment plant; a steel framed and metal clad building; a disinfectant (gaseous chlorine) storage and dosing facility; a reinforced concrete ground level water storage tank, and various distribution PVC pressure pipelines.

The proposed works are located as per the map shown, and are scheduled to commence in August 2005, and will continue for a duration of approximately 6 months. Construction of the works will be by open trench excavation, which will be backfilled and restored.

A copy of this Notice of Proposal (referred to as HB27-0-1) is available for viewing during office hours, at the Water Corporation's head office, John Tonkin Water Centre, 629 Newcastle St, Leederville, or the North West Regional Office, 16 De Grey Place, Karratha WA 6714, or the Kununurra District Office, Bandicoot Drive, Kununurra WA 6743.

Further information may also be obtained by contacting the Project Manager, Darren Jackson, telephone (08) 9420 2651.

Objections to the proposed works will be considered if lodged in writing, addressed to the Project Manager, Water Corporation, 629 Newcastle St, Leederville 6007, before the close of business 3 June 2005.



WESTERN AUSTRALIA  
**RETIREMENT VILLAGES ACT 1992**

Price: \$23.40 counter sales  
 Plus postage on 425 grams

**RETIREMENT VILLAGES REGULATIONS 1992**

\*Price: \$5.15 counter sales  
 Plus postage on 40 grams

\* Prices subject to change on addition of amendments.

